

Approved by,

Alin Stirbu

Signature:

**Section A – Instructions and Bidding Documents
for
SERVICES FOR THE ELABORATION OF HEALTH-IMPACT ANALYSIS (HIA)
STUDY**

Table of Contents

SECTION A - BIDDING INFORMATION.....	4
Section A.1 Instructions to Bidders	4
1 General Remarks	4
2 Bidding Timetable.....	4
3 Eligible Bidders	5
4 Obtaining the Bidding Documents.....	5
5 Clarification of Bidding Documents	6
6 Amendment of Bidding Documents.....	7
7 Cost of Bidding.....	7
8 Labor Law.....	7
9 Language of Bid.....	8
10 Documents to be Included in the Bid	8
11 Alternative Bids	8
12 Information about Options	8
13 Proposed Prices	9
14 Currencies of the Bid and Payments.....	9
15 Additional Information to be obtained from Public Institutions	9
16 Documents Comprised in the Technical Proposal	10
17 Documents Comprised in the Financial Proposal	10
18 Confidentiality	10
19 Period of Validity of Bids	10
20 Format and Signing of Bid.....	11
21 Sealing, Marking and Submission of Bids	12
22 Deadline for Submission of Bids	12
23 Late Bids.....	13
24 Withdrawal, Substitution, and Modification of Bids.....	13
25 Bids Opening	14
26 Evaluation and Comparison of Bids	14
26.1 Clarification of Bids	14
26.2 Determination of Admissibility of Bids	14
26.3 Correction of Arithmetical Errors.....	15
26.4 Confidentiality of the Bids evaluation.....	16
26.5 EMEPRL’s Right to Accept Any Bid, and to reject Any or All Bids	16
27 Health, Safety and Environment.....	17
28 Business Practices	17

29	Business Ethics	17
30	Illegal Information Brokering	17
31	Export Control.....	18
32	Government Negotiations	18
33	Notification of Award	18
34	Signing of the Agreement	19
35	Appeals	19
Section A.2	Selection and Evaluation Process: Requirements and Assessment	21
A.2.1.	Qualification Criteria: Technical and Professional Capabilities – Requirements and Assessment...	21
A.2.2.	Qualification: Financial and Economic Capabilities – Requirements and Assessment.....	24
A.2.3	Award Criteria	27
A.2.4.	Evaluation of Technical and Financial Proposals – Requirements and Assessment.....	28
A.2.4.1	Evaluation of Technical Proposal – Requirements and Assessment	29
A.2.4.2	Evaluation of Financial Proposal – Requirements and Assessment	29

SECTION A - BIDDING INFORMATION

Section A.1 Instructions to Bidders

1 General Remarks

The services that are subject of this procurement procedure are not divided into lots.

Throughout these Bidding Documents:

- a. the term “in writing” means communicated in written form and delivered against receipt;
- b. except where the context requires otherwise, words indicating the singular also include the plural and words indicating the plural also include the singular;
- c. “Day” means calendar day, except where the context specifies expressly otherwise.
- d. the concept of “conflict of interest” shall be understood as follows: any situation where the staff members of the EMEPRL or staff members of a Procurement Ancillary Services Provider acting on behalf of the EMEPRL which, in this case is Integrate Investment and who are involved in the procedure or who may influence its outcome have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. The situations which might generate conflicts of interest include those listed under art 73 of Law 99/2016 but not limited to.

2 Bidding Timetable

Description	Date	Time*
Contract Notice date	July 30, 2021	-
Deadline for request for clarifications from EMEPRL	August 3, 2021	17.00
Last date on which clarifications are issued by EMEPRL	August 4, 2021	-
Deadline for submission of Bids	August 9, 2021	17:00
Bids opening session (in camera)	August 10, 2021	9:00 AM
Notification of Contract award to the successful Bidders (provisional date)	August 17, 2021	-
Contract signature (provisional date)	August 24, 2021	-

Note: * All times are in the time zone of Romania

3 Eligible Bidders

This bidding exercise is open on equal terms to all Bidders, natural and legal persons, or association of natural and/ or legal persons, lawfully established.

Bidders must bid for the whole scope of the Agreement required by the Bidding Documents. Bids will not be accepted for incomplete Agreement scope.

Association of natural and/or legal persons may submit a joint Bid on the conditions that all persons participating in the Association fulfil the requirement of lawful establishment in their countries and an Association Agreement is signed by all members, appointing one of them as Leader.

Associations are not obliged to take a specific legal form in order to submit their Bids. If the selected Supplier is an Association, then such Association shall not be obliged to take a specific legal form before the Agreement is signed.

Bidders may use Sub-Contractors, whom they are obliged to name in the Technical Proposal, also mentioning the part of the Agreement scope they shall undertake.

EMEPRL reserves the right to verify all information submitted within the Bid.

4 Obtaining the Bidding Documents

As specified in the Contract Notice, the economic operators may collect the Bidding Documents from the Section “Procurement” at the following dedicated website: <https://in-in.ro/procurement/>

EMEPRL is not responsible for the completeness of the Bidding Documents and related Addenda if they were not obtained directly from the source above indicated.

The Bidder is expected to examine carefully and comply with all instructions, forms, terms, and specifications in the Bidding Documents. Failure to submit all information or documentation required by the Bidding Documents may result in the rejection of the Bid.

In submitting a Bid, the Bidder accepts in full and without restriction the conditions governing this Bidding Procedure as the sole basis of this Bidding Procedure, whatever its own conditions of sale may be, which hereby waives. Any reserve included in the Bid, shall lead to the Bid rejection.

Bidders bear sole liability for examining with appropriate care the Bidding Documents, including any modification to the Bidding Documents issued during the bidding period and for obtaining all necessary information with respect to any and all conditions and obligations that may in any way affect the amount or nature of the Bid or the execution of the Agreement.

In addition, by submitting their Bids, Bidders are deemed to know all relevant laws, acts and regulations of Romania that may in any way affect or govern the operations and activities covered by the Bidding Procedure and the resulting Agreement.

5 Clarification of Bidding Documents

EMEPRL deems that the Bidding Documents provide sufficient details and information for the Bidders, by describing:

- a) the Agreement scope in sufficient detail for allowing identification of location, nature, and complexity;
- b) at least the estimated quantities of major components of the Agreement;
- c) expected Agreement implementation period;

Based on above aspects, EMEPRL deems that Bidders should be able to decide:

- a) whether or not to compete for the Agreement;
- b) whether it will need to use Sub-Contractors for specific parts of the Agreement;
- c) whether it will participate as Bidder on its own or as a member of an association.

Notwithstanding the above statements, should a Bidder require any clarification related to the Bidding Documents, the respective Bidder may contact EMEPRL in writing at the following address:

- *Attention: Maria Kantor*
- *Email: maria.kantor@exxonmobil.com*
- *Address: 169 A, Calea Floreasca, Corp B, Et. 8, room no. 801*
- *City: Bucharest, ROMANIA*
- *Postal Code: 014459*
- *Telephone: +4031 8607200*

The sole EMEPRL contact during the Bidding Procedure is to the contact person stated above and under no circumstances should contact be made directly with other EMEPRL personnel. EMEPRL shall not be liable for subsequent claims resulting from failure to follow this procedure.

Any request for clarifications shall be submitted by email with a delivery receipt, by specifying the name of the

procedure and the reference of the published Contract Notice at the web address above indicated and shall be addressed to the contact coordinates provided above.

EMEPRL will collect all the requests for clarifications received as indicated above at the above-mentioned coordinates and will respond in writing to all these requests for clarification, as indicated above. Any requests for clarifications received after the mentioned deadline will not be considered. EMEPRL recommends the Bidders to submit requests for clarification before the deadline for submission of the requests for clarification indicated in para. 2 *Bidding Timetable*.

EMEPRL shall communicate its responses to all potential Bidders using the section "Procurement" at the web address above indicated, including a description of the inquiry but without identifying its source.

6 Amendment of Bidding Documents

At any time prior to the deadline for submission of bids, EMEPRL may amend the Bidding Documents by issuing addenda.

Any addendum issued shall be part of the Bidding Documents and shall be communicated in writing to all who have obtained the Bidding Documents from EMEPRL, using the above identified web address.

To give Bidders reasonable time in which to take an addendum into account in preparing their bids, EMEPRL may extend the deadline for the submission of Bids, if so required by amendment.

7 Cost of Bidding

The Bidder shall bear all costs associated with the preparation and submission of its Bid and EMEPRL shall not be responsible or liable for those costs, regardless of the conduct or outcome of the Bidding Procedure.

EMEPRL shall have ownership of all the Bids submitted in the present Bidding Procedure and the Bidders are not entitled to the return of their Bids by EMEPRL.

8 Labor Law

Particular attention is drawn to the conditions concerning the employment of labour in Romania and the obligation of successful Bidder that will become the Contractor, to comply with all regulations, rules or instructions concerning the conditions of employment of any class of employee.

9 Language of Bid

The Bid, as well as all correspondence and documents relating to the Bid exchanged by the Bidder and EMEPRL, shall be written in English language. Supporting documents and printed literature that are part of the Bid may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language in which case, for purposes of interpretation of the Bid, such translation shall govern.

10 Documents to be Included in the Bid

The Bid shall comprise the following forms as per Section D – Bid Submission Forms:

- a) Bidding Letter – **Form D.1;**
- b) Prospective Business Associates Questionnaire (PBAQ) - **Form D.2;**
- c) Average Annual Specific Turnover – **Form D.3;**
- d) Quality Management System – **Form D.4;**
- e) Quality assurance measures – accreditation issued by officially recognized national accreditation body – **Form D.5;**
- f) Quality assurance measures – accreditation issued by official national enablement institutes – **Form D.6;**
- g) Similar experience – **Form D.7;**
- h) Technical Proposal – **Form D.8;**
- i) Financial Proposal – **Form D.9,** including **FIN 1** - the Excel file FIN 1, filled in by the Bidder;
 - i.1. **Form D.9.1** - Commitment regarding the commercial conditions including a signed & stamped copy of Agreement Form (Section C of the Bidding Documents), indicating the Bidder read, understood, and fully accepted them.

All Documents shall be prepared using the relevant forms provided in Section D, Bid Submission Forms. The forms must be completed without any alterations to the text, and no substitutes shall be accepted.

11 Alternative Bids

Alternative bids will not be considered.

12 Information about Options

The Contracting Entity reserves the right to modify the range of activities to be executed during the Agreement duration based on the needs identified at Company level in direct relation to the Agreement scope.

13 Proposed Prices

The prices quoted by the Bidder in the Bidding Letter and in the Financial Proposal shall conform to the requirements specified below:

- a) The Bid prices must cover the whole of the contract as described in the Bidding Documents.
- b) The Bidders shall fill in prices for all items/activities. Items/activities against which no price is entered by the Bidders, shall be deemed to be covered by the prices for other items/activities and shall not be paid for by EMEPRL during Agreement performance.
- c) The price to be quoted in the Bidding Letter shall be the total price of the Bid including the discount – if any
- d) The price to be quoted in the Bidding Letter shall be the total price of the Bid including the discount – if any.
- e) The prices quoted by the Bidder are not subject to adjustment during the performance of the Agreement in accordance with the provisions of the Agreement.

Should the Bidder decide to offer a discount, such discount shall be in the form of a percentage to be applied to all unit rates/ prices, respectively included in the total Bid Price.

The prices offered must cover all of the duties and taxes payable by the Bidder in connection with the Agreement. The proposed Prices shall be deemed final and shall not be affected by any variations of the aforementioned taxes, duties and/or contributions.

14 Currencies of the Bid and Payments

The currency of the Bid shall be EUR. All sums in the breakdown of the overall (bid) price and other documents must be expressed in EUR as currency.

All payments to the Contractor under this Agreement shall be made in RON converted at the EUR exchange rate published by the National Bank of Romania on the previous bank day close of business from the date of the invoice.

15 Additional Information to be obtained from Public Institutions

Additional information concerning taxation, environment protection, health and safety, etc. as per legal provisions in Romania that must be observed during Agreement performance, may be obtained by the Bidders from the following public institutions:

Ministry of Finances

16, Libertatii Blvd, Sector 5, cod 050706, Bucharest, Romania

E_mail: publicinfo@mfinante.gov.ro ; registratura@mfinante.gov.ro;

Tel: +40212261000 / 0213199759

Fax: +40213122509

Ministry of Environment, Waters and Forests

12, Libertatii Blvd. Sector 5, cod 050706, Bucharest, Romania

E_mail: srp@mmediu.ro ; registratura@mmediu.ro

Tel: +40214089500 / 021408 9642

Fax: +40214089615

Ministry of Labor and Social Justice

2-4, Dem. I. Dobrescu Street, Sector 1, cod 010026, Bucharest, Romania

E_mail: relatiicupublicul@mmuncii.gov.ro ; audiente@mmuncii.gov.ro

Tel: +40213136267 / 0213158556 - ext. 744, 750

Fax: +40213158812

16 Documents Comprised in the Technical Proposal

The Bidder shall submit a Technical Proposal as indicated in the Section D – Bid Submission Forms, with sufficient details to demonstrate the adequacy of the Bidders’ proposal to meet the requirements as laid down in the Bidding Documents.

17 Documents Comprised in the Financial Proposal

The Financial Proposal shall contain, duly completed, the Forms included in Section D – Bid Submission Forms. The Bid shall be rejected as inadmissible if (i) the Financial Proposal is submitted in a different format than the one specified herein, or (ii) if the proposed prices do not result clearly from the Financial Proposal.

18 Confidentiality

Bidders may specify in their technical proposals the information they consider to be confidential and which cannot be disclosed to third parties, and if so the case, stating the reasons.

19 Period of Validity of Bids

Bids shall remain valid for a period of **180** days after the Bid submission deadline date. A Bid valid for a shorter

period shall be rejected by EMEPRL.

In exceptional circumstances, prior to the expiration of the Bid validity period, EMEPRL may request Bidders to extend the period of validity of their Bids. The request and the responses shall be made in writing. A Bidder granting the extension shall not be required or permitted to modify its Bid.

20 Format and Signing of Bid

The Bidder shall prepare one original of the documents comprising the Bid as described in Art. "Documents to be Included in the Bid" in the language stated under Art. "Language of the Bid" and clearly mark it "ORIGINAL". In addition, the Bidder shall prepare 1 copy of the Bid and clearly mark it "COPY", together with an electronic support (e.g., flash drive, CD) reproducing the information provided in original in hard copy. In the event of any discrepancy between the original and the copies, the original shall prevail.

Bids shall be bound in lever arch folders, or other binding systems for avoiding documents being lost or mixed, with all pages numbered.

Bids shall be organized on different sections addressing each cluster of requirements in the Bidding Documents and shall include a Content Page indicating these sections and respective pages number, for allowing their rapid identification.

The original and the copy of the Bid shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Bidder. Authorization to represent the Bidder shall be proven by submitting a relevant excerpt from the Articles of Incorporation of the company and, if the case, a copy of the power of attorney issued in favor of the signatory. EMEPRL reserves the right to request any additional documents/information regarding the signatory's power to represent the Bidder, as it deems appropriate in its sole discretion. The name and position held by each person signing the authorization must be typed or printed below the signature. All pages of the Bid, where entries or amendments have been made, shall be signed or initialed by the person signing the Bid.

A Bid submitted by an association shall comply with the following requirements:

- a) a partner must be appointed as lead partner and that appointment confirmed by submission of powers of attorney signed by legally empowered signatories representing all the partners of the association.
- b) a legally binding on all partners agreement stating that all partners assume joint and several liability for the performance of the Agreement, that the lead partner is authorized to bind, and receive

instructions for and on behalf of, all partners, individually and collectively, and that the lead partner is responsible for the Agreement performance, including payments.

- c) all partners in the association are bound to remain in the association for the whole performance period of the Agreement.

If any abbreviations are used anywhere in the Bid to denote technical or other concepts, the Bidder shall provide their explanations in an accompanying table.

A Bid using any other formats shall not be acceptable and such Bid shall be rejected as inadmissible.

Erasures or overwriting shall be valid only if they are signed or initialed by the person signing the Bid.

21 Sealing, Marking and Submission of Bids

The Bids are to be sent by registered mail with acknowledgement of receipt or delivered by hand against a receipt signed by the contact person/s named in Art. "Deadline for Submission of Bids".

The Bidder shall enclose the original and the copy of the Bid, in separate sealed envelopes, duly marking the envelopes as "ORIGINAL" and "COPY." These envelopes containing the original and the copy shall then be enclosed in one single envelope. The electronic support (e.g., flash drive, CD) reproducing the information provided in original shall be introduced in the envelope with "ORIGINAL" of the Bid .

The outer envelope shall:

- a) bear the name and address of the Bidder;
- b) be addressed to EMEPRL, as instructed in this Bidding Documents
- c) bear the specific identification of this Bidding Procedure and
- d) bear a warning "**Not to be opened before the Bid opening session**" August 10, 2021 and "**A nu se deschide inainte de sedinta de deschidere a ofertelor**" August 10, 2021

EMEPRL assumes no responsibility for the misplacement or premature opening of the Bid, in case envelopes are not sealed and marked as required.

22 Deadline for Submission of Bids

For Bids submission purposes, Bids must be received by EMEPRL at the address:

Attention: Maria KANTOR

Address: 169 A, Calea Floreasca, Corp B, Et. 8, room no. 801

City: Bucharest, ROMANIA

Postal Code: 014459,

and no later than

Date: August 09, 2021 Local Time: 17:00

Bidders do not have the option of submitting their Bids electronically.

EMEPRL may, at its discretion, extend the deadline for the submission of Bids by amending the Bidding Documents in accordance with Art. "Amendments of Bidding Documents", in which case all rights and obligations of EMEPRL and Bidders previously subject to the initial/original deadline shall thereafter be subject to the deadline as extended.

23 Late Bids

EMEPRL shall not consider any Bid arrived after the deadline for submission of Bids, in accordance with Art. "Deadline for Submission of Bids". Any Bid received by EMEPRL after the deadline for submission of Bids shall be declared late, rejected during the Bid Opening Session, and returned unopened to the Bidder. No liability will be accepted by EMEPRL for late delivery of Bids.

24 Withdrawal, Substitution, and Modification of Bids

Bidders may modify, withdraw or substitute their bids by written notification prior to the deadline for submission of Bids.

A Bidder may withdraw, substitute, or modify its bid after it has been submitted, by sending a written notice, duly signed by an authorized representative, and shall include a copy of the authorization in accordance with Art "Format and Signing of Bids" (except that withdrawal notices do not require copies). The corresponding substitution or modification of the Bid must accompany the respective written notice.

All written notices must be:

- a) Prepared and submitted in accordance with Art. "Format and Signing of Bids" and Art. "Sealing and Marking of Bids" (except that withdrawals notices do not require copies), and in addition, the respective envelopes shall be clearly marked "WITHDRAWAL", "SUBSTITUTION", "MODIFICATION;" and
- b) Received by EMEPRL prior to the deadline prescribed for submission of Bids, in accordance with Art. "Deadline for Submission of Bids".

Bids requested to be withdrawn shall be returned unopened to the Bidders.

No Bid may be substituted or modified after the deadline for submission of Bids.

25 Bids Opening

EMEPRL shall open the Bids ‘in camera’, in the presence of the Evaluation Committee members only.

The Bids will be open by the Evaluation Committee appointed for the purpose of Bid evaluation.

26 Evaluation and Comparison of Bids

26.1 Clarification of Bids

To assist in the examination, evaluation, and comparison of the Bids, EMEPRL may ask any Bidder for a clarification of its Bid. Any clarification submitted by a Bidder that is not in response to a request by EMEPRL shall not be considered. EMEPRL’s request for clarification and the response shall be in writing. No change in the proposed prices or substance of the bid shall be sought, offered, or permitted, except to confirm the correction of arithmetic errors found during Bids evaluation process.

If a Bidder does not provide clarifications of its Bid by the date and time set in the EMEPRL’s request for clarification, its Bid may be rejected.

26.2 Determination of Admissibility of Bids

EMEPRL’s determination of a Bid’s responsiveness is to be based on the contents of the Bid itself, as defined in Art. “Documents to be Included in the Bid”.

An admissible Bid is one that meets the requirements of the Bidding Documents without material deviation, nonconformity, or omission. A material deviation, nonconformity, or omission is one that:

- a. if accepted, would:
 - (i) affect in any substantial way the scope, quality, or Agreement performance; or
 - (ii) limit in any substantial way, inconsistent with the Bidding Documents, EMEPRL’s rights or Bidder’s obligations under the proposed Agreement; or
- b. if rectified, would unfairly affect the competitive position of other Bidders presenting substantially responsive Bids.

If a Bid is not substantially responsive to the requirements of the Bidding Documents, it shall be rejected by

EMEPRL and may not subsequently be made responsive by correction of the material deviation, non-conformity or omission.

EMEPRL shall examine the technical aspects of the Bid submitted in accordance with “Technical Proposal”, in particular, to confirm that all requirements of Section B “Scope of Work” have been met without any material deviation, nonconformity or omission.

Provided that a Bid is substantially responsive, EMEPRL may waive any reservation in the Bid that does not constitute a material deviation, nonconformity or omission.

Provided that a Bid is substantially responsive, EMEPRL may request that the Bidder submit the necessary information or documentation, within a reasonable period of time, to clarify various issues in the Bid. Failure of the Bidder to comply with the request may result in the rejection of its Bid.

The Bid of a Bidder that modify the content of the technical or financial proposal, through the answers to the request for clarifications may be rejected.

During the technical evaluation, should the Evaluation Committee consider it necessary, Bidders may be invited at an interview for a presentation of their Technical Proposals for providing the necessary information, in a documented form consisting of written detailing, Power Point presentation etc. as applicable, but allowing in any case, a printed (hard copy) version to be attached to the Evaluation Report that the Evaluation Committee shall subsequently draft. To that extent, Bidders shall be notified in due time, 3 days prior to envisaged interview date, being indicated the information they have to provide/ present. Should the Bidders be prevented from attending the interview, an alternative date shall be mutually agreed. Should the Bidders subsequently fail attending the interview, EMEPRL may consider it as a sufficient ground for rejection.

For the purposes of the financial assessment, EMEPRL shall check the contents of the Financial Proposal, to determine the degree to which they meet the requirements of the Bidding Documents. Bids not meeting such requirements shall be rejected.

26.3 Correction of Arithmetical Errors

Provided the Bid is substantially responsive, EMEPRL shall correct arithmetical errors on the following basis:

- a) if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail, and the total shall be corrected; and

- b) if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail subject to (a) and (b) above.

26.4 Confidentiality of the Bids evaluation

Information relating to the evaluation of Bids and recommendation for signing the Agreement shall not be disclosed to Bidders or any other persons not officially concerned with such process until information on signing the Agreement is communicated to all Bidders.

Any attempt by a Bidder to approach any member of the Evaluation Committee/EMEPRL directly during the evaluation period will be considered legitimate grounds for disqualifying his Bid.

From the time of Bid opening to the time of Agreement signing, if any Bidder wishes to contact EMEPRL on any matter related to the Bidding Procedure, it may do so in writing using the coordinates communicated within the Bidding Documents.

If, after notification of award, a Bidder wishes to ascertain the grounds on which its Bid was not selected, it should address its request in writing to EMEPRL that will provide written explanation. Any request for explanation from one Bidder should relate only to its own Bid; information about the Bid of competitors will not be addressed.

26.5 EMEPRL's Right to Accept Any Bid, and to reject Any or All Bids

By submitting the Bids Bidders are presumed to expressly accept to limit EMEPRL's liability to the greatest extent permitted by the Law.

EMEPRL reserves the right to accept or reject any bid, and to cancel the Bidding Procedure and reject all Bids at any time prior to signing of the Agreement. In no circumstances will EMEPRL be liable for damages, whatever their nature (in particular damages for loss of profits) or relationship to the cancellation of Bidding Procedure, even if EMEPR has been advised of the possibility of damages.

EMEPRL reserves the right to initiate a new invitation to bid.

EMEPRL reserves the right to conclude the Agreement with the successful Bidder within the limits of the available budget.

In the event of Bidding Procedure cancellation, Bidders will be notified by EMEPRL immediately.

27 Health, Safety and Environment

EMEPRL places a considerable emphasis on the Service Provider operating in an experienced and responsible manner within an established health, safety and environment system. The Service Provider shall be expected to take all necessary precautions to achieve the safe performance of the services as regards to property, personnel, plant and equipment and the environment in general.

28 Business Practices

EMEPRL wishes to make clear its intentions for its business dealings to be characterized by honesty and freedom from deception and fraud and finds unacceptable any unethical behavior.

Bidders shall take all necessary steps to ensure the bidding process remains intact and free from any form of illegal or corruptive practice.

If Bidders are offered or come across information suggesting the Bidding Procedure may be corrupted, they shall not make use of any such information and immediately notify EMEPRL's Procurement Manager. In the event of such circumstances, EMEPRL shall treat that information with utmost confidentiality, but reserves however the right to use that information to mitigate threats of illegal information brokering.

29 Business Ethics

Bidders are required to meet or exceed EMEPRL's standards for business ethics. Bidders will be required to observe appropriate business standards, procedures, and controls with the objective of avoiding any adverse impact on the interests of EMEPRL, its co-venture, or any of its affiliates in Bidder's participation in the Bidding Procedure.

30 Illegal Information Brokering

EMEPRL and Bidder are aware of a practice (known as "Illegal Information Brokering") where consultants, persons, or entities approach Contractors, Subcontractors, or other suppliers/services providers and offer confidential information or illicit influence in order to obtain business through corruption of the competitive bidding processes. Bidder recognizes that the practice of Illegal Information Brokering or any other corruption of the contracting process is not permitted by the EMEPRL, and Bidder warrants and represents that it has not and will not utilize Illegal Information Brokering in connection with its participation in the bids submission process. Bidder agrees that if an Illegal Information Broker approaches Bidder concerning this bidding process

or any related business interest of EMEPRL, Bidder will immediately notify EMEPRL's management. EMEPRL undertakes that such notice and related information provided by Bidder will be treated with the utmost discretion. EMEPRL also undertakes that it will handle this bidding process with appropriate security measures in order to prevent any supplier/services provider, other tenderer, or Subcontractor from gaining an unfair advantage subsequent to such notice.

31 Export Control

Bidder acknowledges that the information, technology, software, services, or commodities (collectively, "Items") provided by EMEPRL or its affiliates in connection with this bidding process may be subject to Law or regulations restricting their export, re-export, transfer, or release to certain governments, legal entities or individuals, and/or to certain destinations, including those laws and regulations administered by the U.S. Department of Commerce (Bureau of Industry and Security) and the U.S. Department of the Treasury (Office of Foreign Assets Control). Bidder shall comply with all applicable U.S. government requirements, including but not limited to, the following:

- 1) Export and re-export controls expressed in the U.S. Export Administration Regulations;
- 2) Prohibitions on transactions with or transfers to the governments of, parties located in or operated from, or nationals of countries subject to comprehensive U.S. economic sanctions;
- 3) Prohibitions on transactions with or transfers to entities or individuals identified on the U.S. government's List of Specially Designated Nationals and Blocked Persons (Treasury Department) and Denied Persons List and Entity List (Commerce Department) regarding the Items.

The Bidders must submit a duly completed and signed Prospective Business Associates Questionnaire (PBAQ), using the form provided in Section D.

32 Government Negotiations

Bidders shall advise EMEPRL prior to entering into negotiation with any government authority or agency relating to Bidders' participation in this procurement process or other activity related specifically to the Agreement scope (if so the case).

33 Notification of Award

Prior to the expiration of the period of Bid validity and immediately after finalization of evaluation, EMEPRL shall notify the successful Bidder(s), in writing, that its Bid has been accepted. At the same time, EMEPRL shall also notify all other Bidders of the results of the Bidding Procedure.

Until a formal Agreement is prepared and executed, the notification of award, together with submitted Bidding Letter shall constitute a binding Agreement for the Bidder.

The notification of the successful Bidder(s) may have in addition an invitation to clarify certain contractual issues raised therein, to which the Bidder must prepare himself to reply. This clarification will be confined to issues that had no direct bearing on the choice of the successful Bid. The outcome of such clarifications will be set out in a memorandum of clarifications, to be signed by both parties and incorporated into the Agreement as specific provisions of the Agreement.

34 Signing of the Agreement

Only the signed Agreement will constitute an official commitment on the part of EMEPRL, and activities may not begin until the Agreement has been signed by EMEPRL and the successful Bidder.

Subject of EMEPRL's needs and in connection with the content of the Technical and Financial Proposal presented by the winning Bidder, EMEPRL and the Winning Bidder(s) may decide on additional and/or improved Agreement provisions with the aim to reflect the actual conditions of Agreement performance.

35 Appeals

Bidders believing they have been harmed by an error or irregularity during the Bidding Procedure may petition EMEPRL, according to provisions of Romanian legislation.

Section A.2 Selection and Evaluation Process: Requirements and Assessment

This Section shows criteria and requirements that EMEPRL shall use for evaluation.

A.2.1. Qualification Criteria: Technical and Professional Capabilities – Requirements and Assessment

Technical and Professional Capabilities			Requirements				Supporting Documents
No	Description	Minimum Requirement	Single Economic Operator	Association of economic operators			Submission Requirements
				All partners combined	Each partner	One partner	
1.	Quality Management System	Bidder must demonstrate it has implemented and maintained a Quality Management System	Must meet requirement	Must meet requirement	N/A	N/A	Form D.4 Quality Management System. Description of the Quality Management System implemented and maintained or any other proof, such as Quality Management Manual, certificates issued by third party against ISO

Technical and Professional Capabilities			Requirements				Supporting Documents
No	Description	Minimum Requirement	Single Economic Operator	Association of economic operators			Submission Requirements
				All partners combined	Each partner	One partner	
							9001:2015
2.	Quality assurance measures – accreditation issued by officially recognized national accreditation body	Bidder must demonstrate the existence of the certificate drawn up by official institutes for accreditation of recognized competence attesting the conformity of the economic operator activity with the requirement of SR EN ISO/IEC 17025:2018 - GENERAL REQUIREMENTS FOR THE COMPETENCE OF TESTING AND CALIBRATION LABORATORIES. The conformity must be demonstrated for the activities included in the SoW – namely all elements of the matrix (soil, water, air, including smells) clearly identified by references to specific standards. The certificate must be valid at the moment of Bid Submission and during the contract performance period (if accreditation period expires during contract performance a sworn statement must accompany the certificate, specifying that the economic operator will renew the certification during contract period, if so the case). The link to the information published by the accreditation body	Must meet requirement	Must meet requirement	N/A	N/A	Form D.5 Quality assurance measures – accreditation issued by officially recognized national accreditation body. Certificate issued by an appropriate accreditation body, including reference to the information available on the webpage of the accreditation body issuing the certificate.

Technical and Professional Capabilities			Requirements				Supporting Documents
No	Description	Minimum Requirement	Single Economic Operator	Association of economic operators			Submission Requirements
				All partners combined	Each partner	One partner	
		should also be included in the information provided to demonstrate compliance with the requirements.					
3.	Quality assurance measures – accreditation issued by official national enablement institutes	The economic operator must demonstrate that it has obtained the right/ability to carry out HIA studies, by means of the enablement for the preparation of studies issued by the Commission for the Registration of Health Impact Assessment Studies. The notice of enablement must be valid on the date of submission of bid. The link to the Register of Health Impact Assessment Studies should also be included in the information provided to demonstrate compliance with the requirements.	Must meet requirement	Must meet requirement	N/A	N/A	Form D.6 Quality assurance measures – accreditation issued by official national enablement institutes.
2	Specific Experience	Tenderers must demonstrate their technical and professional capacity to perform the services by providing information and relevant documentation on the criteria described below. Tenderers shall demonstrate that they have successfully executed contracts relevant for the scope of this Contract, of a minimum cumulated value of EUR 200.000,00 cumulated from maximum 3 contracts, in	Must meet requirement	Must meet requirement	N/A	N/A	Form D.7 – Similar Experience. Together with the Similar experience Form the Bidder must present supporting documents, in the

Technical and Professional Capabilities			Requirements			Supporting Documents	
No	Description	Minimum Requirement	Single Economic Operator	Association of economic operators			Submission Requirements
				All partners combined	Each partner	One partner	
		<p>the last 3 years prior to Bids submission deadline.</p> <p>For the purpose of this procedure:</p> <ul style="list-style-type: none"> i. “Contracts relevant for the scope of this Contract” must be understood as contracts that included health impact assessment studies. ii. “Successfully executed contracts” must be understood as contracts executed within the boundaries of the agreement between the Contractor and the Beneficiary of the referenced contracts. 					form of certificates, recommendations, reports or any other evidences to confirm that the contracts have been successfully executed.

A.2.2. Qualification: Financial and Economic Capabilities – Requirements and Assessment

Financial and Economic Standing			Requirements			Supporting Documents	
No	Description	Minimum Requirement	Single Economic Operator	Association of economic operators			Submission Requirements
				All partners combined	Each partner	One partner	

1	Average annual specific turnover, from activities related to environmental studies	Tenderers must demonstrate their financial and economic capability to perform the services by providing information and relevant documentation on the criteria described below. Tenderers must demonstrate a minimum average specific turnover from activities related to environmental studies of EUR 1.200.000,00 for the previous 3 financial years.	Must meet requirements	Must meet requirements	N/A	N/A	Form D. 3 – Average Annual Specific Turnover The Bidder will present in the Form D.3 only the Average Annual Specific Turnover, not the general turnover, and will provide evidences to demonstrate the Average Annual Specific Turnover.
---	--	---	------------------------	------------------------	-----	-----	---

A.2.3 Award Criteria

The Bids found admissible are subject of award criterion application, in the form of Best price/quality ratio consisting of:

1. **Financial: Total price of the bid – maximum 30 points**
2. **Technical: The quality of the bid – maximum 70 points**

1. Financial Component

Points for the financial component with a value of 30 points from the total of 100 points and a weighting of 30% in the total of the award criteria are granted as follow:

- a) For the admissible Offer with the lowest total price – 30 points
- b) For the rest of the admissible Offers the points are calculated using the following formulae:

$P_{(n)} = \text{Total Price of the bid (min)} / \text{Total Price of the bid (n)} \times 30$, where:

- $P_{(n)}$: the points received by the evaluated admissible Offer
- Total Price of the bid (min) the lowest Total Price of an admissible Offer
- Total Price of the bid (n) the Total Price of the evaluated admissible Offer

The Total Price of the bid for each Bid will be obtained by EMEPRL by considering the value presented by Bidders in the Financial Proposal.

2. Technical Component

The quality of the bid will be evaluated based on the following criteria (technical evaluation factors). The maximum total quality score is 70 points.

Assessment of the bids will focus on the quality of the proposed services therefore bidders should elaborate on all points addressed by SoW and Technical Proposal form in order to score as many points as possible.

The score given to each technical evaluation factor will be decided based on the following attributes for each technical evaluation factor:

- i. **Proposal showing general understanding** – for the below headlines (2.1,2.2.,2.3,), the proposal shows the repetition of mandatory requirements set out in the SoW, without details which creates added value – 1/3 from allocated points, calculated with two decimals.
- ii. **Proposal showing completeness** - for the below headlines (2.1,2.2.,2.3,)), the proposal demonstrates the correct understanding of what the COMPANY wants to achieve. It is critical that the proposal demonstrates an appreciation of the business needs of the COMPANY (completeness

of the bid) – 2/3 from allocated points calculated with two decimals

- iii. **Qualified proposal** - for the below headlines, the proposal presents how the Contractor will comprehensible and efficiently implement, at the business and technical levels the HIA study – maximum allocated points calculated with two decimals

2.1. Quality of the proposed methodology (maxim 30 points)

This evaluation factor addresses the degree to which the methodology shows the capacity to perform the services, , in accordance with the needs of the Company will be assessed under this criterion. Furthermore the bid must demonstrate the capacity to perform the study in a realistic and well-structured way, as well as demonstrate that the methods proposed are suited to the expected result – HIA Study.

2.2. Organisation of the activities and allocation of resources (< 20 points)

This evaluation factor assesses how the roles and responsibilities of the proposed team and of the bidder (in case of joint bids, including subcontractors if applicable) are distributed for each task. It also assesses the allocation of time and resources to the study and to each task or deliverable, and whether this allocation is adequate for the performance of the study. The bidder should provide details on the allocation of time resources and equipment. Details should be provided as part of the technical proposal.

2.3. Quality control measures (< 20 points)

This evaluation factor assesses the quality control system applied to the service, concerning the quality of the deliverables (result of performed test), the language quality check, and continuity of the service in case of absence of a member of the team. The quality control system should be detailed in the technical proposal and specific to the tasks at hand; a generic quality control system will result in a low score.

The **Total Score** will be determined as follows: points granted for the Financial component **Total Price of the bid** (maximum 30 points) + points granted for the Technical component **“The quality of the bid”** (maximum 70 points) i.e. maximum 100 points.

The ranking of the Bids will be determined based on the Total Score. Based on the calculation method above, the admissible Bid with the highest Total Score will be declared “winner”.

A.2.4. Evaluation of Technical and Financial Proposals – Requirements and Assessment

The Evaluation Committee will analyze and verify each Bid from the perspective of the proposed technical elements and of the financial aspects.

A.2.4.1 Evaluation of Technical Proposal – Requirements and Assessment

The Technical Proposal must include all the information required through Section D - Forms in response to requirements included in the Section B – Scope of Work. Demonstration of fulfilment of the requirements is a condition for the admissibility of the Offer.

A.2.4.2 Evaluation of Financial Proposal – Requirements and Assessment

The Financial Proposal must include all the information required through Section D- Forms in response to requirements included in the Section B – Scope of Work and Section C. Demonstration of fulfilment of the minimum requirements is a condition for the admissibility of the Offer.