

Brussels, 02 May 2024

Joint Action on HARmonized Products 2022 JAHARP2022

Call for Tender for experts to provide consulting services to PROSAFE

1 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.

2 Objectives and Scope

This Call for Tender concerns the provision of consultancy services in relation to EU co-funded Joint Market Surveillance Actions on HARmonised Products 2022 (JAHARP2022) in the field of market surveillance under the internal market, standardisation, consumers, and other financial services as part of the Single Market Programme.

With this Call, PROSAFE is seeking to source new experts, following the departure from the project team of two valued technical experts due to personal reasons, to support and facilitate the implementation of the work plans of JAHARP2022-1, JAHARP2022-2, and JAHARP2022-4, for one or more of the activities listed below. More information on these projects can be found on the [JAHARP2022 webpage](#).

The tender covers **three independent activities ('Lots'), each representing a project Work Package (WP), with LOT 3 combining two WPs.**

Each activity has a duration of 24 months and started in April 2023. The envisaged start date of service for all three Lots is mid-June 2024 (TBD) and shall cover the remaining life cycle of each activity until end of March 2025, plus 60 days for final reporting, or until any future date in the event of an extension of the project period via a future amendment of the grant agreement.

The activities/Lots in scope of this Call are:

<u>LOT</u>	<u>SCOPE</u>
Lot 1: Inspection and testing of Washing Machines - Ecodesign and	<ul style="list-style-type: none"> Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regards to energy labelling of household washing machines and

<p>Energy Labelling, under JAHARP2022-1</p>	<p>household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC.</p> <ul style="list-style-type: none"> ▪ Commission Delegated Regulation (EU) 2021/340 of 17 December 2020 amending Delegated Regulation (EU) 2019/2014 with regard to energy labelling requirements for household washing machines and household washer-dryers. <p>The activity is about to start the sampling of products from the national markets of the participating authorities.</p>
<p>Lot 2: Inspection and testing of Ancillary Solar Equipment, under JAHARP2022-2</p>	<ul style="list-style-type: none"> ▪ Electromagnetic Compatibility Directive 2014/30/EU ▪ Low Voltage Directive 2014/35/EU. <p>The scope of this market surveillance activity covers the following three types of equipment:</p> <ul style="list-style-type: none"> • String inverters; • Micro inverters; • Optimisers. <p>The activity is about to start the sampling of products from the national markets of the participating authorities.</p>
<p>Lot 3: Harmonisation of market surveillance methodologies (WP2), and Mutual Visits (WP3), under JAHARP2022-4</p>	<p>a) WP2 (Harmonisation of market surveillance methodologies) is a horizontal/capacity-building activity aiming at enhancing the harmonisation of market surveillance methodologies under the scope of the Ecodesign Framework Directive 2009/125/EC establishing the minimum ecodesign requirements for 31 energy-related products¹, as amended by Directive 2012/27/EU on energy efficiency², and the interlocked Energy Labelling Regulation (EU) 2017/1369 which sets the framework for the energy labelling requirements on 15 product groups³.</p> <p>The activity also supports the implementation of Regulation (EU) 2019/1020⁴.</p> <p>The main tasks include:</p> <ul style="list-style-type: none"> • Developing a list with descriptions of areas where harmonisation is needed (viable areas whose harmonisation is to prioritise might be for instance assessment of requirements to online traders for inclusion of energy labels and other energy related information in online stores, requirements to data uploaded to EPREL, or cooperation with Notified Bodies across directives) - STATUS: Completed; • Data gathering about the selected area and analysis of its core issues - STATUS: Ongoing; • Development of a solution through members brainstorming, gathering of further data, further analyses of various solutions, discussions to develop common points of view, etc. - STATUS: To be done; • Dissemination of solution and training - STATUS: To be done; • Production of lessons learned, recommendations, and reporting based on the activities undertaken - STATUS: To be done.

¹ DIRECTIVE 2009/125/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products

² DIRECTIVE 2012/27/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

³ REGULATION (EU) 2017/1369 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU

⁴ REGULATION (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011

b) WP3 (Mutual study visits) is also a horizontal activity supporting the implementation of Regulation 2019/1020⁵ and the Ecodesign Framework Directive 2009/125/EC establishing the minimum ecodesign requirements⁶, as amended by Directive 2012/27/EU on energy efficiency⁷, and the interlocked Energy Labelling Regulation (EU) 2017/1369⁸.

The activity comprises the following main tasks:

- Map best practice areas to be addressed in the mutual study visits among participating market surveillance authorities - STATUS: Completed;
- Based on such mapping, select two cases to be studied in more details (including discussions for the upcoming study visits) - STATUS: Ongoing;
- Execution of the visits covering the two selected cases - STATUS: To be done;
- Follow-up activities after the study visits and assessment of the impacts - STATUS: To be done;
- Final reporting including potential suggestions and lessons learned. The material shall be presented to the relevant AdCo Groups and, potentially, the EU Product Compliance Network - STATUS: To be done.

Tenderers may bid for one or more Lots.

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.⁹

Contracts will be drawn up under Belgian law.

PROSAFE reserves the right to engage or not engage in any or all of the eligible activities listed above without incurring any obligation to inform the affected tenderers of the grounds. PROSAFE is not bound to place a contract or purchase consultancy services for any or all of the activities listed in point/section 2 above.

3 General Description of Services

Contractors will act as Work Package Technical Facilitators. Technical Facilitators are expected to (non-exhaustive list; the services and quantity of services per Lot will be specified in the contracting phase and will be tailored to the scope, nature, size and implementation phase of each Work Package):

- Provide technical advice, assistance, and guidance to the participating Market Surveillance Authorities, and support PROSAFE regarding technical aspects of the action implementation and product legislation in the scope of the activity.
- Support and facilitate tasks related to product sampling, testing and inspection processes, or horizontal activities.
- Offer mentorship and necessary specialised technical/expert guidance at WP level throughout the action implementation.
- Model and maintain neutrality to the results to be obtained, without intervening in national MSA processes and procedures, focussing on the effectiveness of the project teamwork process, collaboration, outcomes, and communication.

⁵ See above.

⁶ See above.

⁷ See above.

⁸ See above.

⁹ [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](#)

- Assist with the maintenance, application, and dissemination of Good Practices, knowledge transfer and capacity-building within and across WPs, including the development of toolkits, guidelines, training materials, workshops, etc.
- Support the WP beneficiaries in risk assessment exercises.
- Facilitate the organisation of physical and online meetings/events, as required.
- Create templates, contribute, and give input to various reports, deliverables, presentations, etc., in liaison with the WP beneficiaries, WP Leader, and PROSAFE. Also, support in responding to requests for expert input, or clarification, or any other ad hoc assignment requested by the European Commission in the context of the projects.
- Flag issues, threats, and risks to PROSAFE and the WP Leader.
- Provide PROSAFE with recommendations on suitable tools, templates, guidelines, or processes, and help create them.
- Assist PROSAFE and the WP beneficiaries in managing the laboratory test services and/or of any other service necessary for the implementation of the WP work plan.
- Support PROSAFE and WP Leader in developing and implementing training and method-development activities to ensure consistency and a more unified approach across WPs.
- Support PROSAFE with regards to the return, donation, or scrapping of tested products.
- Assist PROSAFE in developing and implementing stakeholder engagement strategies, and strategies for the dissemination, exploitation, sustainability, and replication of the project results.

4 Exclusion criteria

Tenderers shall complete and sign in original handwriting a Declaration on Honour attesting that they are not in any of the situations giving rise to exclusion from the procedure.

The exclusion criteria are listed in the model Declaration on Honour (DoH) - see ANNEX 1. Tenderers shall use this model in its entirety.

5 General qualifying criteria

The successful candidates should be outstanding and dynamic professionals, able to fulfil the following selection criteria as evidenced through their professional experience laid out in the CV and in the cover letter. The requirements must be fulfilled by the deadline for applications:

- a) Masters' degree of minimum 1 year. In the absence of a Masters' degree, a Bachelor's degree plus 10 years' experience in the area of product safety, market surveillance, or product compliance with EU norms.
- b) Professional experience in the area of product safety, market surveillance, and/or product compliance with EU norms, having specialised in at least 1 specific product category and/or in a market surveillance horizontal activity.
- c) 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.
- d) Strong 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-related meetings and the drafting of project materials, including deliverables and technical reports.
- e) Clearly expressed dedicated commitment to supply services during the remaining project life cycle.
- f) 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.

Candidates who do not meet all above-listed criteria will be rejected.

6 Selection/Award criteria per Lot

For **Lots 1 and 2**, candidates/tenders will be assessed according to the following award criteria and associated weights:

1. Proven competence (minimum of 3 years' experience) in facilitation roles or project management in EU-funded projects, ideally involving multi-partner consortia from EU/EFTA countries - a minimum of two EU-funded projects. Candidates should describe their role and responsibilities particularly in relation to timeline management, cost/resource monitoring, internal communication, tracking of risks and issues, stakeholder management, and quality assurance.	20
2. Work experience related to product compliance activities, preferably involving Market Surveillance Authorities, and in drafting technical reports - a minimum of one project different than the ones at point a) above. Candidates should describe their expertise and experience in the field.	30
3. Working familiarity with the applicable EU legislation for the product area(s) for which they apply, through roles they had fulfilled for at least 3 years.	30
4. Excellent analytical skills (e.g., having conducted market research, planning and analyses of market surveillance tasks, collating, manipulating, and reporting on sampling, inspection, testing and enforcement data). Candidates should describe what activities they have carried out professionally that allowed them to put into practice their analytical skills.	20
The total maximum number of points is 100 points	

For **Lot 3**, candidates/tenders will be assessed according to the following award criteria and associated weights:

1. Proven competence (minimum of 3 years' experience) in facilitation roles or project management in EU-funded projects, ideally involving multi-partner consortia from EU/EFTA countries - a minimum of two EU-funded projects. Candidates should describe their role and responsibilities particularly in relation to timeline management, cost/resource monitoring, internal communication, tracking of risks and issues, stakeholder management, and quality assurance.	20
2. Experience (of minimum 3 years) in knowledge creation, knowledge transfer, and dissemination of Good Practices in the context of joint market surveillance actions, including the facilitation of workshops, trainings, and the production of guidelines, recommendations, reports, or similar. Candidates should describe past relevant experience.	30
3. Experience and track record in data collection and data analysis techniques, including - but not limited to - desk/market research, surveys, mapping, data interpretation, etc., and technical reporting in English, preferably in the context of EU-funded market surveillance joint/coordinated actions. Candidates should provide at least one sample as output of such work (e.g., presentation, publication, etc., including web links if available).	30
4. Excellent analytical skills (e.g., having conducted market research, planning and analyses of market surveillance tasks, collating, manipulating, and reporting on sampling, inspection, testing and enforcement data). Candidates should describe what activities they have carried out professionally that allowed them to put into practice their analytical skills.	20
The total maximum number of points is 100 points	

7 Financial Offer

Tenders shall provide a daily fee in EUR, VAT excluded, valid for the remaining project period plus 60 days for final reporting.

Terms of offer must be valid for acceptance (or negotiation) for at least 3 months following submission.

Stichting PROSAFE is VAT registered as a taxable person established in Belgium, with VAT number BE 0809.226.854. All future invoices shall mention the BE VAT number and be issued with zero VAT, making reference to the reverse charge mechanism according to Articles 44 and 196 of the VAT Directive 112/2006.

8 Admissibility and documentation

To be eligible tenders must be complete containing all requested information and supporting documentation:

- a) A signed Declaration on Honour (ANNEX 1) in relation to the exclusion criteria of Section 4.
- b) A CV (preferably in Europass format) providing a detailed overview of the professional experience, competence, and academic background.
- c) A cover letter:
 - Explicating their interest to work in one or more projects/activities listed in Section 2 above;
 - Declaring acceptance of the “PROSAFE General Conditions of Tenders” (ANNEX 2);
 - Proposing a daily fee in accordance with Section 7 above;
- d) A technical offer including:
 - A portfolio/list of relevant EU-funded projects in which they have participated as an expert/facilitator.
 - Description on how they meet the qualifying and award criteria for the Lot or Lots they apply for. Please address each criterion separately.

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.

9 Timeline for submissions

The deadline for the submission of tenders is **24 May 2024, 17:00 CEST**. 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 - 2024 Call for Consultancy Services - Your Name and Surname”**.

10 Requests for clarification

Any questions for clarification or other queries about the tender specifications must be submitted in writing **no later than 19 May 2024, 17:00 CEST**, 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.

11 Evaluation and award procedure

Tenders complying with the exclusion and qualifying criteria as defined above will be evaluated based on the following weighting:

- Award criteria: 70%
- Financial offer: 30%

The selection procedure will be as follows:

1. Screening of tenders for compliance with the exclusion and qualifying criteria. Non-compliant tenders are rejected.
2. Assessment of qualifying tenders against the award criteria per Lot, and determination of best value-for-money based on the submitted financial offers.
3. If deemed necessary, conduct interviews with preferred or shortlisted tenderers.
5. Successful and unsuccessful candidates are informed about the results of the tender evaluation.
4. Tenderers will have 5 working days to appeal the decision from the day after the information email was sent. PROSAFE will analyse the appeal and provide a final decision within a week from the moment the appeal was launched.
6. Award of a fixed-term service contract per LOT to the candidates who demonstrated best value for money.

Tenderers may be invited to provide additional information for clarification or where a clerical error occurred provided that the principles of transparency, equal and fair competition are respected.

12 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 indicated above in point 2.

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

DISCLAIMER

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