

Brussels, 16 August 2023

# Joint Action on **HAR**monized Products 2022 **JAHARP2022**

## Call for tenders for facilitators to provide consultancy 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 Tenders concerns the provision of consultancy services in relation to EU co-funded Joint Actions in the field of Market Surveillance under the Internal Market, Standardisation, Consumers and other financial services end-users part of the Single Market Programme.

With this Call, PROSAFE is seeking consultancy services to provide expertise, support and facilitate the implementation of the project work plan, for one or more of the activities listed below.

The tender covers **eight clusters ('Lots')** of various individual/independent activities. These are:

- **Lot 1: Washing machines - Ecodesign and Energy Labelling:**
  - Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC.
  - 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.
- **Lot 2: Professional refrigerated cabinets - Energy Labelling:**



- Commission Delegated Regulation 2015/1094 of 5 May 2015 with regard to energy labelling of professional refrigerated storage cabinets.
- **Lot 3: Ancillary solar equipment - Low Voltage and Electromagnetic Compatibility:**
  - Electromagnetic Compatibility Directive 2014/30/EU and Low Voltage Directive 2014/35/EU.
- **Lot 4: Pellet stoves - Ecodesign and Energy Labelling:**
  - Regulation (EU) 2015/1186 on energy labelling of local space heaters and Regulation (EU) 2015/1185 on Ecodesign requirements for solid fuel local space heaters.
- **Lot 5: E-car charging stations/batteries - Low Voltage and Electromagnetic Compatibility:**
  - Electromagnetic Compatibility Directive 2014/30/EU and Low Voltage Directive 2014/35/EU.
- **Lot 6: Chainsaws - Machinery:**
  - Machinery Directive 2006/42/EU.
- **Lot 7: Asbestos in brakes - REACH:**
  - Regulation (EC) No 1907/2006 and Regulation 168/2013.
- **Lot 8: Harmonisation of market surveillance and Mutual Visits - Cross sectoral:**
  - Energy Labelling Regulation (EU) 2021/340 and Ecodesign Regulation (EU) 2021/340 and Low Voltage Directive 2014/35/EU.

Tenderers may bid for one or more Lots. A complete overview of the projects and the responsibilities of the Technical Facilitator role can be found in Annex 4 - Project Catalogue.

The duration of each project is expected to be 24 months. Tenders shall provide a daily cost rate in Euros applicable for the 24-month duration of each 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.<sup>1</sup>

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.**

<sup>1</sup> 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.

### 3 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:

- 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 years requirements set below) would be considered as acceptable.
- At least 5 years professional experience in the area of product safety, market surveillance, and/or product compliance with EU norms, and having specialised in at least 1 specific product category and/or in a market surveillance horizontal activity.
- 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-related meetings and the drafting of project materials, including deliverables and technical reports.
- Clearly expressed dedicated commitment to supply services during the entire 24-month 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.

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;

## 4 Selection /Award criteria per Lot

For **Lots 1 to 7**, candidates must have:

- Proven competence (Minimum of 5 years' experience) in facilitation roles or project management in EU funded projects involving multi-partner consortia from EU/EFTA countries, relevant to the Lots they apply for, as described in point 2 above - a minimum of two previous EU-funded projects.
- Experience in working in a technically challenging role related to product compliance testing activities, preferably involving Market Surveillance Authorities and in drafting activity reports - a minimum of one project different than the ones at point a.
- Working familiarity with the applicable EU legislation for the product area(s) for which they express their interest evidence through roles they had fulfilled for at least 3 years.
- 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 the past or current professional experiences.
- 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 sampling and test data, efficient and creative problem-solving regarding project budgeting, scheduling, and definition of work plan).
- Very good knowledge of public procurement procedures acquired through past or current responsibilities or roles.

For **Lot 8**, candidates must have:

- Proven competence (Minimum of 5 years' experience) in project management of complex, multifaceted EU funded multi-partner projects, relevant to the activity(-ies) they apply for under Lot 8, as described in point 2 above - a minimum of two previous EU-funded projects.
- Significant experience in working in an international environment with EU/EFTA Market Surveillance Authorities - a minimum of one EU-funded project different than the ones at point a.
- Experience in relation to the maintenance, application and dissemination of Good Practices, knowledge transfer and build-up in the context of market surveillance joint actions.
- A solid track-record of producing and delivering reports, guidelines and recommendations relevant to non-food product market surveillance, preferably in the context of market surveillance actions.
- Demonstrable ability to work as a leading member of a team within an established framework of policies and procedures but without direct supervision and with limited administrative



support, evidenced through the responsibilities they had in the past or current professional experiences.

- 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 sampling and test data, efficient and creative problem-solving regarding project budgeting, scheduling, and definition of work plan).

## 5 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 to work in one or more projects/activities listed in point 2 above, and how they specifically meet the qualifying AND selection/award criteria, with a clear remark regarding the expected net daily rate for the services to be provided per selected activity/project.
- 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 24-month period of each 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.

## 6 Timeline for submissions

The deadline for the submission of tenders is **6 September 2023, 18:00 o'clock 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](mailto:ioana@prosafe.org), and Mr Mario Arigliani, Junior Project and Policy Officer, at [mario@prosafe.org](mailto:mario@prosafe.org) with subject: "**JAHARP2022 - Call for Consultancy Services - Your name and surname**".

## 7 Requests for clarifications

Any questions for clarifications or other queries about the tender specifications must be submitted in writing **no later than 30 August 2023, 18:00 o'clock CET**, to Mrs Ioana Sandu, Executive Director, at [ioana@prosafe.org](mailto:ioana@prosafe.org), and Mr Mario Arigliani, Junior Project and Policy Officer, at [mario@prosafe.org](mailto:mario@prosafe.org). Only questions submitted in this way will be answered, in fairness to all bidders.



## 8 Assessment of tenders and selection of successful candidates

As part of the selection procedure the following steps will be followed:

- 1) Screening of tenders for compliance with all formal requirements including the general qualifying criteria listed at point 3. Tenders found admissible and eligible will be evaluated against the qualifying criteria, and the tenders not passing will be informed via email;
- 2) Assessment of qualifying bids based on the selection/award criteria listed at point 4 leading to selection of preferred bidders. If the assessment results in a draw for a single position, candidates will be invited to an interview.
- 3) Both successful and unsuccessful candidates will be informed about the evaluation results via email.

Candidates 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.

## 9 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

Annex 4 - Project Catalogue

### Disclaimer

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Innovation Council and SMEs Executive Agency (EISMEA). Neither the European Union nor the granting authority can be held responsible for them.