



Commission for
Communications Regulation

Invitation to Tender

Quality Standard for Customer Service Complaints Handling

Document No:	10/08
Date:	3 February 2010

All tenders should be clearly marked:

'ITT - Quality Standard for Customer Service Complaints Handling'

Tenders must be submitted by Registered Post or by hand to the following address:-

Therese Hourigan
Commission for Communications Regulation
Block DEF
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

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Contents

1	Invitation to Tender	3
1.1	REQUIREMENT	3
1.2	AWARDING AUTHORITY	3
1.3	BACKGROUND	3
1.4	GENERAL	4
1.5	PROPOSED TIMELINES	4
1.6	PROVISION OF INFORMATION	4
1.7	TENDER AND CONTRACTUAL ARRANGEMENTS	5
2	Requirements of Contract	6
2.1	GENERAL REQUIREMENTS	6
2.2	SPECIFIC REQUIREMENTS	6
2.2.1	<i>Customer Service Complaints Handling Standard</i>	7
2.2.2	<i>Pilot Phase</i>	7
2.2.3	<i>Audit</i>	7
2.3	LOCATION AND CONFIDENTIALITY	8
2.4	DURATION OF THE ASSIGNMENT	8
2.5	OTHER INFORMATION	8
3	Conditions of Tender	9
3.1	FINANCIAL STATUS OF SUCCESSFUL CONTRACTORS	9
3.2	CONFLICT OF INTEREST	9
3.3	DURATION OF CONTRACT	9
3.4	INFORMATION SUPPLIED BY TENDERERS TO BE CONTRACTUALLY BINDING	10
3.5	COSTS INCURRED IN PREPARING TENDERS	10
3.6	TIME AVAILABLE FOR THE COMMISSION TO ACCEPT TENDERS	10
3.7	SUBMISSION OF TENDERS	10
3.8	DEADLINE FOR RECEIPT OF TENDERS	10
4	Format of Tender	11
4.1	SCHEDULE OF COSTS	11
4.2	GENERAL INFORMATION	11
4.3	DETAILS OF THE TENDERING FIRM	12
4.3.1	<i>Economic and Financial Standing</i>	12
4.3.2	<i>Personnel Capability</i>	12
4.3.3	<i>Technical Capability</i>	12
4.3.4	<i>Quality Control</i>	13
4.4	RESOURCE ALLOCATION	13
4.5	DETAILED PROPOSAL	13
4.6	RELEVANT EXPERIENCE AND REFERENCES	13
5	Points of clarification regarding the Tender Process	14
6	Requests to Participate	15
7	Evaluation of Tenders and Award Criteria	16
	APPENDIX 1	17
	APPENDIX 2	18

1 Invitation to Tender

1.1 Requirement

The Commission for Communications Regulation (ComReg) invites tenders for the provision of professional service for the development, audit and accreditation of a quality standard for customer service complaints handling for electronic communication services supplied to consumers in Ireland.

1.2 Awarding Authority

The Commission for Communications Regulation
Block DEF
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

1.3 Background

During 2008 - 2009, ComReg undertook a review of the Codes of Practice of a number of service providers and the availability to customers of a Customer Guarantee Scheme. The relevant legislation is the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2003 S.I. 308 of 2003.

Whilst the majority of service providers have a Code of Practice in place, the general standard of consumer care offered to customers, based on the Code of Practice, varies considerably. In addition, ComReg considers the visibility of the Code of Practice needs to be more prominent to ensure that customers are made aware of the terms of the Customer Guarantee Scheme.

In the competitive electronic communications market, ComReg wants to ensure that all consumers have certainty in the customer services being offered and to have the ability to factor this into their decision with regard to switching.

ComReg has a stated objective to '*support and encourage improvements in the quality of customer service and the overall consumer experience of the communications sector*' (Reference: Section 5.3 ComReg Strategy Statement 2008-2010) To this extent, ComReg wants to encourage all service providers to continually improve the quality of service and standards offered to consumers in the customer service complaint process.

While improvements in customer service complaints handling are a consideration for service providers themselves, ComReg considers that the most appropriate way to encourage improvements is the introduction of a voluntary Customer Service Complaints Handling Standard.

1.4 General

ComReg intends to work with the Tenderer in their development of the standard, the relevant audit mechanism, accreditation levels, and timeframes for re-audit and audit costs. Going forward, ComReg intends to approve and modify the standard on a periodic basis.

It is envisaged that the service providers will submit their complaints handling Code of Practice including details of their Customer Guarantee Scheme along with detailed procedures, to the successful tenderer. Other key factors to be evaluated will be the ease of visibility of such Codes on websites, contracts etc, and whether the service provider publishes statistics on it's consumer complaints.

ComReg intends to publish details, on their websites and other material, of those electronic communications service providers who meet the standard's accreditation levels. This will drive improvements in customer service complaints handling standard and will assist consumers in evaluating service providers and their offerings.

Tenderers must clearly demonstrate that they can meet the minimum tender requirements.

1.5 Proposed timelines

Without prejudice to any response by the respondents to the ITT, the proposed timelines for this process are outlined below:-

Date	
3 February 2010	Issue of Tender Documents
4.00pm (GMT) 10 February 2010	Latest time for receipt of Request to Participate & any points of clarification
4.00pm (GMT) 12 February 2010	Circulation (to those who requested to participate) of answers to points of clarification
4.00pm (GMT) 12 March 2010	Closing date for receipt of Tenders
15 March 2010	Presentation to the Evaluation Team may be required
25 March 2010	Advise Successful Tenderer & unsuccessful Tenderers

1.6 Provision of Information

The Commission proposes to release the following information relating to this tender, on request:

- the name and address of the successful tenderer, and
- overall contract value of the successful tender

Note that, under the Freedom of Information Acts 1997-2003, information provided in this tender may be liable to be disclosed where the public interest value of releasing such information is deemed to outweigh the right to confidentiality. The Commission will consult with the tenderer supplying confidential information before making any decision on releasing such information in response to a request under the Freedom of Information Act.

The Commission undertakes to hold confidential any information provided by tenderers subject to:-

- disclosure of the information specified above as being information that will be released on request, and
- the Commission's obligations under law, including the Freedom of Information Act, 1997.

1.7 Tender and Contractual Arrangements

Tenders must adhere to the format set out in Section 4 and must be completed in the English language.

The solution offered may involve the provision of services from either a single party or a group/consortium of bidders. Where a bid is based on a group/consortium of business interests, the tender response document must identify:-

- the prime partner in the group/consortium;
- the number of parties involved and names of each party; and
- the proposed arrangements for its operation, e.g. the area of participation of each party in the context of the contract in question.

Where a bid from a group or consortium of bidders succeeds, the Commission will conclude a contract with a prime contractor within that group or consortium, who will then take responsibility for matters arising under the contract.

The response document must contain the tenderer's best and final offer for the award of contract. All prices must be quoted in Euro.

Note:

ComReg is of the opinion that the effort required for this project should not exceed €45k including VAT. Tenderers should form their own conclusions about the methods and resources needed to meet the requirements. ComReg cannot accept responsibility for the tenderer's assessment of this assignment.

2 Requirements of Contract

2.1 General Requirements

This specification contains details of the minimum requirements. Tenders must clearly demonstrate that these requirements can be met. Additional desirable services, where relevant, are also identified. Proposals above the minimum should be detailed in the response, and any associated costs detailed separately.

Service providers must have a proven track record and capability for providing a professional, high quality, accurate and compliant service similar to the services required in this Invitation to Tender.

Award of the contract will be dependent upon compliance by the successful tenderer with the tax clearance requirement of Irish public sector contracts procedures (which are subject to Directive 2004/18/EC of the European Parliament and of the council of 31 March 2004 on the co-ordination of procedures for the award of public works contract, public supply contracts and public service contracts) and relevant statutory taxation requirements in relation to taxation of professional services provided to the public sector.

All tenderers must provide a statement that none of the circumstances listed in paragraph 1 & 2 of Article 45 of EU Directive 2004/18/EC apply to them. The said circumstances are outlined in Appendix 2.

It should be noted that the Commission reserves the right to cancel the competition should it see fit to do so.

2.2 Specific Requirements

The Tenderer is asked to quote for costs of the following outputs separately:-

1. Development of the required customer service complaints handling standard and associated documentation, taking into account best practice, and in conjunction with ComReg and other agreed parties.
2. Running of a pilot phase prior to launch of the standard in which service providers with a substantial percentage of subscribers would be invited to participate, to ascertain the achievability of the standard.
3. (a) Development of an audit mechanism including accreditation levels, frequency of audit, audit procedures and costs, and associated documentation.

(b) Running of the audit service facility (not the cost of the audits themselves, if any) for the purpose of accreditation of the standard developed for interested services providers for 3 years from the contract commencement. After the 3 years ComReg may seek to re-tender for a supplier to run this service. The actual cost of performing each audit will be agreed with ComReg as part of the project, however, payment for audits will be made between service providers and the successful tenderer. This cost is not part of the tender value as ComReg will not be responsible for payment to the successful tenderer for audits carried out.

Each audit will be carried out in accordance with an agreed set of Terms and Conditions to include conditions regarding the award/non award of the standard.

2.2.1 Customer Service Complaints Handling Standard

The purpose of this project should include, but is not limited to, developing an acceptable, accredited customer service complaints handling standard for electronic communications services covering service provider customer commitments, complaint resolution, compensation schemes, I.S. EN 15838:2009 Customer Contact Centres – Requirements for service provision, I.S. ISO 1002:2005 Quality Management – Guidelines for Complaints Handling in Organisations along with such items as-:

- Create a definition for complaints based on best practice;
- Customer Service Contact Centre offerings including access channels, hours of service, cost of access, downtime of systems, customer satisfaction surveys, staff trainings and reviews;
- Response Speeds for voice calls, instant messaging, email, web queries, fax and written correspondence;
- Effective Complaint Handling system including means of recording complaints, response times to resolution, procedures for resolving complaints and retention of records of complaints;
- Customer compensation that includes a transparent customer friendly Customer Guarantee Scheme that is visible and readily available to all customers;
- External Customer Satisfaction measures in place;
- Visibility / ease of access to customer service complaints handling details to all customers (on web, included in initial contract offering);
- Publication of consumer complaints statistics (including top issues raised and trends); and
- Availability of complaints procedures that are accessible to all customers, including a Code of Practice that is clear and easy-to-read.

2.2.2 Pilot Phase

Managing a pilot phase prior to launch of the standard to which approximately ten service providers with a substantial percentage of subscribers would be invited to participate, to ascertain the achievability of the standard. The Tenderer is required to identify how this phase would be planned to take into account all key criteria to ensure the results can be indicative of the actual standard assessment.

2.2.3 Audit

To ensure that service providers continue to offer a high level of complaints handling following the award of the standard, the Tenderer must provide details as follows:

- The proposed approach to the development of an audit mechanism to include the audit procedures and costs, required associated documentation, indicative accreditation levels and recommended frequency of audit; and
- The proposed approach to the undertaking of the actual audit of Service Provider standards including the actual customer experience.

The tenderer is asked to detail the proposed methodology, steps and timelines in developing and implementing the specific requirements as identified in section 2.2 of this document.

2.3 Location and Confidentiality

The successful tenderer will be required to work alongside Commission staff and advisers from time to time. Where face to face meetings are required these will be held at the Commission's premises in Dublin. The confidentiality of the work will be protected at all times.

2.4 Duration of the Assignment

The following timescale indicates key milestones in the project:

- Results of Tendering Process to be communicated to all parties by 25th March 2010 or as soon as possible thereafter;
- Development of the draft standard should be completed by 28th May 2010;
- Running of pilot phase (prior to launch of the standard) should be completed by 25th June 2010;
- Development of the audit mechanism and final standard, following the pilot phase should be completed by 16th July 2010;
- Target date for commencement of audit for the agreed standard is 30 July 2010;
- It is intended to put a contract in place for a period of not less than 3 years.

2.5 Other information

The successful tenderer:

- Will be required to comply with the requirements for the awards of Irish public sector contracts;
- Must agree to a confidentiality agreement covering the firm and the individuals assigned to the project (see Appendix 1);
- Must enter into a formal and binding contract for the work specifications required;
- Will be required to comply with relevant Data Privacy legislation.

3 Conditions of Tender

Detailed contractual arrangements are not within the scope of this document. However, the following conditions apply and should be noted in the response document:-

3.1 Financial Status of Successful Contractors

Before contracts are awarded, the successful contractor (and agent, where appropriate) will be required to comply with the prevailing tax clearance procedures viz:

The successful contractor will be required to promptly produce a Tax Clearance Certificate from the Irish Revenue Commissioners. In addition, such contractors must retain records of tax reference numbers for any sub-contractors whose payments exceed €635 including VAT.

A successful non-resident contractor or sub-contractor will be required to produce a 'Statement of Suitability for Tax Purposes' (in lieu of a Tax Clearance Certificate) from the Irish Revenue Commissioners confirming suitability on tax grounds to be awarded the contract.

Application for either of the above may be made to the Irish Revenue Commissioners by way of a standard form which will be provided to the successful tenderer by the Commission in due course.

Where a certificate or statement expires during the course of the contract, the Commission will require a renewed certificate or statement. All payments under the contract will be conditional on contractors being in possession of valid certificates at all times. In addition, all payments will be subject to Withholding Tax as laid down by the Revenue Commissioners.

3.2 Conflict of Interest

Any conflicts of interest involving a contractor (or contractors in the event of a group or consortium bid) must be fully disclosed. Any registerable interest involving the contractor and the Commission or their relatives must be fully disclosed in the response to this Invitation to Tender, or should be communicated to the persons specified at Section 3.7 immediately upon such information becoming known to the tenderer in the event of this information only coming to their notice after the submission of the tender and prior to the award of the contract. The terms "registerable interest" and "relative" shall be interpreted as per section 2 of the Ethics in Public Office Act 1995. Given the nature of the work being carried out, it is foreseen that responses from Authorised Undertakings will not be deemed as valid and will be excluded from the process.

3.3 Duration of Contract

It is intended that this Invitation to Tender will give rise to a contract for the provision of the services in question, to the Commission, for a period of 3 years from the date of commencement of the contract. At the end of the initial contract period,

the Commission will review the service being provided, and reserves sole discretion as to whether or not the contract will be renewed thereafter.

3.4 Information supplied by tenderers to be contractually binding

Information supplied by tenderers will be treated as contractually binding. However, the Commission reserves the right to seek clarification or verification of any such information.

3.5 Costs incurred in preparing Tenders

The Commission will not be liable in respect of any cost incurred by service providers in the preparation of tenders or any associated work effort.

3.6 Time available for the Commission to accept Tenders

All tenders must be kept open for at least 4 calendar months from the closing date for receipt of tenders.

3.7 Submission of Tenders

Tenders must be completed in accordance with the format specified in Section 4 of this document. Tenders which are incomplete may be rejected.

The submission must include:

- Five printed copies of the tender
- An electronic copy of the tender in MS Word or pdf format on DS-ROM, floppy disk or USB memory stick

(Alternatively the electronic copy may be submitted separately from the printed copies by email prior to the deadline to therese.hourigan@comreg.ie)

Tenders should be submitted by registered post or by hand to the following address:

Therese Hourigan
Consumer Care Manager
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

3.8 Deadline for receipt of Tenders

Applications must be received by 4pm (Irish Time) on 12th March 2010. Tenders which are delivered late will not be considered.

4 Format of Tender

Your tender should outline the proposed mechanism, steps, outputs, timelines and costs for each of the project deliverables.

Your tender should indicate team members who will actually engage in the project and the extent of their involvement. Detailed curricula vitae should be provided.

All information arising from the tender process will be and shall remain the property of the Commission. Your agreement to this should be included in your detailed tender. The successful tenderer will be required to sign a confidentiality agreement.

Tenders must take the following format:-

4.1 Schedule of Costs

All costings for the project must be quoted in euro. Any exchange rate risk will be borne by the tenderers.

Tenderers should outline the payment terms which they consider to be appropriate to the proposed assignment. Separate prices must be provided for the minimum requirements specified together with the additional costs, if any, for supplying additional information specified as desirable. Prices should distinguish between labour costs and associated overheads.

4.2 General Information

- (a) Name, address, telephone and fax number of tenderer. Name of person within the tendering business dealing with the matter;
- (b) Name, address, telephone and fax number of any third-parties involved in the tender. Name of person within third-party business dealing with the matter;
- (c) Where applicable, a description of role or element of contract to be fulfilled by any third-party;
- (d) Where applicable, identification of party who will carry overall responsibility for the contract and his/her position within the contracting company/business;
- (e) Please state if your organisation is accredited with ISO9001, or other recognised quality standard equivalent;
- (f) Confirmation of acceptance by the tenderer and any third parties of the conditions of tender described in Section 3 of this document.

4.3 Details of the Tendering Firm

During the evaluation, the suitability of tenderers will be checked by reference to their financial and economic standing and technical capability.

4.3.1 Economic and Financial Standing

Tenderers must provide evidence that they have a sufficiently sound economic and financial standing to undertake the project. The following information should be provided in response to this paragraph:-

- (a) An appropriate statement from banks evidencing the tenderer's financial standing or evidence of relevant professional risk indemnity insurance;
- (b) Presentation of the tenderer's full company accounts for the previous three years;
- (c) A statement of the undertaking's overall turnover and its turnover in respect of the services to which this contract relates for the three previous financial years;
- (d) A statement from the tenderer that none of the none of the circumstances listed in paragraph 1 & 2 of Article 45 of EU Directive 2004/18/EC apply to them. The said circumstances are outlined at Appendix 2.

4.3.2 Personnel Capability

Evidence of the personnel capability of the tenderer will be assessed by reference to the following and the required information should be provided in response to this paragraph:-

- (a) The relevant professional qualifications of the personnel, including managerial personnel, who will be responsible for providing the services under the contract and details regarding their specific input and responsibilities for the project;
- (b) An indication of the technical staff who would be involved in the contract, whether or not belonging directly to the service provider, especially those responsible for quality control;
- (c) A statement of the service provider's average annual manpower, and the number of managerial staff, for the last three years.

4.3.3 Technical Capability

Evidence of the technical capability of the tenderer will be assessed by reference to the following and the required information should be provided in response to this paragraph:-

- (a) A brief statement of the processes and systems available for carrying out the services.

4.3.4 *Quality Control*

Evidence of the quality control capability of the tenderer will be assessed by reference to the following and the following information should be provided in response to this paragraph:-

- (a) A description of the service provider's measures for ensuring quality, which are relevant to this contract.

4.4 Resource Allocation

Describe the measures in place, including management and the nature and level of supervision which will be provided, for ensuring that a high quality service will be delivered.

4.5 Detailed Proposal

The proposal must include the following:-

- (a) A detailed statement of the tenderer's understanding of the assignment and the work to be performed;
- (b) A detailed description of the individuals proposed for the assignment, in particular, position within the firm, number of years with the firm, proposed role/responsibility in the assignment, description of previous relevant projects and experience;
- (c) A statement on conflict of interest: the proposal must contain a clear statement that there is no existing or potential conflict of interest in relation to the proposed assignment;
- (d) A statement regarding the property of information arising from the assignment contract: the tenderer must clearly state in the proposal document that he/she agrees that all information arising from any contract that might be awarded will be and shall remain the property of the Commission. In particular, tenderers should include a statement to the effect that copies of all working papers and supporting material arising from the project will be made available to the Commission on request.

The work will be conducted in English and deliverables will be submitted in English.

4.6 Relevant Experience and References

The proposal must include comprehensive details identifying prior experience in providing similar services. ComReg may request tenderers to provide contact details of appropriate references at any stage in the tender process.

5 Points of clarification regarding the Tender Process

There will be a period during which prospective tenderers may request clarification on issues specific to the submission of a competitive tender based on the terms of reference or any other points of clarification which are deemed relevant to this project. In particular, tenderers shall immediately notify the Commission should they become aware of any ambiguity, discrepancy, error or omission in this Invitation to Tender.

All points of clarification must be submitted in writing and should be labelled “Questions: ITT – Tender – Quality Standard for Customer Service Complaints Handling” (ComReg 10/08) and should include full details i.e. name, contact person address, fax no, e-mail of the party posing the question. Questions may be addressed by post to:

Therese Hourigan
Consumer Care Manager
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

Email clarifications should be sent to therese.hourigan@comreg.ie

Questions addressed in any other way will not be answered. The latest time for receipt of questions is 4.00pm (Irish Time) 10 February 2010.

All questions and answers will be circulated (the intention is that this will be completed by 12 February 2010) to those who request to participate (See Section 6 below). ComReg will not, however, disclose the identity of any party which has posed a question, except where it is legally obliged to do so.

Whilst every endeavour is made to accurately inform respondents of the requirements for this contract, tenderers should form their own conclusions about the methods and resources needed to meet those requirements. ComReg cannot accept responsibility for the tenderers assessment of this assignment.

6 Requests to Participate

All requests to participate must be submitted in writing and should be labelled “Request to Participate: ITT – Tender – Quality Standard for Customer Service Complaints Handling” (ComReg 10/08) and should include full details i.e. name, contact person address, fax no, e-mail of the party who wishes to participate.

Postal requests should be sent to:

Therese Hourigan
Consumer Care Manager
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

Email requests to participate should be sent to therese.hourigan@comreg.ie

Requests to participate addressed in any other way will not be answered. The latest time for receipt of requests to participate is 4.00pm (Irish Time) 10 February 2010.

7 Evaluation of Tenders and Award Criteria

The contract will be awarded from the qualifying tenders on the basis of the most economically advantageous tender, applying the following award criteria with the individual marks of each criterion as detailed below :-

- Understanding of the requirements, specific business problem(s), scope of the project, quality of documentation and proposed solution as outlined in the proposal. This will also include the proposed audit fee for each audit carried out. (40 Marks)
- Experience of the proposed team in carrying out similar projects and ability to meet project schedule (20 Marks)
- Previous experience of such work (20 Marks)
- Ultimate cost (20 Marks)

It should be noted that the tenders shall be opened at the same time and not before the closing time for receipt of tenders has elapsed. The evaluation criteria will not be changed without prior notification to all applicants.

Tenderers should note also that a further selection stage involving presentations and interviews may be necessary at short notice in order to select the successful candidate. Should such presentations/interviews be necessary, it is envisaged that they would take place the week of 15th March 2010.

The Commission reserves the right not to select the lowest or any tender.

APPENDIX 1

CONFIDENTIALITY AGREEMENT COVERING TENDER TO COMMISSION FOR COMMUNICATIONS REGULATION

The Chairperson
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

We hereby agree not to divulge any of the confidential information, written or oral, acquired during the course of our tender to the Commission for Communications Regulation (ComReg) to any company, person or persons.

We shall not at anytime after submitting the tender, use or attempt to use any such information concerning the business secrets or operational secrets of ComReg which we acquire in the course of our tender for our own, or other firm or person's benefit.

APPENDIX 2

ARTICLE 45 OF EU DIRECTIVE 2004/18/EC¹

Personal situation of the candidate or tenderer

1. Any candidate or tenderer who has been the subject of a conviction by definitive judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract:

- (a) participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA²;
- (b) corruption, as defined in Article 3 of the Council Act of 26 May 1997³ and Article 3(1) of Council Joint Action 98/742/JHA⁴ respectively;
- (c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities⁵;
- (d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering⁶.

Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.

They may provide for a derogation from the requirement referred to in the first subparagraph for overriding requirements in the general interest.

For the purposes of this paragraph, the contracting authorities shall, where appropriate, ask candidates or tenderers to supply the documents referred to in paragraph 3 and may, where they have doubts concerning the personal situation of such candidates or tenderers, also apply to the competent authorities to obtain any information they consider necessary on the personal situation of the candidates or tenderers concerned. Where the information concerns a candidate or tenderer established in a State other than that of the contracting authority, the contracting authority may seek the cooperation of the competent authorities. Having regard for the national laws of the Member State where the candidates or tenderers are established, such requests shall

¹ As transposed into Irish law by the European Communities (Award of Public Authorities' Contracts) regulations 2006, Statutory Instrument 329 of 2006

² OJ L 351, 29.12.1998, p. 1.

³ OJ C 195, 25.6.1997, p. 1.

⁴ OJ L 358, 31.12.1998, p.2.

⁵ OJ C 316, 27.11.1995, p. 48.

⁶ OJ L 166, 28.6.1991, p. 77. Directive as amended by Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 (OJ L 344, 28.12.2001, p. 76).

relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control in respect of the candidate or tenderer.

2. Any economic Service Provider may be excluded from participation in a contract who:

(a) is bankrupt or is being wound up, whose affairs are being administered by the court, who has entered into an arrangement with creditors, who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;

(b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;

(c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;

(d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;

(e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;

(f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;

(g) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information.

Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.

3. Contracting authorities shall accept the following as sufficient evidence that none of the cases specified in paragraphs 1 or 2(a), (b), (c), (e) or (f) applies to the economic Service Provider:

(a) as regards paragraphs 1 and 2(a), (b) and (c), the production of an extract from the "judicial record" or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or the country whence that person comes showing that these requirements have been met;

(b) as regards paragraph 2(e) and (f), a certificate issued by the competent authority in the Member State concerned.

Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified in paragraphs 1 and 2(a), (b) and (c), they may be replaced by a declaration on oath or, in Member States where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that person comes.

4. Member States shall designate the authorities and bodies competent to issue the documents, certificates or declarations referred to in paragraph 3 and shall inform the Commission thereof. Such notification shall be without prejudice to data protection law.