European Medicines Agency

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Technical Specifications For Open Invitation to Tender

Tender Reference No. EMEA/2007/53/P&B

for

The Provision of Insurance Broking Services

Confidentiality

The recipient of this document shall treat this Invitation To Tender (ITT), the contents of this document and any information appertaining to the subjects herein contained and obtained during the tender process as strictly confidential. Such information must not be disclosed to any party not directly involved in responding to this ITT. EMEA and invited parties agree to treat all information provided in relation to this document as strictly confidential and to limit circulation of the information only to authorised persons in the EMEA.

7 Westferry Circus, Canary Wharf, London, E14 4HB, UK
Tel. (44-20) 74 18 84 00 Fax (44-20) 74 18 86 60
E-mail: mail@emea.europa.eu http://www.emea.europa.eu

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1. Title of the Invitation to tender

This document contains the Technical Specifications for the Open Invitation to Tender no. EMEA/2007/53/P&B for the provision of Insurance Broking Service.

The contract notice for this open tender has been published in the Official Journal of the European Union no. 232 of 1 December 2007, reference 2007-094283.

2. Objectives and Context of the Invitation to Tender

European Medicines Agency is an EU organisation based in Canary Wharf in the Docklands area of London (E14).

EMEA was established in 1995 and operates under Council Regulation No 726/2004 to provide a system for the authorisation of medicinal products. EMEA is an Agency of the European Union and has its own legal personality. EMEA's budget is subject to checks and audits by the European Court of Auditors.

The work of EMEA is to co-ordinate the existing scientific resources of the EU Member States in order to evaluate and supervise medicinal products for both human and veterinary use throughout the whole of the European Union. The Agency also gives scientific advice to research-based companies in the development stage of new medicinal products and also in the form of guidelines on quality, safety and efficacy testing requirements. The Agency maintains and improves measures to facilitate innovation, research and increasing access to medicines. It has a dedicated office for micro, small and medium sized enterprises and implements the orphan medicinal policy for rare conditions. It monitors the effectiveness and marketing authorisation procedures and works to legal deadlines. It seeks to provide high quality and timely information on medicines in all EU languages to patients.

Further information about the work of EMEA can be obtained on its website http://www.emea.europa.eu.

3. Subject of the Tender

EMEA currently uses Marsh Ltd. to provide professional insurance broking services to EMEA. EMEA is undertaking an open tender process for the selection of a Professional Insurance Brokerage from its forthcoming renewal on the 1st April 2008. EMEA shall appoint the selected professional Insurance Brokerage for a period of 4(four) years, following the conclusion of this tender.

The successful Insurance Brokerage will be expected to deliver the following services:

1. Independent professional insurance advice on:
   - ► Insurance coverages applicable to EMEA
   - ► The current status of the Insurance market
   - ► The suitability and status of all proposed Insurance providers.

2. Marketing of EMEA's insurance coverage requirement as required.
3. Placement of EMEA's insurance coverage requirement with suitable insurance providers.
4. On going management of EMEA's insurance coverage.
5. Claims handling and management services.

Timetable

The timetable for the selection and implementation of a services arrangement is as follows:

No.	Event	Due
1.	Dispatch of contract notice for publications	20/11/2007
2.	Confirmation by the tenderers of intent to attend a site-visit	07/12/2007
3.	Site visits and information sessions for the tenderers *(for details on site visits please refer to item 6 "Information Visits" on page 5)*	10/12/2007 to 14/12/2007
4.	Written questions for additional information by the tenderers	date of publication to 03/01/2008
5.	Closing date tender response by the tenderers	08/01/2008 17:00
6.	Provisional award decision made and tenderers advised	by 10/03/2008
7.	Two week stand-still period completed.	by 21/03/2008
8.	Contractual appointment of Insurance Brokerage	by 28/03/2008
9.	Insurance Brokerage to confirm covers in place for renewal on 1st April 2008.	by 31/03/2008

4. Participation in the tender

Participation in this tendering procedure shall be open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the European Communities in the field of public procurement under the conditions laid down in that agreement.

Where the Multilateral Agreement on Public Procurement concluded within the World Trade Organisation applies, the tendering procedure shall also be open to nationals of the countries which have ratified this agreement, under the conditions laid down in that Agreement. In that connection, it should be noted that the services under Annex II-B to Directive DIR/2004/18/EC and the R&D services listed in category 8 of Annex II-A to that Directive are not covered by the Agreement.

Note:
Sub-broking is not permitted. No market blocking by any tender tenderer shall be accepted and should any such activity be discovered it will represent grounds for disqualification from this tender. For clarification please refer to Annex VII.

5. Additional documentation available to Tenderers

n/a

6. Information Visit

All interested tenderers shall be given the opportunity to undertake site visits.

This will provide the tenderers with the opportunity to view the EMEA premises at 1 and 7 Westferry Circus and can request clarification appropriate to the provision of professional advice in relation and potential placement and management of insurances covers for and on behalf of EMEA.

Tenderers should note that site visits to EMEA premises will take place from 10 to 14 December 2007. At these visits a Letter of Authority will be issued by EMEA to authorise Tenderers to seek renewal terms & claim histories from EMEA's existing insurance providers. Please notify Sylvia Ost (Sylvia.ost@emea.europa.eu) no later than 07th December 2007 of the name of the person who will be attending the site visit.

7. Variants

EMEA understands that the price obtained from Insurers and coverage offered may vary from the price and cover quoted prior to placement of any insurance covers due to any change in material fact that may occur between initial quotation, and the renewal and or replacement of the insurance covers with the recommended insurance provider. Such variance will have to be disclosed immediately the appointed Insurance Brokerage becomes aware of such a potential or actual price or cover revision, and shall be discussed and the appropriate actions shall be agreed with EMEA prior to the placement of the insurances.

8. Estimated contract volume

8.1 Current Insurance policy details

EMEA's current insurance portfolio is placed through Marsh Ltd. with the following Insurance providers:

Type of Cover	Insurer	Policy No.
£10m in Xs of £10m PL/ Products liability	DA Constable at Lloyd's	A7037123
Commercial combined - Material damage, Business Interruption, Employers Liability, Primary PL/Products liability	Norwich Union	53 CME 2250941
Computer Policy	Norwich Union	24312048

8.2 Renewal Sums Insured, Estimates and General Limits Schedule

Material Damage	
General Contents (declared value)	£ 9,724,601
Day one inflation provision (non adjustable)	25%
Excess	£ 1,000
Business Interruption	
Additional Increased Cost of Working (sum Insured)	£ 8,767,500
Telecommunications Clause Limit	£ 1,000,000
Indemnity period	18 months
Computers	
Unspecified computer equipment at 1- 7 Westferry Circus sum insured	£ 6,676,979
Portable equipment sum Insured of	£ 329,119
Excess	£1,000
Unspecified computer equipment at Globix, 80- 110 New Oxford Street sum insured	£ 174,300
Excess	£1,000
Increased Cost of working sum insured (Applicable to 1- 7 Westferry Circus only)	£ 100,000
Indemnity Period	12 months
Time Franchise	48 hours
Reinstatement of Data sum insured (Applicable to 1- 7 Westferry Circus only)	£ 200,000
Excess	£ 1,000
Public Liability & Products Liability	
Public Liability - Limit required	£ 20,000,000 (any one event)
Territorial limits	World Wide
Jurisdictional limits	World Wide
Products Liability - Limit required	£ 20,000,000 (any one event and in the aggregate)
Territorial limits	World Wide excluding USA & Canada
Jurisdictional limits	World Wide excluding USA & Canada
Estimated Turnover 2008/2009 from activities	£ 87,847,200
Total Estimated Turnover 2008/2009 Including EU funding and financial management Income	£120,615,600
Property Damage Excess	£500.00
NOTE: Residency requirement for persons employed are not acceptable	
Employers Liability	
Limit required	£ 15,000,000
Non EU contracted employees only - Clerical Wage Roll	£2,032,930

Note: Under EU legislation EMEA is not required to insure for UK Employers Liability cover for its permanent staff. Please see details of counsel's opinion concerning this aspect.	Microsoft Word Document

8.3 Existing Insurance Policies

Details of existing policies are attached in Annex V.

8.4 Claims History

Details of the last the 5 years claims history are attached in Annex VI.

8.5 Terrorism Cover

Full terrorism cover is required for all policies.

9. Price

9.1 Currency of Tender

This document shall be used by the tenderer for the purpose of submitting a proposal producing tender pricing and all pricing should be in Pounds Sterling (GBP) and exclude Value Added Tax (VAT) and Insurance Premium Tax (IPT) which must be shown separately.

The costing sheet attached in Annex I to these specifications must be used to submit a tender.

Please note that any financial costing sheet must be submitted in separate binders or folders, which must be clearly labelled.

9.2 All-inclusive prices

Prices submitted in response to this tender must be inclusive of all costs involved in the performance of the contract (e.g. to include travel, subsistence etc). No expenses incurred in the performance of the services will be reimbursed separately by EMEA.
The tenderer shall ensure that all Insurance Premiums are quoted on a net of all commissions basis.

9.3 Inferred Inclusions

The tenderer shall include for all items and events of the Insurance Broking Services that reasonably and obviously would be inferred as required to correctly and appropriately maintain the insurance coverages of EMEA whether expressly described or otherwise.

9.4 Price Revision

The tenderers provide an annual fee price for their services which shall be fixed for a 4 (four) years term. However, EMEA understands that the price obtained from Insurers may vary from the price and cover quoted prior to placement of any insurance covers due to any change in material fact that may occur between initial quotation, and the renewal and or replacement of the insurance covers with the recommended insurance provider. Such variance shall be disclosed immediately the appointed Insurance Brokerage becomes aware of such a potential or actual price or cover revision, and shall be discussed and the appropriate actions shall be agreed with EMEA prior to the placement of the insurances.

9.5 Costs involved in preparing and submitting a tender

The costs associated with responding to this Invitation To Tender will be borne in whole by the tenderer and in submitting any and all replies to the Invitation To Tender is acknowledgement that EMEA has no liability in regard of any costs.

9.6 Period of validity of the tender

All tenders submitted must be valid for a period of six months from the closing date for receipt of tenders during which the Tenderer may not modify the terms of the tender in respect of their annual brokerage fee quoted and the terms of the policies proposed. However, EMEA understands that the price obtained from Insurers may vary from the price quoted prior to placement of any insurance covers due to any change in material fact that may occur between initial quotation, and the renewal and or replacement of the insurance covers with the recommended insurance provider. Such variance will have to be disclosed immediately the appointed Insurance Brokerage becomes aware of such a potential or actual price revision, and shall be discussed and the appropriate actions shall be agreed with EMEA prior to the placement of the insurances.

9.7 Protocol on the Privileges and Immunities of the European Communities.

EMEA is, as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to a refund for indirect tax incurred such as value added tax (VAT), pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities. Tenderers must therefore give prices which are exclusive of any taxes and duties and must indicate the amount of VAT and IPT separately.

10. Payment arrangements

Payments will be made in advance of the start of insurance period and by bank transfer only.

11. Contractual details

A draft contract is attached to these Technical Specifications as Annex IV.

Upon acceptance of the response to this ITT, this document shall form an integral annex of the Contract.

12. Exclusion criteria

Tenders shall be excluded from participation in this procurement procedure if:

- they are insolvent (or the subject of bankruptcy proceedings if an individual) or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

- they have been convicted of an offence (if an individual) or judgment has been made against them concerning their professional conduct by a judgment which has the force of res judicata;

- they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;

- they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

- they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Community's financial interests;

- following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

- Contracts may not be awarded to candidates or Tenderers who, during the procurement procedure:

- are subject to a conflict of interest;

- are guilty, either knowingly or negligently, of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

Tenderers must complete, date and sign the declaration in Annex II in relation to Exclusion Criteria. Only the successful Tenderer will be required to provide all the supporting documentation indicated in this Annex at a later stage prior to contract signature.

13. <u>Selection Criteria</u>

13.1 Financial and Economic Capacity

Tenderers are requested to provide the following documentation to enable an assessment of their financial and economic capacity.

If the Tenderer is a company and is otherwise required under the law of the State in which it is established to publish its accounts, the following information is requested:

1. A copy of the most recent audited accounts that cover the last three years of trading or for the period that is available if trading for less than three years.

2. A statement of the company's turnover, Profit & Loss and cash flow position for the most recent full year of trading (or part year if full year not applicable) and an end period balance sheet, where this information is not available in audited form at point 1 above.

3. Where documents mentioned under point 2 cannot be provided, please provide a statement of the company's cash flow forecast for the current year and a bank letter outlining the current cash and credit facility position.

4. If the organisation is a member of a group of companies, documents under points 1, 2 and 3 are required for both the Tenderer and its ultimate holding company. Where a consortium or association is proposed, the information is requested for each member company.

5. Please enclose a separate statement of the Tenderer’s turnover that relates directly to the subject of this tender for the past three years, or for the period the Tenderer has been trading (if less than three years).

If the Tenderer is not obliged to publish its Accounts under the law of the state in which it is established, please supply copies of such accounting information as the Tenderer is willing to provide relating to the last three financial years or any period since the end of the last financial year.

13.2 Technical and Professional Capacity

Tenderers are requested to provide the following documentation to enable an assessment of their technical and professional capacity:

1. Proof of Authorisation

Proof of authorisation to perform the contract under national law, as evidenced by the organisation’s registration with the FSA (Financial Services Authority), inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.

2. Locations

Please provide a list of all of your organisational locations which will be involved in the management of EMEA’s insurance coverages, along with the related employee numbers, indicating what function each location performs.

3. Liability Insurance

Please provide full details of Public, Employers & Professional Indemnity/ E&O Liability Insurance covers currently held, to include insurance company, expiry date of current policy and limits including aggregation if applicable and claims made or occurring policy wordings. Please confirm that all premium payments are up to date.

Please further provide current estimates of claims outstanding or paid against any aggregated limits of your policies.

4. Quality

1 What quality standards does your organisation hold, for which operational areas and how long have they been in place?

2 How do you ensure consistency from one location to another?

3 Of which professional bodies are you members?

14. Award Criteria

The EMEA will asses each ITT response against the following indicative criteria:

Most economically advantageous tender in terms of:	% of score
Customer Service and Management	15%
Professional Advice	60%
Insurance Cost	15%
Broker Fees	10%

To enable an assessment of the award criteria Tenderers are requested to provide the following documentation in the format described and attached in Annex I:

Information Requirements

1. A concise response to every question in the format described.
2. All supporting documentation requested.

Requirement Specification for Supply of Insurance Broking Services

1. Completion of each table provided for each cover in detail.
2. Concise responses to the questions for each cover detailed.
3. Where applicable you will be asked to clarify on your proposed solution to the requirement.

Financial Requirements

1. Detailed costing for each policy as per the format described.
2. Detail your fee as described and make the declaration requested.

15. Tender to be submitted

Your proposals should follow the format shown below and in the tables provided in Annex 1, as applicable. In order to assess each Tenderer according to the above-mentioned criteria, the following information must be submitted by the Tenderer:

- A letter enclosing the tender on the official letter headed paper of the Tenderer and signed by an authorised representative of the Tenderer.

- An information sheet on the Tenderer indicating:
    - the name and registered business address including telephone and fax numbers, e-mail address and website address;
    - any other different current or previous trading name;
    - the name and contact details of the person whom may be contacted with any queries regarding this tender;
    - the legal status of the Tenderer;
    - if the Tenderer is a partnership the full details of the partners;

- if the Tenderer is a company the company registration number, VAT registration number and date of incorporation;
- if the Tenderer is a member of a group of companies and if so the relationship between the Tenderer and the ultimate holding company, the name and address of the holding company and its registration number, whether the ultimate holding company would be prepared to guarantee the liabilities in connection with this contract;
- details of organisational structure including organisation chart;
- number and locations of premises;
- number of employees;
- name of the person authorised to sign contracts on behalf of the Tenderer.

➢ Completed declaration in Annex II relating to Exclusion Criteria.

➢ Documentation requested to enable assessment of Selection Criteria (points 13.1 and 13.2 above).

➢ Documentation requested to enable assessment of Award Criteria (point 14 above). which must include a summary of your proposal stating:

1. The main reasons why you should be chosen as the supplier of Insurance Broking Services for EMEA.
2. An outline of how your organization will manage the contract

➢ A statement of your full understanding of EMEA's insurance requirements and that the solution proposed by you represents your best professional advice and meets all EMEA requirements. Please further confirm that information provided in response to this ITT is accurate and complete as at the date of submission and acknowledgement that the provision of false information, either knowingly or negligently, in response to this ITT could result in the tenderer being excluded from future tenders for contracts with EMEA.

➢ An undertaking to inform EMEA promptly following any matter which would alter or add to any of the information given in response to this tender.

➢ Tenders submitted by consortia or by groups of service providers must indicate the role, title and experience of each member or of the group.

➢ **To be submitted in separate binders or folders, which must be clearly labelled**, a detailed financial tender using the costing sheet attached in Annex I, and exclusive of VAT and IPT, signed by an authorised representative of the Tenderer.

➢ Tenderers are requested to make use of the checklist given in Annex III to ensure that no enclosure has been omitted in their tender.

Annexes

I	Recommendation specifications & costing (tables to be used by Tenderers)
II	Exclusion criteria statement and detail of supporting documentation required
III	Summary Checklist of Documents which Tenderers must submit
IV	Draft contract
V	Existing Insurance Policies
VI	Claims History
VII	Letter of Authority

ANNEX I – Recommendation Specifications

References and Client Retention

Please provide at least 2 references that have renewed their insurances portfolio through you, who are of a similar size (e.g. employees and turnover) in the last 24 months after a formal tender exercise, stating the main reasons for you retaining the business.

Please further provide details of at least 1 reference site that has not renewed their insurance portfolio through you, who are of a similar size (e.g. employees and turnover) in the last 24 months after a formal tender exercise, stating all the reasons given by the customer for non-renewal.

Please detail your overall annual client retention rate over the past three years

Service Levels

1 How do you measure your organisation's performance in terms of customer satisfaction?
2 What was the 2006 performance in these key performance indicators?
3 Describe the service levels you would propose for a contract of this nature and the key performance indicators you would monitor for:
 a) Placement of covers
 b) Provision of professional advice
 c) Response to enquiries from EMEA written or oral
 d) Renewal of covers
 e)Management of claims
4 Please describe the type of management information you would be able to provide for a contract of this nature.
5 Please describe the frequency of reporting you would provide in a contract of this nature.
6 Please provide details of staff turnover over the previous 24 months.

Overview of Services Required

EMEA requires each tender tenderer to independently assess the needs of EMEA with regard to the provision of insurance covers and to seek quotations based upon those assessments.

EMEA requires each tender tenderer to provide detailed reasons with regard to the following:

1. The insurance carrier recommended.
2. The nature and type of insurance covers recommended.
3. The extension clauses, limits, exclusions and excesses applicable to each recommended insurance cover.
4. The level of insurance premiums proposed.
5. The use of long term agreements based on market conditions.

EMEA minimum cover requirement is as per the existing policy coverage.

Summary of your proposal stating:

1. The main reasons why you should be chosen as the supplier of Insurance Broking Services for EMEA.
2. An outline of how your organization will manage the contract

Recommendation specification tables

EMEA requires each tender tenderer to provide its recommendations for coverage and insurance carrier comparison in the following format to allow clear comparison of all tender tenderers recommendations.

Please complete the tables below you may add additional rows to the tables as required.

ANNEX I – Recommendation Specifications

1. Recommended Insurance Providers

Type of Cover	Insurance Provider	Standard & Poor's Ability to Pay Rating	Net Insurance Premium excluding IPT	Reason(s) for Recommendation

2. Recommended Insurance Covers

2.1 Material Damage

Type of cover, e.g. All Risks including Full Theft, Fire & Perils plus accidental damage, etc.	Sums Insured & Declared values (State whether reinstatement, indemnity, first loss etc. & inflation provisions if applicable)	Conditions & Warranties Applicable	Extension of cover Clauses, their limits, franchises, excesses and aggregate limits if applicable	Excesses applicable	Exclusions

2.1.1 State why you are recommending this coverage.

2.1.2 State the premium for this cover.

2.2 Business Interruption

Type of cover e.g. All Risks including Full Theft, etc.	Nature of cover, e.g. declaration linked or sum insured basis, etc.	Type of Sum insured and value, e.g. Gross Profit, Annual Revenue, Increased Cost of Working, Additional Increased Cost of Working, etc.	Indemnity Period	Conditions & Warranties Applicable	Extension of cover Clauses, their limits, franchises, excesses and aggregate limits individual indemnity periods if applicable	Excesses applicable	Exclusions

2.2.1 State why you are recommending this coverage.

2.2.2 State the premium for this cover.

2.3 Computers

Type of cover, e.g. All Risks including Full Theft, Breakdown, loss of data, etc.	Sums Insured & Declared values (State whether reinstatement, indemnity, first loss etc. & inflation provisions if applicable)	Conditions & Warranties Applicable	Extension of cover Clauses, their limits, franchises, excesses and aggregate limits if applicable	Excesses applicable	Exclusions

2.3.1 State why you are recommending this coverage.

2.3.2 State the premium for this cover.

2.4 Public Liability (Primary)

Type of cover, e.g. Claims Made or Claims Occurring	Limits - Financial & any one occurrence or aggregate Limits - Territorial & Jurisdictional	Conditions & Warranties Applicable	Extension of cover, Clauses their limits, franchises, excesses and aggregate limits if applicable	Excesses applicable	Exclusions

2.4.1 State why you are recommending this coverage.

2.4.2 State the premium for this cover.

2.5 Products Liability (Primary)

Type of cover, e.g. Claims Made or Claims Occurring	Limits - Financial & any one occurrence or aggregate Limits - Territorial & Jurisdictional	Conditions & Warranties Applicable	Extension of cover Clauses their limits, franchises, excesses and aggregate limits if applicable	Excesses applicable	Exclusions

2.5.1 State why you are recommending this coverage.

2.5.2 State the premium for this cover.

2.6 Employers Liability (Primary)

Type of cover, e.g. Claims Made or Claims Occurring	Limits - Financial & any one occurrence or aggregate Limits - Territorial & Jurisdictional	Conditions & Warranties Applicable	Extension of cover Clauses, their limits, franchises, excesses and aggregate limits if applicable	Excesses applicable	Exclusions

2.6.1 State why you are recommending this coverage.

2.6.2 State the premium for this cover.

2.7 Excess Public Liability

Type of cover, e.g. Claims Made or Claims Occurring	Limits - Financial & any one occurrence or aggregate Limits - Territorial & Jurisdictional	Conditions & Warranties Applicable	Extension of cover Clauses their limits, franchises, excesses and aggregate limits if applicable	Exclusions

2.7.1 State why you are recommending this coverage.

2.7.2 State the premium for this cover.

2.8 Excess Products Liability

Type of cover, e.g. Claims Made or Claims Occurring	Limits - Financial & any one occurrence or aggregate Limits - Territorial & Jurisdictional	Conditions & Warranties Applicable	Extension of cover, Clauses their limits, franchises, excesses and aggregate limits if applicable	Exclusions

2.8.1 State why you are recommending this coverage.
2.8.2 State the premium for this cover.

2.9 Excess Employers Liability

Type of cover, e.g. Claims Made or Claims Occurring	Limits - Financial & any one occurrence or aggregate Limits - Territorial & Jurisdictional	Conditions & Warranties Applicable	Extension of cover, Clauses their limits, franchises, excesses and aggregate limits if applicable	Exclusions

2.9.1 State why you are recommending this coverage.
2.9.2 State the premium for this cover.

2.10 Additional Recommended Covers

Please recommend any additional covers providing details of recommended sums insured, limits, excesses, nature of cover including extensions and exclusion to support your additional cover recommendation(s).

3. Financial Requirements

Please detail all Insurance Premiums and Proposed Insurance Broking Fees applicable to the recommended covers you have included in your tender response in the following format:

For each proposed policy state:

1. The type of policy
2. The insurer
3. The insurance premium net of all commissions and taxes
4. The Insurance Premium Tax or Value Added Tax applicable to that policy
5. The terrorism insurance premium net of all commissions and taxes
6. The Insurance premium tax applicable to terrorism Insurance

For your fee proposed fee state the Annual fee amount net of all taxes

Your confirmation that this annual fee will remain unaltered for a period of 4 years and that no additional cost will be charged for the provision of Insurance broking services to EMEA during the 4 year period for the management and placement of EMEA's insurance portfolio.

ANNEX II - EXCLUSION CRITERIA DECLARATION UPON HONOUR AND DETAIL OF SUPPORTING DOCUMENTATION REQUIRED

Tenderers must:

- Answer the following questions by indicating yes or no in each case. A "yes" response to questions 1-11 inclusive will result in the Tenderer being eliminated from the procedure.
- Ensure that the declaration is signed and dated by the Tenderer.
- Ensure that signature is by either a company director or any person with powers of representation or control in relation to the Tenderer.
- Note that where subcontracting is envisaged, the Tenderer must certify, if requested at a later stage by EMEA, that any subcontractor is not in one of the following situations of exclusion.
- Note that if the Tenderer is a legal entity, it must provide, if requested by EMEA at a later stage in the procedure, any further information on the ownership or on the management, control and power of representation of the legal entity.

DECLARATION UPON HONOUR

1.	Is the Tenderer insolvent (or the subject of bankruptcy proceedings if an individual) or being wound up?	Yes/No
2.	Is the Tenderer having its affairs administered by the courts?	Yes/No
3.	Has the Tenderer entered into an arrangement with creditors?	Yes/No
4.	Has the Tenderer suspended business activities?	Yes/No
5.	Is the Tenderer the subject of proceedings concerning any such matters referred to in 1, 2, 3 or 4 above or in any analogous situation arising from a similar procedure provided for in national legislation or regulations?	Yes/No
6.	Has the Tenderer been convicted of any offence (if an individual) or judgment been made against it concerning its professional conduct by a judgment which has the force of res judicata?	Yes/No
7.	Has the Tenderer been guilty of grave professional misconduct?	Yes/No
8.	Has the Tenderer failed to fulfil its obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed?	Yes/No
9.	Has the Tenderer been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the European Community's financial interests?	Yes/No
10.	Following any other procurement procedure or grant award procedure financed by the European Community budget, has the Tenderer been declared to be in serious breach of contract for failure to comply with their contractual obligation and is the Tenderer subject to any administrative penalty as a result of this?	Yes/No
11.	Does the Tenderer have conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant	Yes/No

	connection or shared interest?	
12.	Will the Tenderer inform EMEA, without delay, of any situation constituting a conflict of interest or which could give rise to a conflict of interest?	Yes/No
13.	Does the Tenderer confirm that it has not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract?	Yes/No
14.	Does the Tenderer confirm that it has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept, any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the award of the contract?	Yes/No
15.	Does the Tenderer confirm that it is not guilty of any serious misrepresentation, either knowingly or negligently, in supplying any information required by EMEA?	Yes/No
16.	I note that EMEA reserves the right to check the responses to the above information.	Yes/No
17.	I agree to provide the supporting documentation listed below should the Tenderer be awarded a contract by EMEA.	Yes/No

I declare upon my honour that the above responses are correct.

Date: __________ Signature of authorised representative: ________________________________

(Print name): ________________________________

Position in Company: ________________________________

Signature should be by either a company director or any person with powers of representation or control in relation to the Tenderer.

Tenderers must note that the following supporting documentation will have to be provided at a later stage prior to contract signature but only by the successful Tenderer. No contract can be signed without receipt of such supporting documentation. For successful joint Tenderers exclusion criteria declarations and supporting documents are required from each company individually.

In support of the above responses, the successful Tenderer will provide following documents:

Proof regarding situations mentioned in points 1, 2, 3, 4, 5, 6 and 9 in the form of a recent extract from the judicial record, or failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are satisfied. The extract(s) or equivalent documentation must be the most reasonably available.

EMEA will accept a recent certificate issued by the competent authority of the country concerned as satisfactory evidence that the Tenderer is not in the situation mentioned in point 8 above. The certificate must be dated less than four months before the final date for submission of tenders.

Where no such certificate is issued in the country concerned, it may be replaced by a sworn or a solemn statement made by the Tenderer before a judicial or administrative authority, a notary or a qualified professional body in the country of origin or provenance.

ANNEX III – SUMMARY CHECKLIST OF DOCUMENTS WHICH TENDERERS MUST SUBMIT

1. Letter enclosing the tender on the official letter headed paper of the company and signed by an authorised representative of that company.

2. Tender in three copies (one original, clearly marked as original, and two copies), containing the following elements:

   - A letter enclosing the tender on the official letter headed paper of the Tenderer and signed by an authorised representative of the Tenderer.

   - Information sheet on the Tenderer (as detailed in point 15 above).

   - Completed declaration in Annex II relating to Exclusion Criteria.

   - Documentation requested to enable assessment of Selection Criteria (points 13.1 and 13.2 above).

   - Documentation requested to enable assessment of Award Criteria (point 14 above).

   - A statement to confirm that information provided in response to this tender is accurate and complete as at the date of submission and acknowledgement that the provision of false information, either knowingly or negligently, in response to this tender could result in the Tenderer being excluded from future tenders for contracts with EMEA.

   - An undertaking to inform EMEA promptly following any matter which would alter or add to any of the information given in response to this tender.

   - Tenders submitted by consortia or by groups of service providers must indicate the role, title and experience of each member or of the group.

   - **To be submitted in separate binders or folders, which must be clearly labelled**, a detailed financial tender using the recommendation specification tables attached in Annex I, all prices to be stated exclusive of VAT and IPT, signed by an authorised representative of the Tenderer.

* * * * * * *

ANNEX IV – DRAFT CONTRACT

Microsoft Word
Document

<u>Annex V Existing Insurance Policies</u>

Please find below copies of EMEA's current insurance policies and Schedules:

EMEA Insurance
policies 2007.Z...

Annex VI – Claims History

C:\Documents and
Settings\Peter Viner.I

<u>Annex VII – Letter of Authority</u>

Please note that letters of authority will be provided to all tenderers who request so.

These letters will provide tenderers with authority to seek renewal terms and claims histories from EMEA's existing Insurance providers.

For clarification EMEA will exclude any tenderer that attempts to block or restrict the market in any way. For the avoidance of doubt this means intentionally requesting an insurer to 'no quote' or any other form of activity which would prevent any other tenderer from approaching an insurance carrier to receive terms.

EMEA however recognises that any tenderer may have an 'Exclusive Scheme' arrangement or 'Binding Authority' with an insurance carrier that may allow it to legitimately be able to provide terms which may not be available to the other tenderers. If such 'Schemes or Authorities' are used, EMEA requires the tenderer to declare this.