Social Conditions in Urban Public Transport Companies in Europe

Call for tenders

Scientific expertise on: Social Conditions in Urban public Transport Companies in Europe

Dear Sir / Madam,

If you wish to participate in this invitation to tender, you are asked to submit your bid by 27 February 2015. You may do this:

a) by registered letter (including private messenger service), to be posted no later than 27 February 2015 to the following postal address:

EVA Europäische Akademie für umweltorientierten Verkehr gGmbH
Chausseestr 84
10115 Berlin

b) and by e-mail by 12:00 on 27 February 2015 to almut.spittel@eva-akademie.de

One copy of the bid is sufficient. Bids must be signed by the tenderer or his duly authorized representative and clearly legible to eliminate any possible doubt as to wording or figures. Tenderers will be informed of the outcome of their bid.

Candidates not intending to submit a bid are asked to notify us before the deadline at almut.spittel@eva-akademie.de.
Part I – The contract

1. Title of the contract

Scientific expertise on: Social Conditions in Urban public Transport Companies in Europe

2. Background and context of the contract

An efficient good quality urban public transport system is essential for cities and societies all over Europe. Several aspects have to be taken into account for its development: mobility for all, the shift to green economy, economic aspects and employment perspectives.

The communities have the task to provide mobility for all its citizens. Demographic developments in most of the European countries require public transport offers for all and clients with special needs, as elderly people, disabled persons, women with children etc. People with a lower income shall have the same mobility possibilities as those who are well-off.

To meet the great demands for mobility, forward-looking concepts of green transport systems in conurbations are needed to achieve the aim of the European union of a “Resource efficient Europe” to help decouple economic growth from the use of resources, support the shift towards a low carbon economy, increase the use of renewable energy sources, modernise our transport sector and promote energy efficiency.”

Increasing urbanization, congestions, air pollution with its health impact and climate change require a shift from individual car use to collective transport and other environmentally friendly transport modes. This shift will only work with a fully developed urban public transport system, which the customers accept.

Urban public transport modes form the economic lifeline of the cities. Urban public transport is a major branch of industry with all its suppliers, operators, infrastructure, employees and users. Competent authorities play an important role, they fix the framework for public service obligations and granting contracts. Sufficient and sustainable financing is necessary to develop the sector and meet the public service obligations. Fully elaborated and integrated urban planning is essential for the future. In many of the European cities several companies operate in the urban public transport. Seldom only one company is active. The sector is labour intensive and employs a high number of people in the European cities. Developing urban public transport as a sustainable transport mode and increasing the transport volume will promote employment and job perspectives in Europe in a green economy. The shift to collective transport requires inter alia a good offer and good service quality. Operating companies need well motivated and qualified employees to offer good service quality. To find and keep staff, attractive working conditions are required. Customer demands and technological evolution require new competencies from companies and staff members. Several companies experience a lack of skills, while others have to reduce their portfolio for example due to the financial...
crisis. The social partners of the sector are of the same opinion, that competition should not negatively affect working conditions.

At this point the social partners start their project activities. They need to achieve a picture of the urban public transport systems in Europe. There are differences in the market structure in the countries and different ways of organising urban public transport in the different member states. Even within one state it might be diverse and changing. European laws demand overarching aspects, whereas national laws set different frameworks in the European countries.

One relevant European law the social partners will take into account is the Regulation 1370/2007 (so called PSO Regulation). Urban public transport is gradually governed by Regulation 1370/2007, which came into force in 2009 and includes a transition period until 2019. It provides the legal framework for the awarding of public services contracts in public passenger transport (for the purpose of this project we are looking at bus, tram and metro services). This includes the obligation of the conclusion of public service contracts and the principle to grant financial compensation for the financial impact on costs and revenue occasioned by compliance with the pricing obligations established by the competent authority. The regulation provides that competent authorities can chose (basically) between direct award of public service contracts to an internal operator or tender public transport services. The Regulation provides as well that a competent authority can decide to impose social criteria and standards on bidders and/or a compulsory transfer of staff to the new operator when there is a change of operator. This is regulated in Article 4(5) and 4(6) in conjunction with recitals 16 and 17 of Regulation 1370/2007.

The social partners in the urban public transport sector UITP and ETF have a divergent view on the impact of competitive tendering and change of operator after a tender procedure on employment, the personnel concerned and on working conditions. They agree however, that competition in the urban public transport market should not negatively affect working conditions. Under this aspect the project will develop its measures.

This project is part of the work program of the working group “Urban Public Transport” within the Social Dialogue Committee for the road transport sector.

The purpose of this project is to gain the necessary information in order to get engaged in a dialogue at European level on how to ensure good quality services and good quality working conditions.

**Specific objectives**

This project is part of the work program of the working group “Urban Public Transport” within the Social Dialogue Committee for the road transport sector. The purpose of this project is to gain the necessary information, which are described in detail below, in order to get engaged in a dialogue at European level on
how to ensure good quality services and good quality working conditions in the framework of the implementation of Regulation 1370/2007 and related legislation affecting working conditions.

To achieve this goal, the social partners UITP and ETF have several specific objectives.

The project will gain a description of how urban public transport is organized in the different Member States, including legal framework of the market organization. Also the determination of social conditions on different levels (national, regional, company) for urban public transport in the countries will be described.

Based on the structural framework, the social partners want to identify social conditions in urban public transport for companies’ personnel and the development over the last 10 years (2004-2014). Focus will be legal basis, collective agreements on different levels and other determining factors, like passenger development or companies’ corporate policies. They do not simply consider the current status, but its development to identify changes. They aim to analyse positive and negative developments. In addition, they intend to identify reasons for specific situations. The analysis of the development of employment and working conditions in the public transport sector will take into account different models of organizing public transport and different sizes of companies. Focal points are:

- Employment
- Salaries and working costs
- Working conditions
- Social dialogue
- Staff motivation
- Cases of transfer of staff in the event of a change of operator

The project will analyse the implementation of Regulation 1370/3007 with some examples and two types of contracting (direct award, tendering), how social aspects are taken into account and its impact on working conditions. The social partners aim to gain knowledge and a picture which does not exist at the moment to better understand how the market is functioning regarding social issues and to have a basis for the discussion of the social partners, if a joint opinion is possible.

The third main objective is to collect and analyse cases of change of operator and transfer of staff. Case studies of the implementation of Regulation 1370/3007 in respect of social aspects and an analysis of the impact of change of operator on personnel and working conditions and how to organize the transfer will help to achieve the goal to contribute to the development of good quality working conditions and quality service in the urban public transport sector. These three areas will form the basis for the social partners for their discussion on employment developments and necessary framework conditions.

For the development the engagement of all partners in a dialogue at European level on how to ensure good quality services and good quality working conditions is essential. The European social partners have started the dialogue with their member organisations. This shall be intensified.

The social partners and their member organisations will evaluate, if it is possible to come to a joint opinion or even joint recommendations on the topic of social conditions in urban public transport companies in Europe.

The objectives of the project will contribute to the aims of the budget heading to develop employment and quality of work in urban public transport companies in Europe.
3. **Purpose of the contract**

The purpose of this contract is to provide scientific expertise and high quality service for the project on: “Social Conditions in Urban Public Transport Companies in Europe”, a European social partner project. The social partners and the project promoter need an expert institution to conduct broad secondary research, a survey and interviews in the European countries in native language. The chosen external expert shall contribute to the successful achievement of the objectives of the project by collecting relevant information and preparing the final products. The tasks are described below.

4. **Tasks of the external expert**

4.1 **Description of tasks**

The project shall be supported by external expertise, a university or a consultant from a company with experience in tendering in public transport, social aspects and company and industrial relation-related subjects and with cooperation contacts in different European countries.

The working language of the external expert has to be English. Different tasks are foreseen to obtain the expected results:

<table>
<thead>
<tr>
<th>1) Desk research: Background information urban public transport (months 4-5)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date, Duration</strong>: March-April 2015, 2 months</td>
</tr>
<tr>
<td>The expert has to provide the social partners with background information and facts, especially by literature work. The expert has to write a report taking into account the aspects described below. The results will form one part of the project study.</td>
</tr>
<tr>
<td>The study will consist of a general part, describing how urban public transport is organized in the different Member States. It will present the organization of the urban public transport market in the EU Member States and identify the main players. The general part will also present the system of determination of working conditions in the urban public transport sector in the EU Member States. The determination of social conditions on different levels (national, regional, company) for urban public transport in the countries and its implementation will be described. Similarities and differences will be analysed.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Research area</th>
<th>Key aspects</th>
</tr>
</thead>
</table>
| Description of how urban public transport is organized in the different Member States and working conditions are determined | • Legal framework  
• market organization  
• main players  
• legal provisions and/or different levels of collective bargaining |
Method: desk research
Desk research: European and national statistics, company publications, public social audits in EU countries

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary research</td>
<td>Written report containing</td>
</tr>
<tr>
<td>• Analysis and evaluation of European and national statistics, company publications, public social audits in EU countries</td>
<td>• Description of the key aspects in the European countries</td>
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<tr>
<td>• Drafting report</td>
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<tr>
<td>• Consultation with project promoter and steering committee</td>
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</table>

2) Survey: Working conditions in UPT (months 4-8)

Date, Duration: March-July 2015, 5 months

To deepen the qualitative analysis, the development of employment and working conditions in 3 companies or cities in 10 Member States shall be obtained. The analysis will be based on a questionnaire and qualitative interviews. In a first step the expert has to draft questions for the survey that will examine working conditions over the last 10 years in urban public transport. He/she has to distribute the questionnaire to 30 companies in 10 European countries to the concerned social partners and stakeholders indicated by the members of the Steering Committee.

In each country – if feasible – public owned and private companies will be invited to take part, big and small companies and different transport modes. Data will be collected for 2004, 2009 and 2014. The countries and companies envisaged are:

- Austria
- Belgium: 3 companies, sub-contracting
- Bulgaria: Sofia, Varna, Plovdiv
- Czech Republic
- Baltic states: Riga, Tallinn, Vilnius
- France: Belfort; TCL, Lyon
- Germany: Netinera; Bogestra; Stuttgart; Frankfurt, DB Regio Bus
- Hungary: BKK, Budapest
- Italy
- The Netherlands: Den Haag, Transdev, Arriva
- UK: TFL, Belfast, Newcastle
- Finland

Target groups: management and human resources department of UPT companies, employer associations, trade union representatives, competent authorities in 10 countries. The questionnaire will be translated into different languages.
### Research area

Description of social conditions in urban public transport for companies personnel and the development over the last 10 years (2004-2014).

<table>
<thead>
<tr>
<th>Key aspects</th>
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</thead>
<tbody>
<tr>
<td>• Demographic development in the companies in relation of the networks evolution during the period</td>
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<tr>
<td>• Occupation development</td>
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<tr>
<td>• <strong>Employment</strong> evolution during the period taking into account the development of the network and traffic (offer); the possible institutional changes; possible developments in financing. Other topics: employment equality (notably between men and women’s conditions); careers policy; turnover; subcontracting policies</td>
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<tr>
<td>• <strong>Salaries</strong> and working costs (social charges) evolution</td>
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<tr>
<td>during the period taken into account. This development will be given in Euros; in a percentage of evolution; in constant Euros in the State taken into account; in a percentage of constant Euros. Differentiation between cases of an “institutional development” of the company and in case of company transfers.</td>
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<tr>
<td>• <strong>Working conditions</strong> evolution during the period taken into account: (weekly working time/ annual working time; organisation of work and services; planning of services; organisation of night services, week-end services; conciliation between professional life and family life; infrastructures of hygiene and comfort for the staff; Politics of personnel protection in case of aggression; Professional training: content, cost, financial contributions.)</td>
<td></td>
</tr>
<tr>
<td>• <strong>Social dialogue and staff motivation:</strong> quantative and qualitative evolution of the social dialogue and of tools for a development of staff’s motivation inside of the companies. Topics taken into account in the social dialogue and results obtained.</td>
<td></td>
</tr>
<tr>
<td>• <strong>In case of a change of operator.</strong> Has there been an application of article 4(5) of the directive on company transfers? Has there been, on the organising authority’s part, reference to recitals 16 and 17 regarding social standards. Has there been a transfer of staff (all staff concerned or a part)? Have they maintained the same social rights? Have there been new types of working contracts?</td>
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</tbody>
</table>

**Method:** Written questionnaire and survey

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5 The salary indicators will be defined by the steering committee.
### Tasks and Products

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Preparation of the target-group specific questionnaires for survey</td>
<td>Written report containing</td>
</tr>
<tr>
<td>• Preparation of the target-group specific distribution</td>
<td>• Description of the mentioned key aspects in the European countries</td>
</tr>
<tr>
<td>• Implementation of written surveys in the local language, following up, answering questions</td>
<td></td>
</tr>
<tr>
<td>• Analysis of the written surveys and creating a presentation of results</td>
<td></td>
</tr>
<tr>
<td>• Consultation with project promoter and SC</td>
<td></td>
</tr>
</tbody>
</table>

### 3) Interviews: Working conditions in UPT (months 4-9)

**Date, Duration:** March-August 2015, 6 months

Interviews shall be conducted to deepen the results of the questionnaire regarding the topic specifications. The expert has to draft interview guidelines and has to organise the interviews with the concerned social partners and stakeholders indicated by the members of the Steering Committee. The expert’s network shall include all countries, which the project wants to examine (see list above). In some cases regional experts have to be contacted to conduct the interview and write a report. During the interviews with external stakeholders (e.g. tendering authorities), representatives of the project partners from the respective country should be present.

**Target groups:** management and human resources department of UPT companies, employer associations, trade union representatives, competent authorities in 10 countries, translation into different languages necessary.

**Method:** Written questionnaire for a survey

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Preparation of the target-group specific interview guidelines</td>
<td>Written report containing</td>
</tr>
<tr>
<td>• Initiation of target groups contacts</td>
<td>• Results of the interviews</td>
</tr>
<tr>
<td>• Conduct of oral interviews in person and by phone in the local language, follow-up, in at least 10 countries</td>
<td>• Detailed description of key aspects in the European countries</td>
</tr>
<tr>
<td>• Evaluation of oral interviews and creating a presentation of results</td>
<td></td>
</tr>
</tbody>
</table>

### 4) Collection of case studies (months 4-9)

**Date, Duration:** March-August 2015, 6 months

Good practice examples from all European countries shall be identified in the interviews and with the survey, they shall be collected by the expert for the workshops and the study. Also the Steering committee members will contribute with their experience and knowledge.
The expert has to list and describe case studies on the conditions for the transfer of staff, indicating the award process, companies participating and involved trade unions.

<table>
<thead>
<tr>
<th>Research area</th>
<th>Key aspects</th>
</tr>
</thead>
</table>
| Experiences limited to contracts resulting from Regulation 1370/2007 will be checked if possible. Rationale is to assess the impact of tendering for public service contracts in urban public transport on social aspects and the protection of staff. | **Direct award**  
  - Which area  
  - Which transport modes  
  - All covered by your company or are there parts in the territory tendered; if yes, which companies offer which other services / lines  
  - Duration of the contract  
  - Did you offer the same services with the previous contract?  
  - Do you sub-contract certain lines?  
  - Do you outsource certain services (cleaning, maintenance, etc.)?  
  - Staff employed by your company  
  - Conditions of staff of the sub-contractors (any provisions?)  
  - Conditions of staff of out-sourced services  
  - Rolling stock  

**Contract based on a competitive tender**  
- Duration of the current contract?  
- Did you provide the service already previously?  
- Which area?  
- Are there other companies offering services for the same competent authority, if yes, which companies, which services  
- Did you sub-contract certain lines  
- Did you out-source certain services?  
- Staff employed by your company  
- Conditions of staff of the sub-contractors (any provisions?)  
- Conditions of staff of out-sourced services  
- Rolling stock  

**Competent authority**  
- How is the public transport organized in your territory: by direct award to an internal operator, by competitive tendering, mixed system  
- Under which legal regime do you organize public transport in your area? (PSO Regulation, general public procurement) - which kind of contract(s) are you giving? How many contracts, which duration?  
- Do you have provisions on the extent and/or quality of sub-contracting certain lines/services?  
- Do you impose quality criteria on the operator(s)? If yes, which  
- Do you impose social standards or criteria on the operator(s)? If yes, which?  

In each country – if feasible  
- Has there been an application of article 4.5 of the directive on
– at least one case study on a change of operator shall be analysed regarding the transfer of personnel.

<table>
<thead>
<tr>
<th>company transfers?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Has there been, on the organising authority’s part, reference to recitals 16 and 17 regarding social standards.</td>
</tr>
<tr>
<td>• Has there been a transfer of staff (<em>all staff concerned or a part</em>)?</td>
</tr>
<tr>
<td>• Have they maintained the same social rights?</td>
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<tr>
<td>• Have there been new types of working contracts?</td>
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</tbody>
</table>

Method: desk research, interviews, analysis of questionnaires

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Identification of good practice examples</td>
<td>Presentation of good practice examples</td>
</tr>
<tr>
<td>• Preparation for presentation</td>
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</tr>
</tbody>
</table>

5) Contribution to 3 workshops and the final Conference (months 7, 11, 13, 17)

Place, Date, Duration:
- France, June 2015, 2 days
- Bulgaria, October 2015, 2 days
- Germany, December 2015, 2 days
- Brussels, March 2016, 1 day

6) Finalisation study (months 9-13)

Date, Duration: August 2015 – December 2015, 5 months

The expert has to draft and finalise the study in consultation with the project promoter and the steering committee:
- Description of the organization of the urban public transport market in the EU Member States and identification of main players;
- The determination of social conditions on different levels (national, regional, company) for urban public transport in the countries and its implementation.

Social conditions in 3 cities/companies in 10 countries in 2004, 2009, 2014
Case studies of companies where a transfer of staff has taken place or will take place in the near future, possible actions of the tendering authorities (e.g. did they make use of article 4(5) of the Regulation 1370/2007, require the application of social criteria and/or a specific collective agreement when tendering, require a transfer of the staff, ask the old operator to list the concerned staff...), practical experience of the trade unions especially with regard to social aspects (reactions).

7) Participation in 4 Steering Committee Meetings (months 6, 10, 12, 15)

Place, Date, Duration:
- Berlin, May 2015, 1 day
- Brussels, September 2015, 1 day
- Bulgaria, October 2015, 1 day
8) Participation in 5 Core working group meetings (months 4, 7, 11, 13, 15)

Place, Date, Duration:

- Brussels, March 2015, 1 day
- June 2015, 1 day, telephone conference
- Brussels, October 2015, 1 day
- December 2015, 1 day, telephone conference
- Brussels, February 2016

4.2 Guidance and indication on tasks execution and methodology

The planned methodology of the tasks is described in the paragraph above. The duration of the contract will end with the end of the project duration. The work has to be done in consultation with the contracting body. Drafts shall be consulted with the Steering Committee via the contact persons of the project promoter. The final versions shall be agreed within the Steering Committee and finally accepted by the contact person of the project promoter. The agreement on the texts shall be in a written form.

5. Expertise required

The external independent institution, that will conduct the tasks for this project, shall have knowledge of tendering in public transport, social aspects and company and industrial relation-related subjects. Very important for achieving good project results are cooperation contacts of the external institution in different European countries.

The tenderer shall prove his/her expertise giving some examples of his/her work. The contract will be awarded to organizations that fulfil the following criteria verifiably:

- Organisations with scientific experience in the fields of European and national employment topics, company and industrial relations-related subjects.
- Organisations with experience in tendering in public transport
- Organisations with cooperation contacts in different European countries and/or personnel with relevant European language skills
- Organisations experienced in realizing empirical studies and interviews in different countries with different stakeholders;
- Organisations which are familiar with industrial relations and social dialogue;
- Organisations with experience in consulting and supporting international projects with diverse partners
- Organisations with the capacity to manage the tasks within the budget maximum amount

The language for all papers, presentations and reports is English in native speaking quality. The tenderer must prove this capacity.
6. **Time Schedule and reporting**

Delivery of the final products shall be latest on the date of 31 December 2015.

**Working plan and time schedule**

<table>
<thead>
<tr>
<th>Month</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb-March 2015</td>
<td>Desk research, creation questionnaire surveys, creating interview guideline, written coordination with SCM</td>
</tr>
<tr>
<td>Feb-June 2015</td>
<td>Conducting survey</td>
</tr>
<tr>
<td>March-July 2015</td>
<td>Conducting Interviews</td>
</tr>
<tr>
<td>March-July 2015</td>
<td>Collecting case studies</td>
</tr>
<tr>
<td>June, Nov 2015, Jan 2016</td>
<td>3 Workshops</td>
</tr>
<tr>
<td>August-Jan 2016</td>
<td>Follow-up of the study and discussion study with the Steering Committee</td>
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<tr>
<td>March 2016</td>
<td>Closing Conference presentation of results</td>
</tr>
</tbody>
</table>

7. **Payments and standard contract**

A contract will be concluded and the final payment will be done after acceptance of the products. Interim payments will be done after acceptance of the work packages. Delivery of the final products shall be the latest on 31 December 2015.

8. **Price**

The maximum costs will be 84,000,00 EUR (eighty-four thousand) including VAT lump sum. This price represents the complete working packages listed under 4. “Tasks of the external expert”. Under no circumstances these costs can be increased. Travel and accommodation will be covered for 1 person per event from additional project funds.
Part II – The tendering procedure

1. Selection procedure:

The tenderer shall prove his expertise giving some examples of his work.

The maximum costs will be 84.000,00 EUR (eighty-four thousand) including VAT lump sum. This price represents the complete working packages listed under 4. “Tasks of the external expert”. Under no circumstances these costs can be increased. Travel and accommodation will be covered for 1 person per event from additional project funds.

<table>
<thead>
<tr>
<th>TASKS</th>
<th>Unit costs</th>
<th>NUMBER OF WORKING DAYS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary research</td>
<td></td>
<td></td>
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<tr>
<td>Analysis and evaluation of European and national statistics, company publications, public social audits in EU countries</td>
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<tr>
<td>Drafting report</td>
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<td></td>
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<tr>
<td>Consultation with project promoter and steering committee</td>
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<td>Preparation of the target-group specific questionnaires for survey</td>
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<td>Conduct of oral interviews in person and by phone in the local language, follow-up, In at least 10 countries</td>
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<tr>
<td>Evaluation of oral interviews and creating a presentation of results</td>
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<tr>
<td>Identification of good practice examples</td>
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<tr>
<td>Preparation for presentation</td>
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<tr>
<td>Contribution and participation 3 workshops</td>
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</tbody>
</table>
2. **Selection criteria:**

Tenderers are asked to provide a detailed description how they plan to carry out the tasks listed under 4. Tenderers are asked to provide references of similar orders of the last three years. The references shall include
- working result of the order
- contact person with contact details, expertise and language skills

3. **Award criteria**

The contract will be awarded whose offer represents the best value for money – taking into account the following criteria:

| Experience in tendering in public transport, social aspects and company and industrial relation-related subjects, cooperation contacts in different European countries | 20 points |
| Workplan, schedule, implementation of the tasks | 20 points |
| Methodology, transparency of the bid | 20 points |
| Price | 40 points |

There is a maximum of 100 points and it should be noted that the contract will not be awarded to a tenderer who receives less than 70% of the award criteria.

4. **Content of the bids**

The bids have to include
- Technical and Financial offer including schedule and conduction, signed by the legal representative
- References
SOCIAL CONDITIONS IN URBAN PUBLIC TRANSPORT COMPANIES IN EUROPE

- Name, expertise and language skills of the expert, who will implement the activities
  - All information necessary to enable the project promoter to assess the selection criteria
  - Name of the legal representative
  - Bank details

5. **Presentation of the bids**

The bids have to be sent in electronic and paper version. They must include the signature of the legal representative and the CV of the expert(s) implementing the action. Please send your offer to

EVA – Europäische Akademie für umweltorientierten Verkehr
Almut Spittel
Chausseestraße 84
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