TENDER RULES

OBJECT OF THE PROPOSED CONTRACT:

Technical Services for Design and Delivery of the EU-India Workshop Series on Energy Regulations

LEGAL REPRESENTATIVE OF THE CONTRACTING AUTHORITY:
Jérémie PELLET, Chief Executive Officer of EXPERTISE FRANCE

DATE AND TIME OF OFFER SUBMISSION DEADLINE:
15/12/2026 at 12:00 (PARIS TIME)

Expertise France - - 40, Boulevard de Port Royal - France
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ARTICLE 1: OBJECT AND SCOPE OF THE TENDER

Object of the tender

The tender covers the award of a service contract covering "Technical Services for Design and Delivery of the EU-India Workshop Series on Energy Regulations.

The scope of the needs to be satisfied is set out in the Specifications.

Scope of the tender

This contract is subject to the French Public Procurement Code (CPP) in its applicable version under Ordinance no. 2018-1074 of 26 November 2018, establishing the legislative elements of Decree no. 2018-1075 of 3 December 2018, establishing the regulatory elements of the Public Procurement.

It is awarded by means of an adapted procedure in application of Articles L. 2123-1 and R. 2123-1 to R. 2123-7 of CCP.

Provisional schedule of the tender

Estimated date	Stage
15/12/2026	Bid submission deadline
21/12/2026 to 28/12/2026	Bid negotiations
12/01/2027	Rejection letters sent to non-selected candidates
18/01/2027	Contract award

Tender language – currency

All the tender documents must be written in English.

The Contracting Authority will conclude contracts in the following currency: euro (€).

Composition of the tender documents

The tender documents are composed of the following:

- These tender rules (the "Rules");
- The technical specifications (ToRs);
- The draft contract (general conditions and special conditions) and annexes;
- The Expression of Interest form and all annexes duly completed and signed;
- The candidate GDPR compliance verification form;
- The Beneficial owners declaration form;
- The financial proposal ;
- DAJ_GU006ENG_v01 - PLACE user guide for companies.

Modification of the tender documents

Modifications may be made to the tender documents up to 4 days prior to the bid submission deadline.

Modifications are only forwarded to the economic operators duly identified during the tender document consultation phase.

Candidates/bidders must respond on the basis of the latest modified documents. Should any candidate/bidder have submitted any bid or offer prior to modification, they may resubmit based on the latest modified documents prior to the bid reception deadline.

ARTICLE 2: GENERAL CHARACTERISTICS OF THE PROPOSED CONTRACT

Form of the contract

The contract is a framework contract via purchase order entered into with a single operator (single contractor).

Estimated amount of the need

The provisional amount of the contract is fixed at a maximum of € 132 160 HT

The contract is entered into without a minimum or maximum amount.

Term of the contract

The contract is entered into for an initial term of 10 months from its award date. For illustrative purposes only, the anticipated award date is 18/01/2027. It may be renewed on one occasion via tacit renewal at the discretion of the contracting authority without exceeding a total duration of 20 months.

Similar services

Under Article R.2122-7 of the French Public Procurement Code, in the context of a negotiated procedure without competitive bidding, the contractor may be awarded similar services to those of the initial contract. The period during which such contracts may be entered into may not exceed three years from the award date of the initial contract.

ARTICLE 3: CANDIDATE PARTICIPATION CONDITIONS

Candidate presentation conditions

A single entity may not represent more than one candidate for any given tender (Article R. 2142-4 of the French Public Procurement Code). In the context of this tender, however, the contracting authority does not authorises the candidate to present multiple offers when acting at the same time as:

- an individual candidate and member of one or more consortia of economic operators;

In the event of an application being made by a consortium of economic operators, each member of the consortium must provide all the documents and information certifying their legal, professional, technical and financial capacity. The consortium's capacities will be assessed on an overall basis.

Grounds and conditions of exclusion

Notably under:

- The French Law no. 2016-1691 of 9 December 2016 on transparency, anti-corruption and modernisation of the economy, the so-called “Sapin 2” law;
- Chapter II of the French Monetary and Financial Code setting out provisions for the freezing of assets and the prohibition of making funds available (notably Article L. 562-4 and Article L. 562-5);
- Relevant requirements emanating from accreditation for managing delegated EU funds (Pillar 7 relating to exclusion from accessing financing);

Candidates or their representative in any of the situations set out in Articles L.2141-1 to L.2141-10 of the French Public Procurement Code, or which are on any official exclusion list, shall be excluded from the procedure, whether their situation is established by means of their own declarations or through the

application of vigilance measures by the contracting authority.

However, where the exclusion decision is at the discretion of the contracting authority, it shall invite the candidate(s) liable to exclusion to present their observations in order to establish, via all means and within a reasonable period not exceeding 10 days, that the measures required to rectify the failings laying behind exclusion have been taken and, as applicable, that their participation in the tender will not undermine equality of treatment among the bidders.

Where an operator finds itself to be in a position of exclusion during the procedure, it shall notify the contracting authority without delay, which shall apply exclusion on these grounds.

Minimum prerequisites in terms of economic, technical and professional capacity

The contracting authority imposes the following minimum capacity levels on candidates:

TECHNICAL AND PROFESSIONAL CAPACITY

- A declaration stating the company's current headcount and the number of supervisory personnel;

Each consortium member must provide all the documents required under these Rules. In order to demonstrate its professional, technical and financial capacity, the candidate may ask for due consideration to be given to the professional, technical and financial capacity of one or more economic operators. In such cases, it must demonstrate the capacities of the other economic operator(s) from which it benefits for contract implementation.
In the case of a temporary consortium, the aforementioned participation conditions will be assessed on an overall basis; the application file must include authorisation of the lead company from its co-contractors, which may be issued via form DC1.

Specific requirements for consortia of economic operators

Grounds for the exclusion of consortia

Where the grounds for exclusion from the tender procedure concern one of the consortium members, the contracting authority shall demand its replacement by an entity not subject to the grounds for exclusion, to take place within 10 days of the lead company receiving said demand. Failing this, the consortium shall be excluded from the procedure;

Form of the consortium

The consortium shall be jointly liable.

The lead company is liable for execution of the contract by each of the consortium members with regard to their contractual obligations vis-à-vis Expertise France.

Subcontracting

Grounds for exclusion in the case of subcontracting

Entities subject to grounds for exclusion cannot be accepted as subcontractors.

Where the subcontractor subject to grounds for exclusion is presented at the application phase, the contracting authority shall demand its replacement by an entity not subject to the grounds for exclusion, to take place within 10 days of the candidate receiving said demand. Failing this, the candidate shall be excluded from the procedure.

Presentation of a subcontractor

Subcontractors are to be presented using form DC 4 (Subcontracting Declaration)[1] duly completed by the subcontractor and the candidate, incorporating a statement of the subcontractor's professional, technical and financial capacity, in addition to a sworn declaration that the subcontractor is not subject to any prohibition on participating in public procurement.

ARTICLE 4: PRESENTATION OF BIDS AND SUBMISSION PROCESS

Bidders must submit a complete bid incorporating the documents specified below. The requested documents must be signed by the bidder, the lead company of the temporary consortium or each of the members of the consortium.

Application documents

Candidates must submit the following application documents:

- Proof of registration at the trade and companies registry;
- Currently valid insurance certificates for civil and/or professional liability;
- The attached application form;
- The attached GDPR compliance verification form, used to verify that the bidder has implemented appropriate technical and organisational measures such that data processing complies with relevant data protection laws and regulations (GDPR and French data protection legislation), thereby guaranteeing the rights of data subjects;
- As applicable, the court ruling on receivership (*redressement judiciaire*);
- A description of the economic and financial resources that meet the participation conditions set out below:
    - Revenue declarations for the last three available financial years;
- A description of the human resources that meet the participation conditions set out below:
    - A declaration stating the company's current headcount and the number of supervisory personnel;
- A description of the technical resources that meet the participation conditions set out below:
    - List of references relevant to the object of the contract for projects of similar size, stating the names and phone numbers of the competent contact persons.

Bid documents

Candidates must submit a complete bid file containing the following documents:

- The draft contract, duly completed signed and dated, and in annex:
    - the duly completed financial annexes;
    - the duly completed and signed Expression of Interest form and all annexes the annex covering the definition and conditions for processing personal data on behalf of the contracting authority, duly completed;
- A technical addendum containing the following information:
    - detailed curriculum vitae (CV) of each proposed expert, demonstrating their qualifications, relevant experience, and expertise for the proposed role
    - methodology approach
    - A detailed indicative breakdown of working days assigned to each deliverable shall be submitted within a single methodological approach.

[1] Form DC4 is available at: https://www.economie.gouv.fr/daj/formulaires-mise-a-jour-formulaire-declaration-sous-traitance-dans-marches-publics

a) **Executive Summary:** A concise overview of the proposed methodology, highlighting the consultants' subject matter expertise on EU and India - Energy Regulations, organisational strengths, team structure, and relevant experience in delivering comparable assignments.
b) **Understanding of the Terms of Reference:** A clear demonstration of the service provider's understanding of the objectives, scope of work, thematic areas, expected outputs, and delivery requirements.

   If any, additional topics and justification: Proposals for additional workshop topics beyond those identified in these Terms of Reference, accompanied by a detailed justification outlining their relevance, alignment with the EU regulatory and electricity market framework, international best practices, and applicability to the Indian power sector.
c) **Stakeholder engagement strategy:** A proposed approach for engaging and consulting with relevant stakeholders in India, including government institutions, regulatory authorities, system operators, industry associations, and other key actors, to ensure the relevance, quality, and impact of the workshop series.
d) **Risk Management:** Identification of potential risks that may affect the successful implementation of the assignment, together with practical mitigation measures and contingency arrangements.
e) **Key personnel:** Curriculum vitae (CVs) of the proposed experts and other key personnel, demonstrating their qualifications and relevant experience in EU electricity market design, energy regulation, power sector reforms, and the delivery of comparable international technical cooperation assignments.
f) **Relevant experience and references:** Evidence of the consultant's experience in undertaking similar assignments, including at least three references for projects related to sharing EU expérience and developing studies in electricity market design, regulatory capacity-building, policy dialogue, energy market reforms.

The Consultant is required to submit a financial proposal covering the full implementation of the services described in the Terms of Reference. The financial proposal shall specify the proposed indicative daily rate(s) per deliverables and the total contract amount. The proposed rates and total amount shall be deemed to include all costs associated with the performance of the assignment, including all applicable taxes, duties, fiscal obligations, administrative costs, and the remuneration of all experts and personnel engaged by the Consultant to perform the assignment. In this respect, the service provider shall state the overall staffing of its consortium and the individual profiles proposed for the following key positions, together with their availability, in order to ensure continuity of the services throughout the contract term: (1) Project Lead / Senior Energy Market & Regulatory Expert; (2) EU Electricity Market Design & Grid Integration Expert; (3) Workshop Facilitation & Stakeholder Engagement Expert.

All travel costs shall be borne by the service provider and be included as part of the financial proposal in a separate budget line than daily rate. Experts remain solely responsible for organizing their own travel, accommodation, transport, insurance, communication and internet costs.
Expertise France will reimburse mission expenses upon proof of travel.

Bid validity period

The validity of bids submitted shall be at least 120 days from the submission deadline.

Bid submission process

Bids submitted in paper format

Bids submitted in paper format will be rejected.

Electronic submission

In order to access the tender consultation space or to submit their bid, bidders must connect to the French government procurement platform at:
https://www.marches-publics.gouv.fr

Electronic submission is mandatory. Any submission via other means will be rejected.

The bid submission procedure is detailed on the website www.marches-publics.gouv.fr.

On this site, bidders will notably find a user guide available for download which specifies the platform's conditions of use, notably the technical prerequisites and electronic certificates.

Should they so wish, bidders may make contact by phone on 01 76 64 74 07 on all business days between 9am and 7pm in order to obtain technical assistance with how to complete all the necessary tasks.

In the event of allotment, all lots must be covered by an electronic submission. However, it is possible to make a single electronic submission for multiple lots provided that the lots covered by a bid can be identified without ambiguity.

The costs of accessing the network and of electronic signature shall be borne by the candidate.

Bidders are invited to test the configuration of their work device and to perform a test tender to ensure that their technical environment is functioning as required.

Bidders' attention is drawn to the fact that they must at least have internet browser software. It is not mandatory to have an electronic signature system.

In order to make an offer, bidders must forward files in the following computer formats: PDF, RTF, ZIP, suite Microsoft Office, LibreOffice or Open Office. Any computer file in a different format will be declared null and void.

NOTE:

All bid files must be free of computer viruses and must have been previously treated to this end by the bidder, using the latest version of an antivirus software. The same applies to all other files exchanged during this public procurement procedure.

The contracting authority may place any file containing a virus in a security archive. It will therefore be deemed never to have been received.

NB: Bidders' attention is drawn to the time required to deliver large volume electronic files. The average downloading time may vary according to various parameters, such as the technical capacity of the device, the type of internet connection, traffic on the network, etc.

To the extent that the date and time of completed upload constitutes the legal reference for submission of electronic bids, bidders are invited to allow sufficient time for all electronic submissions.

Even though its bid for this public procurement procedure will have been submitted electronically, the bidder undertakes, notably if its bid has been accepted, to provide contractually valid paper documents. In this regard, it also undertakes that the natural person providing the electronic signature also provides their handwritten signature without making any modifications to the documents, to be forwarded to the contracting authority in this format. Lastly, the bidder undertakes to accept notification in paper format, in accordance with standard practices.

ARTICLE 5: ANALYSIS OF APPLICATIONS

Applications are selected by the Evaluation Committee of Expertise France in accordance with the following procedure.
Under Article R.2161-4 of the French Public Procurement Code, the Evaluation Committee may decide to examine offers before applications.

In such cases, the supporting documentation for aptitude and capacity and the evidence relating to grounds for exclusion are only requested by the contracting authority from bidders preselected for award of the tender.

Application supplementary information requests

Before examining applications, should the contracting authority note that requested documents or information are missing or incomplete, it may ask the bidders concerned to complete their application pack within a deadline applicable to all such bidders. The deadline will be specified in the request for supplementary information.
Applications that are incomplete or which remain incomplete following a request for additional information will be eliminated.

Rejection of late applications - Opening bids

The Bid Opening Committee (meeting in non-public session) lists the bids received, the identity of applicants and the composition of the bids submitted.

Bids received after the deadline will be immediately rejected.

Admissibility of applications

In accordance with Article 3 of this document covering the conditions for participation, the Evaluation Committee of Expertise France analyses the admissibility of applications based on the following criteria:

- Candidate's registration at the trade and companies registry (or equivalent)
- Candidate’s compliance with its social security obligations
- Candidate's compliance with its tax obligations
- The applicant must not be in any of the situations set out in Articles L. 2141-1 to L. 2141-6 and L. 2141-7 to L. 2141-11 of the French Public Procurement Code, nor be on any official exclusion list, whether their situation is established by means of their own declarations or through the application of vigilance measures by the contracting authority
- The candidate or its representative must not be in a situation of conflict of interest vis-à-vis the contracting authority and/or any beneficiary of the procurement contract
- The candidate must be able to demonstrate adequate implementation of appropriate technical and organisational measures such that data processing conforms with relevant data protection laws and regulations (GDPR and French data protection legislation), thereby guaranteeing the rights of data subjects

ARTICLE 6: BID EVALUATION, NEGOTIATIONS AND AWARD

The bid selection procedure is conducted by the Evaluation Committee of Expertise France in accordance with the following procedure:

Rejection of late bids - Opening bids

The Bid Opening Committee (meeting in non-public session) lists the bids received, the identity of applicants and the composition of the bids submitted.

Bids received after the deadline will be immediately rejected.

Bid analysis

After having verified that the bids received are conforming, admissible and appropriate, the Evaluation Committee of Expertise France analyses the bids from selected bidders in accordance with the following criteria.

Rejection of non-conforming, inadmissible or inappropriate bids

The Evaluation Committee examines all bids received and, in accordance with Article R.2152-1 of the French Public Procurement Code, rejects bids judged to be non-conforming, inadmissible or inappropriate, as applicable, after having implemented the regularisation procedure set out in Article R.2152-2 of said code.

Comparison of bids for selection of the most economically beneficial bid

Bids will be assessed separately in accordance with the following criteria by awarding a score up to the maximum number of points per criterion as set out below:

Criterion 1: Price of the services

The **financial score (FS out of a maximum of 30 points)** will cover the comparison of the financial offers of all candidates having submitted a conforming bid.

Criterion 2: Technical offer

Sub-criteria for assessing the technical quality	Maximum number of points
Relevance and suitability of the proposed team for the delivery of the services covered by the contract	35
Methodological approach	35
TOTAL	**70**

Each technical offer, deemed to be technically conforming, will be attributed a **technical score (TS out of a maximum of 70 points)** by adding up the weighted scores obtained for each sub-criterion.

Bids having obtained a technical score of less than 42/70 will be deemed to be inappropriate.

Negotiations

Expertise France reserves the right to enter into negotiations under the conditions set out in this consultation regulation.

If the negotiation is implemented, it may be conducted either with all the bidders who have submitted a bid, or with a limited number of bidders who have submitted a regular bid or a bid that has been able to be regularized under the conditions laid down in this Regulation, selected on the basis of the award criteria defined in the consultation documents, within the limit of the three highest-ranking offers.

The negotiation may concern the technical, administrative, calendar and financial elements of the offer, in particular the arrangements for performing the services, the proposed organization and methodology, the resources allocated to contract execution, deadlines and phasing, quality or performance commitments, as well as the financial aspects of the offer, in particular the price and its components.

However, either the negotiation may not concern the subject matter of the contract or the minimum requirements defined in the consultation documents, nor the award criteria or their implementation procedures.

Bidders admitted to negotiate shall be convened in writing. The negotiation session will be held via videoconference, on 21/12/2026, subject to written confirmation sent to the bidders no later than 3 calendar days before the mentioned date. The bidders will be received individually, according to the organizational procedures determined by Expertise France, in compliance with the principle of equal treatment.

Each bidder shall be allowed a maximum of 30 minutes of presentation time on any point of his or her choice related to the submitted bid. The rest of the meeting will be devoted to questions and exchanges relating only to the negotiable elements of the offer.

The buyer reserves the right to organize one or more rounds of negotiation. Confidential information provided by a bidder in the course of negotiations shall not be disclosed to other bidders without its prior agreement.

Negotiation exchanges shall be subject to appropriate traceability. As such, a summary or minutes may be drawn up for each session.

At the end of the negotiation phase(s), bidders still in contention may be invited, under the same conditions and within the same period for all, to submit a revised offer taking account of exchanges. In the absence of a submission of a revised offer within the specified period, the previously submitted offer shall be deemed to stand unless otherwise indicated in the invitation to submit a revised offer.

Expertise France also reserves the right to award the contract without negotiation.

Award process

An **overall score (OS out of a maximum of 100 points)** obtained by adding together the technical and financial scores (**OS=FS+TS**) will be attributed to each bid that has been assessed for its technical and financial content.

The bidder who obtains the highest overall score will be deemed to have made the most beneficial economic offer and will be awarded the contract.

The contracting authority may decide not to pursue the tender for reasons of public interest.

ARTICLE 7: PROCESSING OF PERSONAL DATA IN THE CONTEXT OF THIS TENDER AND FOR THE PURPOSES OF CONTRACT MONITORING

Under Article 13 or Regulation (EU) no. 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), the applicants/bidders are notified that personal data, notably name, first name and e-mail address collected when using under the French government procurement platform (https://www.marches-publics.gouv.fr) in the context of this tender procedure and execution of the associated contract, may be processed.

For processing performed with PLACE services, the *Ministère de l'action et des comptes publics* (Ministry of Public Accounts) – the procurement department of the State and of Expertise France, the contracting authority, are co-controllers of personal data.

For processing performed outside the scope of PLACE services, Expertise France, the contracting authority, is the controller of personal data.

Identity and contact details of the data controller and its representative

For the PLACE platform:

Ministère de l'action et des comptes publics (Ministry of Public Accounts)

59, boulevard Vincent Auriol

75703 Paris Cedex 13

Represented by the Director of Public Procurement

Operational data controller:

The Department of Public Procurement, represented by its director.

Contact details of the Data Protection Officer:

le-delegue-a-la-protection-des-donnees-personnelles@finances.gouv.fr

For the contracting authority:

Expertise France

40, Boulevard de Port Royal

75005 Paris

Represented by the Managing Director,

Operational data controller:

The IT Department, represented by its director

Contact details of the Data Protection Officer:

informatique.libertes@expertisefrance.fr

The legal basis under which such processing is performed are set out in c) and e) of Article 6.1 of the GDPR, namely:

- The processing is necessary in order to comply with a legal obligation by which Expertise France is bound;
- The processing is necessary for performance of a public-interest assignment or which falls within the scope of the public authority entrusted to Expertise France.

The purposes of the processing are as follows:

- The management and monitoring of this tender procedure;
- The management and monitoring of the award of a public procurement contract.

The recipients or category of recipients of the personal data are exclusively authorised personnel of the Contracting Authority, ministries and state operators responsible for awarding and executing this contract, including any service providers assisting them with their activities.

Retention period: the data will be held throughout the award process and execution of the contract, including the DUA (duration of administrative usefulness) applicable to the contract.

Under Articles 15 to 21 of the GDPR, persons whose personal data is collected enjoy a right of access, rectification and deletion with regard to such data. They also enjoy the right to restrict and refuse processing on legitimate grounds. The information and other rights of data subjects may be exercised by contacting the Data Protection Officer of Expertise France.

Persons whose personal data is collected under this procedure may submit a complaint to CNIL.

ARTICLE 8: ADDITIONAL INFORMATION

Any request for additional information about technical or administrative matters must be forwarded via the government procurement platform at least 5 business days prior to the bid submission deadline.

Expertise France undertakes to provide a response 2 business days at most before the bid submission deadline.

If a candidate asks any questions, all candidates will receive an e-mail asking them to consider one or more documents provided in response to the questions concerned.

ARTICLE 9: APPEAL CHANNELS AND DEADLINES

The body responsible for the appeals process is:

Paris Judicial Court,

Parvis du Tribunal de Paris 75 859 PARIS Cedex 17

Email: tj-paris@justice.fr.

Tel: 0144325151.

Information about lodging an appeal may be obtained from: tj-paris@justice.fr.