INTERREG VI-A ROMANIA-HUNGARY PROGRAMME

State Aid technical assistance services

TERMS OF REFERENCE

www.interreg-rohu.eu

BACKGROUND

The Interreg VI-A Romania-Hungary Programme (ROHU Programme) is a territorial cooperation programme between two member states, Romania, and Hungary, funded through the European Regional Development Fund (ERDF), with a total allocation of 175,940,025.00 EUR (out of which 80% ERDF, in amount of 140,752,020.00 EUR). The Programme area (PA) is composed of 4 counties on the Romanian side and 4 counties (NUTS 3 political and administrative units) on the Hungarian side, as follows: Szabolcs-Szatmár-Bereg, Hajdú-Bihar, Békés, Csongrád-Csanád in Hungary; Satu Mare, Bihor, Arad, Timiș in Romania.

The vision for the ROHU Programme is a greener, more resilient, and cohesive cross-border region between Romania and Hungary, with an enhanced understanding of cooperation opportunities, increased trust, and reduced barriers to cooperation, towards Agenda 2030 common targets with a more sustainable cooperation framework.

Detailed information about the Programme priorities and objectives is available at the following link: https://interreg-rohu.eu/en/discover-the-rohu-programme/

The projects selected for financing under the ROHU Programme are analysed in relation to State Aid incidence, at the activity level, before being contracted. The general approach is to avoid such incidence, however, if this can not be eliminated, the Programme will handle relevant cases either under the de minimis Regulation[1], the General Block Exemption Regulation - GBER[2] and/or as Services of General Economic Interest - SGEI[3].

Overview of State Aid types per Priority/Specific Objective:

Priority	Specific Objective	Applicable type of Aid
Priority 1 Cooperation for a green and more resilient cross-border area	RSO 2.2 Renewable energy	GBER Art. 20*, 20a** De minimis***
	RSO 2.4 Risk management	N/A
	RSO 2.7 Biodiversity	N/A

[1] Commission Regulation (EU) No 2831/2023 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid.
[2] Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, as amended
[3] 2012/21/EU: Commission Decision of 20.12.2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, and the Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest

Priority 2 Cooperation for a more social and cohesive PA	RSO 4.5 Healthcare	GBER Art. 20*, 20a** SGEI[4] De minimis***
	RSO 4.6 Culture and tourism	GBER Art. 53, 20*, 20a** De minimis***
Priority 3 A more sustainable, community-based and effective cross-border cooperation	ISO 6.1 Governance in public authorities	N/A
	ISO 6.2 Efficient public administration	SGEI under EU Reg 1370/2007 De minimis***
	ISO 6.3 People-to-people	GBER Art. 20a** De minimis***

PURPOSE

The scope of the procurement of State Aid technical assistance services is to support the Managing Authority in analysing and categorizing from the State Aid point of view the activities envisaged by projects selected for financing under the State Aid relevant Specific Objectives, as illustrated in the table above, as well as to provide specialized assistance to Programme structures in implementing and monitoring projects that include activities financed as de minimis/state aid and or SGEI.

In this respect, Oradea Regional Office for Cross Border Cooperation (BRECO), as Contracting Authority (CA), invites interested services providers to submit their offers in compliance with the requirements mentioned below.

SERVICES TO BE PROVIDED

The main tasks of State Aid experts are:

- classifying the selected projects[5]' activities in relation to State Aid incidence (including requesting clarifications, if necessary, and filling in the relevant State Aid Grids made available by BRECO), during the contracting phase of selected projects, based on available options provided by the Programme, namely:

[4] Official Journal L 7 of 11.01.2012, p. 3-10 and Official Journal L 114 of 26.4.2012, p. 8

[5] The estimated number of projects selected for financing to be analyzed in relation to State Aid incidence is 10.

- State aid free - including conditions to avoid SA incidence, if any (full avoidance of incidence would be preferable);
- de minimis aid under EU Regulation 2023/2831[6];
- aid under art. 20, 20a and 53 of EU Regulation 651/2014[7], as amended;
- Services of General Economic Interest.

- supporting the JS in relation to projects under aid incidence, during the implementation period, when the case. This will include, for example: opinions regarding Subsidy Contract modifications related to activities under aid incidence, aspects related to possible indirect aid occurrence during projects' implementation, revision of State Aid-related documents at Programme level, State Aid monitoring, relevant legislative modifications, aspects related to aid recovery.

GENERAL REQUIREMENTS

In carrying out the above-mentioned tasks, the services provider shall ensure at least 2 State Aid experts which must:

- have good knowledge of the Interreg VI-A Romania-Hungary Programme and the Applicant's Guide(s)[8];
- know the content and structure of the application form;
- use the Jems and analyse the projects selected under State Aid-relevant Specific Objectives;
- ask for clarifications (through Joint Secretariat), if necessary;
- perform the State Aid incidence analysis and fill in the related State Aid Grid (to be provided by BRECO);
- follow the deadlines for performing the State Aid incidence analysis (maximum 8 hours/project) and/or for providing the requested opinions/points of view/recommendations;
- ensure the deliverance of high-quality outputs in due time.

SERVICES PROVIDER / STATE AID EXPERT PROFILE

State Aid experts should meet the following requirements:

- studies completed with a bachelor's degree, diploma or equivalent;
- advanced knowledge of English (C1/2 - experienced user according to the CV submitted);
- computer skills.

The proposed experts must have the qualifications and professional experience to be able to successfully carry out all the activities indicated in this ToR.

The above criteria are cumulative and shall be proved by Europass format CV and other relevant

[6] And based on De minimis scheme provisions, approved through Minister Order 1299/2024
[7] And based on GBER scheme provisions, approved through Minister Order 1201/2023
[8] Including the 2 Aid schemes at Programme level, approved through Order 1201/2023 and Order 1299/2024

documents, if the case.

Each State Aid expert shall submit, together with his/her/their CV, an Agreement for Processing of Personal Data (Annex 1 to this ToR).

The State Aid expert should also be aware of the provisions of the Declaration of Impartiality, Confidentiality and Avoidance of Conflict of Interest, which will have to be signed before starting the activity (Annex 2/Annex 2.1 to this ToR).

PROCUREMENT PROCESS

Type of procurement: direct procurement.

Interested services providers shall submit their tenders as legal entities authorized according to the relevant legislation (e.g. by CAEN code) to perform such activities.

The offers (PDF format), consisting of technical offer, including CVs and relevant supporting documents (if the case), financial offer (fee per expert hour) and Annex 1 shall be submitted via email, by the **28th of January 2025, 16:00 CET/17:00 EET**, to the following e-mail address: **joint.secretariat@brecoradea.ro**. The services provider is requested to submit the offer including the fee per expert hour, in EUR, excluding VAT, for the above-mentioned services, taking into account that a maximum of 205 hours of specialized assistance services are expected to be provided until 31.12.2029. The estimated value of the requested services is of maximum EUR 65 net/expert hour. The contractual activities will be carried out at the Contracting Authority's request.

Award criterion: the service contract will be concluded with the services provider who comes first in the evaluation of the offers submitted, as per the Offer evaluation grid (Annex 3 to this ToR), based on "best value for money" criterion.

The weighting of the technical offer evaluation factor is 70% and the weighting of the financial offer evaluation factor is 30%.

The result of the evaluation of the offers will be communicated via e-mail.

TERMS OF SERVICES CONTRACT

a. Contract

State Aid experts shall perform their tasks in the framework of the services procurement contract concluded with BRECO, as Joint Secretariat, under the Romanian legislation. The services contract will have **approximately 5 years duration, starting in February 2025 (indicatively) and ending no later than 31.12.2029.**

The services contract will specify the hourly expert fee, and the total final value of the contract will correspond to the final number of expert hours performed on the Contracting Authority`s request and accepted by the Contracting Authority.

The services contract shall be concluded in euro (EUR)/ Romanian lei (RON), at the exchange rate of the European Commission applicable in the month the contract is concluded (the monthly exchange rates of the European Commission are published on:

https://commission.europa.eu/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro_en).

These Terms of Reference shall be annexed to the services contract.

b. Location

The work shall be performed remotely, online.

The services provider will be responsible for ensuring from own resources all conditions necessary to perform the tasks in appropriate conditions.

c. Payment

The invoices for the performed and accepted services will be issued on a quarterly basis.

The payment shall be conditioned by the formal acceptance of the services provided, properly documented.

Important!

The requirements set out in these specifications are considered to be minimum requirements and economic operators are required to submit offers that meet the minimum requirements.

Any reference to a mark/manufacturer/origin/source/production/patent, etc. will be interpreted as meaning 'or equivalent' even where not expressly mentioned in the text.

Any qualification requirements, education/diplomas/licenses/certificates or technical specifications requested by this ToR shall be considered to be 'or equivalent'.

ANNEX 1

AGREEMENT FOR PROCESSING OF PERSONAL DATA

I, the undersigned .....,

I agree for the Interreg VI-A Romania-Hungary Programme management structures, considering the provisions of Regulation EU no. 679/2016 and national applicable laws, to collect and process my personal data communicated by this form:

1. Surname and first names, as well as e-mail address (please provide institutional contact) – ..... - for carrying out the activities within the Assessment Working Group of the Interreg VI-A Romania-Hungary Programme.

YES..... NO .....

Further, if I will be invited to the online interview, I hereby give my consent for audio and video recording.

The personal data are processed solely for the purposes of the performance, management and monitoring of the Programme by the Managing Authority/Joint Secretariat and may also be passed to the bodies in charge with monitoring or inspection tasks or any bodies/entities authorised by the Managing Authority.

The consent regarding the processing of personal data and the supply of data mentioned above is voluntary, freely consented and express. This consent can be revoked or changed at any time, with effect for the future, by a notice addressed to the Managing Authority/Joint Secretariat of the Interreg VI-A Romania-Hungary Programme or by e-mail to joint.secretariat@brecoradea.ro and we will act immediately accordingly unless there is a legal reason or a legitimate interest not to do so.

I, the undersigned, declare that I agree to the processing of my personal data by the means and for the purposes described above. I also declare that I was informed that I benefit from all the other rights set out by Regulation EU no. 679/2016, which are:

The right to be informed – This agreement for data protection provides the information you are entitled to receive.

The right of access to data – Please contact us if you want a confirmation that your data are processed and if you want to be informed about the processing method. There is no fee for this and the answer is provided within one month from the date of the request (except for cases when

the request is unfounded or excessive).

The rectification right – Please inform us about any personal data you want us to correct/update.

The right to erasure – You can exercise your right to erase your personal data (for example, if the data are no longer necessary for the purpose for which they were requested, or you withdraw your consent).

The right of restriction of processing – You can communicate to us that we can store your data, but we have to stop the processing. This can be requested when you want to check the accuracy of data or the purpose of the processing - for a period that allows checks in this respect.

The right of data portability – At request, we will make diligences to provide you with the information in a portable format, for the transfer to another controller or processor.

The right of opposition – to the possible extent, we will stop processing your data if you oppose the processing based on a legitimate interest or if in your personal situation there are situations that determine you to exercise this right (including profiling).

The right not to be subject to a decision based exclusively on automatic processing, including the creation of profiles.

We also inform you that the National Supervisory Authority for Personal Data Processing (NSAPDP/A.N.S.P.D.C.P.) operates in Romania and you have the right to submit a complaint when you believe that your rights were violated, by accessing the website www.dataprotection.ro.

Place....., Date .....

Signature:

ANNEX 2

DECLARATION

on the non-existence of conflict of interest

Beneficiary: .....

Project title: .....

Project code: .....

Contract no .....

I, the undersigned, ..., declare on my own responsibility, under the sanction of false statements, knowing the provisions of the Criminal Code, that from the information known so far, I do not fall within the situation where the impartial and objective exercise of the activity of State Aid incidence analysis is affected for reasons involving family, emotional life, political or national affinities, economic interest or any other direct or indirect personal interest.

I undertake to immediately inform the Joint Secretariat if any elements may give rise to a potential conflict of interest.

I also declare that I am aware of the legal provisions on conflict of interest laid down in relevant national/European legislation and that I am not in any of the situations that might generate a potential conflict of interest.

Signature .....

Name .....

Date .....

ANNEX 2.1

DECLARAŢIE

privind inexistenţa conflictului de interese

(in cazul ofertanților din România)

Beneficiar: .....

Titlul proiectului: .....

Codul proiectului: .....

Număr Contract de finanțare

Subsemnatul, ..., declar pe propria răspundere, sub sancţiunea falsului în declaraţii, cunoscând prevederile art. 326 din Legea nr. 286/2009 privind Codul penal, cu modificările şi completările ulterioare, că din informaţiile cunoscute până în acest moment nu mă încadrez în situaţia în care exercitarea imparţială şi obiectivă a activităţii de evaluare/selecţie/aprobare proiecte/verificare/autorizare/plată/control/certificare/audit este afectată din motive care implică familia, viaţa afectivă, afinităţile politice sau naţionale, interesul economic sau orice alt interes personal direct sau indirect.

Mă oblig ca, în cazul în care intervin elemente care pot genera un potenţial conflict de interese, să informez imediat şeful ierarhic superior, conform prevederilor art. 11 din Ordonanţa de urgenţă a Guvernului nr. 66/2011 privind prevenirea, constatarea şi sancţionarea neregulilor apărute în obţinerea şi utilizarea fondurilor europene şi/sau a fondurilor publice naţionale aferente acestora, aprobată cu modificări şi completări prin Legea nr. 142/2012, cu modificările şi completările ulterioare.

Totodată, declar că am luat cunoştinţă de prevederile legale privind conflictul de interese prevăzute de Ordonanţa de urgenţă a Guvernului nr. 66/2011, aprobată cu modificări şi completări prin Legea nr. 142/2012, cu modificările şi completările ulterioare, şi că nu mă aflu în nicio situaţie descrisă de art. 12 alin. (1) şi/sau art. 13 alin. (1) şi (2) din Ordonanţa de urgenţă a Guvernului nr. 66/2011, aprobată cu modificări şi completări prin Legea nr. 142/2012, cu modificările şi completările ulterioare.

Semnătura .....

Nume .....

Data .....

ANNEX 3

Award criterion 'best value for money'
Offers evaluation grid

	Evaluation factors	Score
A.	**Financial offer without VAT**	**30 points**
B.	**Technical factors, of which:**	**70 points:**
1.	Relevant experience in similar projects, where the proposed experts have carried out the same type of activities as those to be carried out in the future contract, in the context of national and/or European-funded programs	**70 points**
Total		**100 points**

The points for the evaluation factor "Relevant experience in similar projects, where the proposed experts have carried out the same type of activities as those to be carried out in the future contract, in the context of national and/or European funded programs" will be awarded for each expert as follows:
a) for the experience consisting in involvement in nationally funded programs - 30 points;
b) for the experience consisting in involvement in European-funded programs - 50 points;
c) for experience in involvement in Interreg programs - 70 points.
The score obtained by the provider for the criterion of experience in similar projects is calculated as the arithmetic average of the scores obtained by each proposed expert. The score can be a maximum of 70 points.
Project = a contract in which the expert has performed the same type of activities as those to be performed in the future contract.

Method of calculating the score of the offer

Offers Evaluation	
Financial offer evaluation	Criteria: financial proposal value in EUR excluding VAT Offers exceeding the maximum budget available for services will be rejected. Any arithmetical errors will be corrected in accordance with the legislation in force Criterion: value of the offer excluding The calculation algorithm is: Financial score = (minimum price * 30/ tendered price) where: -minimum price is the lowest price of the offer considered admissible and technically compliant and which receives the maximum score, i.e. 30 points - the price offer is the price of the evaluated offer. The price quoted in the tender is final, may not be increased and includes all the costs necessary for the performance of the contract.
Technical proposal evaluation	The technical offer will be evaluated in accordance with the requirements of the ToR Points will be awarded for specifications that go beyond the minimum requirements of the ToR, according to the evaluation factors specified above.
Selection of the winning offer	
Designation of the winning offer / Final score calculation algorithm	The final score of the offer will be the sum of the scores awarded to the two evaluation factors, calculated according to the calculation algorithm presented above. The offer with the highest final score will be considered the winning offer.