

FREQUENTLY ASKED QUESTIONS
INVITATION TO TENDER NO. ENER C3/2010-570
"Towards nearly zero-energy buildings –
definition of common principles under the EPBD"
Contract notice: JO S 76-123686
Last update: 27/05/2011

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Question 1: List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.

Answer: This information is included in the tender specifications attached to the invitation to tender. The access to all tender documents has been provided on the website http://ec.europa.eu/dgs/energy/tenders/2011_en.htm as mentioned in Contract notice JO S 76-123686.

Question 2: Soft Copy of the Tender Document through email.

Answer: In accordance with Article 141(1) and (4) of the Implementing rules to the Financial Regulation, the Commission shall not send the tender documents in paper form if *unrestricted and full direct access by electronic means to the entire call for tenders and any additional documents* has been provided. Having complied with this requirement, the Commission does not intend to distribute paper copies of the tender documents.

Question 3: Any Extension of Bidding Deadline?

Answer: The bidding deadline is indicated in the invitation to tender and in the contract notice. Any extension of the bidding deadline is published via a corrigendum to the contract notice and on the website http://ec.europa.eu/dgs/energy/tenders/2011_en.htm

Question 4: Names of countries that will be eligible to participate in this tender.

Answer: All countries having ratified the "WTO Agreement on Government Procurement (GPA)" are eligible. Tenderers coming from non-GPA countries may also take part in this tender, but only as part of a consortium. The coordinator – however – must be coming from a GPA country.

Question 5: Information about the Tendering Procedure and Guidelines

Answer: You can find official information about the tender procedures and Guidelines on the following website http://ec.europa.eu/youreurope/business/profitting-from-eu-market/benefiting-from-public-contracts/index_en.htm
Specific information regarding this particular tender can be found in the tender specifications.

Question 6: Estimated Budget for this Purchase

Answer: The estimated budget for this tender is not provided. Nevertheless, the estimated amount of work involved to carry out this contract is indicated under point I.6 of the tender specifications.

Question 7: Any Addendum or Pre Bid meeting Minutes?

Answer: There is no addendum or pre bid meeting minutes for this call for tender. All questions/requests for additional information concerning the tender have to be addressed to the contact point specified under I.1) of the contract notice.

In order to be as transparent as possible, the questions and replies will subsequently be assembled and published via this FAQ document.

Question 8: In section IV.2.2 is mentioned that the experts should "have worked successfully on at least two projects with a budget of at least 250000€ in fields related to this contract in the past three years"

How large could we define 'related fields'? Is a contract of +250k - where the EPBD was part of the work - an eligible reference?

Answer: Related fields can include projects where energy efficiency of buildings constituted a significant part of the work

Question 9: In relation to section IV.2.2, should the consortium leader have the two references or the consortium as a whole?

Answer: The requirement applies to the team that will carry out the work. The team members may be coming from different companies forming the consortium.

Question 10: Can you give guidance on the level of effort you expect per task (thus an indication of prioritisation)?

Answer: It is up to the contractor to determine the level of effort necessary for undertaking the different tasks, taking into account the nature of the tasks such as desk research, stakeholder consultation, analysis, etc.

Question 11: The contractor has to pay for all workshop costs. However, this does not include the expenses of participants and the location?

Answer: The workshop costs do not include expenses of participants (hotel accommodation, transport ...). However, no participation fees shall be charged.

Question 12: How long does the evaluation procedure take? When will the coordinator be informed about the result of the evaluation?

Answer: According to the current planning the results of the evaluation will be communicated to the tenderers in September 2011.

Question 13: When will the contract be signed with the selected tenderer?

Answer: According to the current planning the contract will be signed in October 2011. The contract shall enter into force on the date on which it is signed by the last contracting party.

Question 14: When will the project start?

Answer: Execution of the tasks shall start from date of entry in force of the contract.

Question 15: When estimating the work involved (I.6.), it is mentioned a total amount of 275 man-days, including travel costs and workshop organisation costs. However in the financial proposal it mentions "other categories of costs" (III.2.3). Should we present in our tender a price for each man-day which includes expenses for travel etc, or can those be presented separately in the financial proposal as "other categories"?

Answer: For each category of staff involved in the project, the tenderer must specify:

- the total labour costs;
- **the daily rates and total number of days** (man/days) each member of staff will contribute to the project;
- other categories of costs, indicating the nature of the cost, the total amount, the unit price and the quantity.

Bids involving more than one service provider (consortium) must specify the amounts indicated above for each provider.

Question 16: With reference to page 16, section IV.2.2 of the tender documents (Technical and professional capacity – Criteria and references required) Could you please clarify whether each and every nominated individual must have worked on at least two projects of at least 250.000 EUR budget in fields related to this contract in the past 3 years, or if the entire project team should meet the above criteria?

Answer: The entire project team should meet the criteria and not each individual expert

Question 17: Does the Draft Contract presented in Annex 5 of the tender document need to be fulfilled and included with the tender documents ?

NO, the European Commission services will fill in the draft contract using the information provided by the selected tenderer.

Question 18: With regards to the form to be completed in the Annex 6 – Analysis of the economic and financial capacity – could you please clarify what ‘Start-up expenses’ refers to?

Start-up expenses refer to non-recurring costs associated with setting up a business, such as accountant's fees, legal fees, registration charges. The latter are also called start-up costs.

Question 19: How far can costs be shifted within the budget limits after the signature of the contract?

The draft contract related to the present call for tender is a fixed price contract which covers all tasks executed and therefore doesn't foresee any partial budget limits.

Question 20: We have studied the Service Contract, inclusive of Special Conditions and General Conditions.

- 1. In other contracts within the European Union the Consultant's liability towards Contracting Authority often is limited to the Contract Value**
 - a. Is it correct that the Service Contract for this tender does not include any ceiling of the Consultant's liability towards the European Union?**
 - b. If yes, will the European Union accept a ceiling equal to the contract value?**

There is not a ceiling on the liability towards Contracting Authority. It is not possible to accept such a ceiling.

- 2. In other contracts within the European Union the article on liquidated damages often includes a ceiling**
 - a. Is it correct that the Service Contract for this tender does not include any ceiling of the liquidated damages?**
 - b. If yes, will the European Union accept a ceiling equal to 10 % of the contract value?**

Article 134b of implementing rules fixes the ceiling on 2 to 10% of the total value of the contract in questions. This ceiling can be increased to 4 to 20% in case of a repeat infringement.