

**Q&A list**  
**Invitation to tender ENER/E1/2013-969**  
**Last update: 20/01/2014**

**Question 1:**

For the purposes of preparation of our tender for the ENER/E1/2013-969 project, we would kindly ask you to provide us with copies of the following documents (as listed in the Tender Specifications):

- Commission Staff Working Document on the principles and modalities of the implementation of the European Commission's nuclear safeguards tasks ("Implementing Euratom Treaty Safeguards" – IETS – SEC(2007)293 of 27 February 2007)
- New Partnership Agreement between Commission and IAEA (Annex I of IAEA document GOV/INF/654 of 13 May 1992)

**Answer**

According to point 3.3 "Key Documents" of the tender specifications, where possible, references to the key documents are provided. Documents that are not publicly available can be obtained after the attribution of the award and the conclusion of the contract. The two above listed documents are classified under restricted circulation and may not be made publicly available.

**Question 2:**

Is it possible to obtain the "Declaration of honour" in the Word format?

**Answer 2:**

Yes. The "Declaration of honour", along with other annexes will be published on our website.

**Question 3:**

The first question concerns the status of the co-tenderers. We understand that one of us should be the main tenderer and the others should be considered as subcontractors (or consultants?) even though we wish to work as equal partners (para. 1.3 "subcontracting").

If, as we intend, my company is the "main tenderer" and my two partners are subcontractors (or consultants), is it permitted for us to propose that one of my partners is the Project Manager?

In this case, do we need formal agreements to work together in our planned team, or is it sufficient for the three of us to be named on the form identification tenderer if all three of us sign?

**Answer 3:**

3.1 A corrigendum of tender specifications is being published in order to include the reference to tenders submitted by consortia (joint tenders – point 1.3.2 of Tender Specifications).

3.2 Among other options, a tender can be submitted as a joint tender by a consortium. In the case of winning a contract, all consortium members are considered parties to the contract to be concluded with the Commission. The consortium members have equal legal standing in relation to the Commission. The consortia members, with the exception of the leading partner, must sign the Power of Attorney in the form attached to the tender documents.

On the other hand, in the case of sub-contracting, the sub-contractors are not considered parties to the contract.

These options can be mixed: a consortium having sub-contractors.

The difference lies in legal liability – in the case of consortium, all consortium members shall be legally liable for the performance of the contract (joint liability). In the case of sub-contractors, the contractor or contractors will be liable for the activities of the sub-contractors as well.

The internal arrangements of a consortium are to be decided by the consortium members, keeping in mind the role of leading partner as specified in point 2) a-c of the form of Power of Attorney forming a part of tender documents.

3.3 The special requirements concerning the Project Manager are no other than those mentioned in point 2.3.2 b of the Technical Specifications.

**Question 4:**

Your internal analysis is mentioned on page 9 of the Technical Specifications. Could you please let us know what your planning indicates for this work, in particular when preliminary and final results will be available to the appointed contractor?

**Answer 4:**

The internal analysis of the way nuclear safeguards are currently implemented, mentioned on page 9 of the Tender Specifications, is work in progress for which certain results are already available. However these partial results will be updated and completed in the month of February 2013. The results of this internal analysis are considered Commission internal and are not publically available. The final result of the internal analysis will be made available to the successful tenderer after the conclusion of the contract.

**Question 5:**

Could you please confirm that the power of attorney referred to in the new text for §1.3.2b) of the Technical Specifications should be a simple signed statement from each partner, designating the lead partner/lead contractor (ie that there is no necessity for this power of attorney to be drawn up by a notary)?

**Answer 5:**

It is mandatory that the power of attorney would follow the format of Annex 3 of the Tender Specifications, and contain all the information about the signatory as required in the ending. No notary procedures need to be performed.