

Before submitting any written question to the Commission, the tenderers should consult this frequently asked questions section relating to the invitation to tender. Questions and answers are published here with full respect to the anonymity of the enquiring tenderers.

Frequently Asked Questions about the Eco-Design II tender notice (OJEU S 1-000055 of 03/01/2007) and specifications (TREN/D3/390-2006)

1. Do lots C and E only cover the preparatory studies lots 15-19 or should offers also cover the 14 present preparatory studies and participation in their meetings or ex post evaluation of those studies being finished?

Work offered to be carried out under tender lots C and E should cover the preparatory work to Ecodesign legislation falling within the 36 month contractual timeframe, including ongoing/future preparatory studies and the issues raised in the Consultation Forum (e.g. assessment of possible voluntary agreements or draft Commission work plan).

The objective of lots C and E is to assist stakeholders in preparing their comments for the active preparatory stage only. Therefore the scope of the work does not include complete ex-post evaluations of the product studies that are already finished at the time the contract is signed with the successful tenderer. However, if necessary the tenderer should assist the stakeholders in providing comments for further stages of the preparatory work related to those products (e.g. discussing draft implementing measures in the Consultation Forum).

2. Does the vacuum cleaner lot cover also the commercial and industrial vacuum cleaners or only the domestic ones? Are fixed installations included, where a central vacuum cleaner located in the basement is linked to the upper floors through a tube system?

It is the clear intention of the Commission to cover vacuum cleaners at least in the domestic sector. The tenderers should specify the intended scope of their offer having regard to Award Criterion 3 on page 30 of the tender specifications, and also taking into account - to the extent appropriate at this stage - the requirements of the Directive (especially in Article 15.2).

3. In most places in the tender documents the product-specific lots are numbered from 15 to 19. However, in some places the numbering is different, for example on page 13 where the title reads "Technical proposal for lots 16-20". Which numbering is correct?

The product-specific lots are correctly numbered 15-19, as defined on page 8 of the tender specifications and page 3 of the draft service contract.

Unfortunately, in a few places there are mistakes in numbering. These are:

Tender specifications

page 9

I.3.1 Information sourcing and publicity

"For lots 16-20, the contractor..."

should read

" For lots 15-19, the contractor... "

page 13

Title of technical proposal

"Technical proposal for lots 16-20"

should read

"Technical proposal for lots 15-19"

Draft service contract

page 3

I.2.3.

"The duration of the tasks shall not exceed 15 months for lot 16, 17 and 18, 24 months for lots 16 and 20, and 36 months for lots C and E."

should read

"The duration of the tasks shall not exceed 15 months for lot 16, 17 and 18, 24 months for lots 15 and 19, and 36 months for lots C and E."

NEW

4. One of our potentials partners has concerns about applying for both Lot C and some of the product-specific preparatory studies and sees a potential conflict of interests. Could you please inform me whether it is generally possible to be awarded contracts for both kind of studies? Are there any conditions that need to be fulfilled in that case, e.g. that staff members assigned to both studies cannot be identical?

It is true that if certain or all partners of a consortium are working on a product preparatory study on one hand and/or on lots C or E at the same time on the other hand, it could possibly lead to some conflict of interests. However, such a situation would arise only from the moment that these partners are in a position to sign a contract for lots C or E while they are already doing a product preparatory study or are about to sign a contract for another one. Therefore all tenderers are free to submit offers for any lots, but they should mention in their declaration on conflict of interests attached to the bid that a conflict might occur if they win tenders for lots C and/or E. If that happens the Commission will examine the case and see how far such conflict could affect the task to be carried out. Logically this also applies to consultants who are currently carrying out the ongoing 14 product preparatory studies and wish to submit a bid to lots C and/or E of the present tender.

NEW

5. For the calculation of tasks we would like to get some more information on the organisation of the Consultation Forum. How many meetings are expected during the project period, and will they last more than one day? Will there be a meeting for each of the 20 preparatory studies or are there a number of general meetings?

In principle we estimate that there will be on average one meeting of the Consultation Forum per product group, possibly lasting an entire day. The table on Page 10 of the EU Energy Efficiency Action Plan (http://ec.europa.eu/energy/action_plan_energy_efficiency/doc/com_2006_0545_en.pdf) provides an overview of the planning of the adoption process for the first product groups. A similar table can be calculated for the forthcoming product groups with the studies starting roughly in May 2007. It is likely that some Forum meetings will deal with two product groups the same day, but certainly not more than two product groups a day.

NEW

6. To comply with the requirement of annex 4, is a simple signature of the tenderer under annex 4 sufficient (which has to be substantiated by the evidence specified under IV.1.3. of the tender specifications after the award-notification) or has annex 4 to be sworn in the form of a sworn declaration in front of a notary?

At the stage of submission of bids, it is sufficient that the tenderer signs the document in annex 4, there is no need for a notary.

NEW

7. Top of page 27 of the tender specifications: Shall documents with regard to points b) and e) be produced for:

- the president/chair of the tendering organisation only (even if he is not the person signing the tender, but the organisation's CEO)?*
- plus the treasurer?*
- or the whole board/ executive committee/ administrative council, i.e. for all members of such a body taking decisions in between general assemblies of the tendering organisation? In the latter case that can become very cumbersome.*

We remind the tenderers that evidence for points b and e under IV.1.1. of the tender specifications should only be submitted by the tenderer selected for the contract after the evaluation of the bids. For the submission of the offers, it is enough to sign the declaration supplied in Annex 4. For the contract signature it is generally considered sufficient if the extract from the judicial record is produced for the person who is entitled to represent the tendering organisation and sign the contract on behalf of the tendering organisation.

NEW

8. Is it necessary for a tenderer to hold a specific trading licence?

The tender documents do not require the tenderers to hold a specific trading licence.