

Summary of clarification meeting

MARKT/2011/107/C

UPDATE AND UPGRADE OF THE REPORT OF THE CASE LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION AND OF THE GENERAL COURT RELATED TO PUBLIC PROCUREMENT

09/09/2011

In accordance with the Letter of Invitation to tender, a clarification meeting was held on 5 September 2011 at 11.00, at Rue de Spa 2, B-1049 Brussels, room Poseidon, to answer any questions on the tender file which had been forwarded in writing or were raised at the meeting.

The following questions have been answered at the meeting:

1.

Q: Should the supporting documents be submitted together with the tender before the deadline or can they be submitted later?

A: The supporting documents should accompany the tender, thus, be submitted within the deadline. However, a missing supporting document doesn't entail automatic exclusion, the document can be requested by the evaluation committee in a later stage.

2.

Q: What supporting documents shall be submitted by a German legal person in respect of section 13.3 of the Technical Specifications (p.12)?

A: The forms of supporting documents largely vary country by country. It is the tenderer's responsibility to provide the most appropriate documents available in his or her country of residence, in line with the requirements of section 13 of the Technical Specifications. An IT tool developed by DG MARKT, eCERTIS, can help tenderers to identify the different certificates and attestations requested per country. <http://ec.europa.eu/markt/ecertis>

3.

Q: What kind of IT input has to be provided?

A: The tool to be provided is specified in a broad manner in the Invitation to Tender. The tenderer is free to choose the format. All necessary descriptions of the tool have to be provided. The Commission intends to develop a tool managing case law at a later stage for the entire Directorate General Internal Market and Services. The tool procured under this tender has to allow the export of the contained data.

4.

Q: Does the tenderer have to provide the licence to the proposed electronic tool in respect of section 3. of the Objectives and Monitoring - Task 2 (p.17)?

A: The tenderer has to mention in its offer if licences are necessary to use the IT tool proposed. If licenses are necessary and in the case these licenses are not

already owned by the Commission, the Commission must have the possibility to purchase these licenses.

5.

Technical Specifications – Selection criteria – 12.2.2. Technical capacity (p. 10.): Team members should be lawyers who can carry out in-depth analysis of public procurement rules.

6.

Section 3. of the Objectives and Monitoring - Task 1 (p.17) - The report is in French and it is to be delivered in English. The contractor is not obliged to follow the structure of the current report but can use the report as a basis.

More search possibilities and new elements shall be added, and can be structured in a different way.

7.

Q: In section 13.3 of the Technical Specifications, what do you mean by "recent"?

A: In general, recent means maximum 12-month-old.

8.

Q: In section 13.4, technical capacity, what kind of references is accepted?

A: References can be academic publications, studies carried out for public or private clients, or any other assignment that proves the tenderer's expertise and experience relevant to the subject matter.

9.

The report was made available for consultation at the clarification meeting.

A detailed index of the existing report is in the attachments of the Invitation to Tender.

The full report will be handed out to the successful contractor.

10.

Q: How is the financial score calculated?

A: The tender with the lowest total price (from those that obtain at least 60 points in the technical criteria) receives a financial score equal to the maximum score received for the technical quality award criteria. The other tenders are awarded points by means of the following formula:

Financial score = (lowest total price/total price of the tender being considered) x (maximum score received for the technical quality award criteria).

Example: There are 3 offers, A, B and C as follows:

Offer	Technical quality score	Price	Financial score
A	90	125.000	72
B	80	100.000	90
C	50	80.000	-

Offer C will be excluded, as it didn't obtain the minimum technical score.

From the retained tenders Offer B has the lowest price, consequently, it will receive a financial score equal to the highest technical score which is 90 in this case.

Offer A's financial score is determined by the formula:

$$100.000/125.000 \times 90 = 72$$

11.

Q: What are the contractual liabilities of the future contractor?

A: The liabilities of the contractor are covered by the general conditions of the draft contract (article II.2 and II.16). These articles are not subject to any amendment.