

Contract notice: OJEU S 123-187174

Invitation to tender No. ENER/C1/181-2009 concerning

"Assessment of Integrating Electricity from Renewable Energy Sources to the Electricity Grid and to the Electricity Market in the 27 EU Member States"

Time-limit for receipt of tenders: 20/08/2010

FREQUENTLY ASKED QUESTIONS

Updated 13/08/2010

Question 1. Could you confirm that the sentence *"the work is estimated to correspond to 300 man days"* is correct.

Answer 1. Yes, we can confirm that this is correct.

Question 2. On page 8 of the tender specifications it is stated that the subcontractors shall not be required to fill in or provide the Annex 1 forms when the services represent less than 20% of the contract. Does this limit of 20% apply for each individual subcontractor or for the aggregated subcontracted amount in total?

Answer 2. The limit of 20% applies to each individual subcontractor.

Question 3. I have been approached by two different consortiums to participate as an expert member, and I would like to know whether I can participate as an expert in both consortiums, or whether I can only participate in one of them.

Answer 3. The rules do not forbid the participation by the same entity in several offers. Nevertheless we would like to point out that there might be a question of conflict of interest in relation to the two consortia the expert would participate in. The attention of the tenderer is brought in particular to the p.7, point II.4, page 12, point IV.1.2 and page 22, Annex 4, point 2 of the Tender Specifications.

Question 4. On pages 5 and 6, in points I.3.1 "Interim report" and I.3.2 "Final report" you propose five (5) and ten (10) months 15 days as the deadlines for submission of the interim and final reports (respectively). We would like to know if it is possible to be more resource intensive and submit the reports in less time that you propose.

Answer 4. Yes, the time limits are deadlines, submission before deadline is permitted.

Question 5. On page 14, in section IV.2.2 "Technical and professional capacity - Criteria and references required" you ask, in number one, for "excellent skills and proven experience in legal and technical grid and electricity market information [...]." Our question is whether here legal refers to regulatory knowledge.

Answer 5. Yes, the legal experience refers to the knowledge of the regulatory framework regarding the grid connection, operation and electricity market aspects.

Question 6. On page 16, in section IV.3 "Evaluation of tenders - Award Criteria" you say that the contract will be awarded to the tender which offers the "best ratio quality/price."

We would like to understand how this ratio is calculated. Is this ratio the financial offer divided by the evaluation criteria points?

Answer 6. The ratio quality/price is calculated based on the evaluation criteria points and the financial offer, dividing the first by the second.

Question 7. We understand that the scope of the assignment covers the 27 Member States and involves a legal and technical expertise.

We understand that two Firms can create a Consortium and submit a joint tender and that, if they do so, the member of the Consortium ("Partner") which is not heading the project has to submit the following documents:

- 1) Identification form, plus documents providing evidence of registration in a Chamber of Commerce or in a Professional Body and of VAT number;
- 2) the Declaration by the Tenderer (Annex 4);
- 3) Balance Sheets and Turnovers

On this respect we would like to clarify if further documents should be submitted in case the Partner of the Consortium is a legal entity (Company or Association or Law Firm), and in particular if the Declaration by the Tenderer can only be signed by the representative of the Partner, or if it should also be signed by each of the members of the team proposed by the Partner.

On this respect we would also like to know if the fact that the members of the team proposed by the above Partner are not employees, but for example, independent co-operators makes a difference, and if in this specific case the Partner should necessarily provide a declaration signed by each member of its team.

Answer 7. As mentioned in the tender specifications:

- tenderers and subcontractors that represent 20% or more of the contract, have to present:

- 1) the identification of the tenderers (and subcontractor) according to annex I of the tender specifications, accompanied by proof of registration (or declaration or certificate);**

- all the tenderers, regardless of the percentage of tasks they intend to execute, and those subcontractors that represent 20% or more of the contract have to present:

2) the proof of the tenderer's (and subcontractor's) financial and economic capacity by means of the balance sheets or extracts from balance sheets for the last three financial years, and a statement of overall turnover and turnover relating to the relevant services for the last three financial years

- all tenderers and subcontractors have to present:

3) the declaration of the tenderer (and subcontractor) according to annex IV of the tender specifications;

4) detailed curriculum vitae of each staff member responsible for carrying out the work, including his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills;

5) any other proof of professional and technical capacity to perform the tasks.

Regarding the declaration according to annex IV, this has to be signed by each service provider, including subcontractor(s) or any member of a consortium or grouping. Being any of the service providers (tenderer of subcontractor) a legal entity, it can be signed by any of its representative(s) that is allowed to do such a declaration in the name of the legal entity. However, if any of the service providers is an individual person who participates in its own name, he/she has to sign this declaration.

Question 8. Could you please clarify the following from the Specification document heading "I.3.2 Final Report" which mentions a dissemination workshop, but this is not formally requested as a task. Would DG Energy like us to propose the organisation of the workshop in EC premises as a priced option? If yes, roughly how many people and from how many countries would be attending?

Answer 8. The dissemination workshop required under I.3.2 of the tender specifications is not an option, but an integral part of the work to be done in the framework of the contract. The financial proposal has to cover the expenses related to the workshop. The tenderer is also expected to cover this workshop in the technical proposal.

The workshop should disseminate the results of the study and should target a relevant audience for the topic, including EU institutions, Member State government representatives, energy regulators, electricity TSOs and DSOs and their organisations; electricity and renewable industry and its associations, academics, etc.

Question 9. In the invitation tender document, in page 2, point 3, you mention that "Tenders must be placed inside two sealed envelopes, one inside the other". We understand that we will use one envelop for the original proposal and one envelop for the two copies. We will put the two copies envelop inside the original proposal envelop.

Answer 9. The original and its copies should be placed inside one sealed envelope marked: "Call for tenders No. ENER/C1/181-2009 - not to be opened by the internal mail department - DM 28 0/110 – Archives." This envelope should be placed inside another envelope which should have the correct address on it in order to arrive at its destination.

Question 10. We intend to reply to your invitation to tender with reference ENER/C1/181-2009. For our administration I need to know your VAT registration number, could you please provide me with this?

**Answer 10. In the tender specifications you will find under III.2.3 (Section Three: Financial proposal) the following text:
Prices should be quoted free of all duties, taxes and other charges, i.e. also free of VAT, as the European Union is exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 (OJ L 152 of 13 July 1967). Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT.**

Question 11. We would like to use a subcontractor (company) *based in the United States*. The subcontractor would perform no more than 10% of the total contract value. We would like to know whether a US based subcontractor (performing no more than 10 % of the total contract value) is eligible under the rules applicable to tenders of the European Commission.

Answer 11. There is no requirement that would exclude a company from outside the EU to be subcontracted. Subcontractors should meet all the criteria established in the tender specifications and applicable to subcontractors (see question 7 above).

Question 12. Can we draw up a budget for DG ENER tenders based on commercial tariffs (profit margin included)?
Are there no guidelines for DG ENER tenders (similar as in FP6-,FP7- or IEE tenders) as to which costs are eligible?

Answer 12. The cost calculation is up to you and the Commission does not impose any manner as to how the price has to be calculated, nor how you draw up your budget. No specific guidelines exist. All information can be found in the draft contract and the tender specifications.