

Contract notice: OJEU S 148-227852

Invitation to tender No. ENER/C1/438-2010 concerning

Framework contract for the "Assessment of voluntary schemes used for sustainability claims of biofuels under Directive 2009/28/EC"

Time-limit for receipt of tenders: 17/09/2010

FREQUENTLY ASKED QUESTIONS

Updated 15/09/2010

Question 1. Regarding the number of voluntary schemes expected to be assessed during the project:

As there are a substantial number of these schemes it is our opinion that an assessment of all would be outside of the scope of this project. Could you confirm that this is the case and that, perhaps, you are expecting the tenderer to only consider the most relevant of the schemes in order to provide a reasonable assessment of their success?

Answer 1. As mentioned in Chapter I.2 of the Tender Specifications, one of the purposes of this contract is to help the Commission in assessing voluntary schemes covering sustainability criteria set out by Directive 2009/28/EC. Chapter I.3 "Description of services" point 2 explains the scope of the check.

According to the Tender Specifications the contractor has to assess all the voluntary schemes received by the Commission.

Question 2. I would like to raise a question concerning the recent "Assessment of Voluntary Schemes Used for Sustainability Claims of Biofuels under Directive 2009/28/EC" call. For the Annex 4 (Declaration by Tenderer) to be submitted by all project participants, is a PDF version of the document with an electronic signature allowable or must a physical (ink on paper) signature be provided?

Answer 2. Each of the project partners shall submit one original signature "ink on paper" of Annex 4 from which the other 4 copies submitted may be scanned or photocopied.

Question 3. Relating to the current call for tender ENER/C1/438-2010 "Assessment of voluntary schemes used for sustainability claims of biofuels under Directive 2009/28/EC", we refer to section III.2.3 (page 19) of the attached Specifications, which says: "The tenderers should submit their financial proposals as **one single price per person-day for each individual type of assessment or methodology.**"

Are we correct in understanding that rather than offering a fixed price per task for the contract, we should instead submit a single daily tariff for our support for each task? This would mean, for instance, that we submit a single average tariff that takes into account the proposed mix of time spent by junior and senior members of staff from the different consortium partners? Would this also mean that it is not necessary to make an estimate of the amount of time each task would take, but instead we just state the average daily rate?

Answer 3. The tenderers are expected to submit one fixed single price per person-day for each individual type of assessment or methodology. This price can be calculated as the single average tariff for the time spent by the staff in delivering each individual type of assessment or methodology.

As for the amount of time each task would take during the implementation of the specific contracts, Section II.4.1 of the Tender Specifications - page 16, contains indicative information on the amount of time envisaged by the Commission for the tenderers to deliver the each of the tasks that may be adjusted in accordance with the conditions in the Request for Services at the time of sending the request.

Question 4. I wonder what "a methodology for assessing the lists of areas for protection of rare, threatened or endangered ecosystems or species submitted to the Commission" means. Does it mean that you are looking for a method to address biodiversity (and possibly other types of environmental concerns) OR is it the assessment itself that you want feedback on (e.g. that the list is publically available, it has been quality controlled /open for public comment, follows documented standards, monitoring system, updatesetc.)?

Answer 4. In accordance with the provisions of Article 18(4) 2nd sub para. 3rd sentence of Directive 2009/28/EC, the Commission has the possibility of recognising the areas for the protection of rare, threatened or endangered ecosystems and species. These areas have been included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature; the respective lists are submitted to the European Commission.

The assessment of these lists will be part of the recognition procedure for the respective areas. A key element of this assessment is whether the respective areas are indeed designated for the "protection of rare, threatened or endangered ecosystems or species", as provided by Article 17(3)(b)(ii) of Directive 2009/28/EC.

Question 5. Regarding task 4, our understanding of the specifications is that the methodology will be designed to assess the lists of areas of protection of rare, threatened or endangered ecosystems to ensure they suitable for the task of confirming no biofuels or bioliquids are being made using raw materials from these areas. We would like to seek clarification that the task's aim is indeed to analyse the list/database of protected areas and not to directly assess that a

project, scheme or regional activity is conforming with Article 17(3)(b)(ii) of the Directive.

If the above is correct then please could you also confirm whether the lists/databases will be provided by the Commission or are to be collected by the contractors directly.

Answer 5. In order to reply to the first question, please refer to the answer provided in Question 4 above. As for the second questions, as mentioned in the Tender Specifications, these lists will be submitted to the Commission, therefore the Commission will make these lists available to the contractors.

Question 6. I would like to request a clarification concerning Section III.2.2 (p. 19) of the above tender specifications. It is stated that "Tenderers must present in their bids an outline for each of the methodologies needed in Task 2 and Task 4, as well as a template for each of the assessment reports required in Task 1 and Task 3, as well as in Task 5."

We were wondering whether you could provide some guidance on your understanding of the terms "outline" vs. "template". To us, an outline would be a brief description of the methodology and approach. A template would contain a structure of the assessment reports (i.e. containing titles, subtitles, tables), but no further description of background or the approach taken. Could you please confirm this understanding or otherwise explain what is meant by each of the terms and what the differences are in your view?

Answer 6. Section III.2.2 of the tender Specifications requests tenderers "to present in their bids an outline for each of the methodologies needed in Task 2 and Task 4, as well as a template for each of the assessment reports required in Task 1 and Task 3, as well as in Task 5". The tenderers therefore decide on the structure, content or shape of the "outline" and of the "template" they will submit to the Commission as part of their bids.

Question 7. For Task 1, will it be expected that the contractor will sign: i) a number of individual agreements, one for each voluntary scheme assessed; ii) a number of specific agreements, each covering a predefined number of voluntary schemes to be assessed; or iii) one single specific agreement, covering all the voluntary schemes to be assessed?

Does DG Energy have any indication of the number of man-days it will expect the contractor to input for the full delivery of the work?

Answer 7. The procedure for awarding the Specific Contracts under this Framework Contract is explained in Section II.4 of Tender Specifications. The contractor will sign a Specific Contract (after the completion of the procedure laid down in Section II.4.), following a Request for Services and Terms of Reference sent by the Commission. The Specific Contract may cover one voluntary scheme/list of areas or several voluntary

schemes/lists of areas, depending on the particular need of the Commission

As for the indication of the man-days, at this moment we do not have an indication of the amount needed for the full delivery of the work. An estimate of the number of man-days needed for each Specific Contract will be indicated in the Request for Services.

Question 8. I would like to acquire more information with regard to point IV.2.2. point 4) requesting "proof of the existence of access authorization to specific databases and other relevant information sources". Can you please specify the kind of "specific databases" and "relevant information sources"? And how can I prove accessibility?

Answer 8. As specified in Tender Specifications, one of the tasks of the contractor will be to carry out the assessment of the voluntary schemes submitted to the European Commission, in order to establish their compliance with the sustainability criteria set out in Art. 17, 18 and 19 of Directive 2009/28/EC. This assessment will need to focus on the land use criteria, the greenhouse gas (GHG) emissions savings, the chain of custody and the verification methods including a standard of independent auditing (Section I.2). Therefore, the contractor may need, for example, when assessing the GHG savings values included in a voluntary scheme, to reference those values (to cross check them) against values that are provided by various GHG emissions values databases or other relevant sources. The proof provided by the tenderer could be a certificate of access or a subscription to databases or relevant information sources, without being limited to these forms.

This is only an explanatory example; the whole assessment of the voluntary schemes should not be limited to this criterion only.

Question 9 I would like to raise a question concerning the type of "voluntary schemes" that are to be assessed. The "Communication from the Commission on voluntary schemes and default values in the EU biofuels and bioliquids sustainability scheme" makes a distinction between "typical" and "non-typical" schemes in section 2.3. For which type of voluntary scheme shall the assessment methodology be developed and the assessment performed?

Answer 9 When referring to the methodology for the assessment of voluntary schemes on non-mandatory criteria (Task 2 of Tender Specifications), it could be both typical and non-typical voluntary schemes that would cover the non-mandatory sustainability criteria. However, considering the nature of these non-mandatory criteria referred to in Art. 18 para 4, 2nd sub-para, 2nd sentence of Directive 2009/28/EC, it is more likely that these will be covered by typical voluntary schemes. Nevertheless, the contractor

should be able to develop the assessment methodology and the assessment itself for both types of voluntary schemes (typical and non-typical).