

**Questions and answers
on
Invitation to tender n° ENER/C3/413-2010**

**Work on preparatory studies for implementing measures of the Ecodesign
Directive 2009/125/EC**

Version 01/02/2011

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.

Question 1 : Which are the names of the countries that will be eligible to participate in this tender, more particularly, are companies based in India allowed?

Reply : Participation in the present call for tenders is in principle open to all natural and legal persons coming within the scope of the EU treaties and to all natural and legal persons in a third country which has with the EU an appropriate international agreement in the field of public procurement. As there is no relevant agreement between the EU and India, such companies are not entitled to participate in the present call for tenders.

Question 2: Can the European Commission's services provide an estimated budget for the tasks?

Reply: No, such an estimate cannot be given. However, an estimate about the amount of work expressed in man-days is available in the tender specifications under point I.6 (on page 21).

Question 3 : Can the deadline for the reception of offers be extended?

Reply : The deadline cannot be extended on request from the candidate/tenderer. Offers received after the deadline specified in the invitation to tender under point 2 will entail rejection of the bid at the opening session.

Question 4 : Will there be a pre-bid meeting ?

Reply : No, such a meeting will not take place. All questions/requests for additional information concerning the tender have to be addressed to the person specified under point 9 in the invitation to tender (hilde.vermaelen@ec.europa.eu). In order to be as transparent as possible, the questions and replies will subsequently be assembled in a FAQ document which will be published and updated on the following website: http://ec.europa.eu/dgs/energy/tenders/2010_en.htm.

Question 5 : Can a consortium which includes partners which are not part of European Member States submit a proposal?

In principle, such a consortium can submit a proposal on the following conditions:

- (1) the company/person which has been specified as heading the project – and, as such, will be the only contracting party responsible for the performance of the contract, if a contract is awarded – is a natural or legal person coming within the scope of the EU treaties or a natural or legal person in a third country which has with the EU an appropriate international agreement in the field of public procurement

and

- (2) the partners of the consortium are natural or legal persons in a third country which has with the EU an appropriate international agreement in the field of public procurement.

In case the second condition is not fulfilled, the proposal can be submitted as well provided that the share of the partners from third countries is not that high that it would have to be considered as a way of bypassing the application of an international agreement in the field of public procurement.

Question 6 : What exactly is the meaning of the sentence in Part C – Assistance to the Commission, page 20 of the tender document : "The Commission may decide to limit or cancel this assistance, without the contractor being entitled to claim any compensation"

This means that the Commission may not require the concerned ad-hoc services. In such a case, as no ad-hoc work is undertaken, no compensation in the form of fees or other means is payable to the contractor.