

## FREQUENTLY ASKED QUESTIONS

INVITATION TO TENDER NO. ENER C3/2012-441

Technical assistance to the stakeholder representation of NGOs for standardisation work under the ecodesign and energy labelling of energy-related products directives (Directives 2009/125/EC and 2010/30/EU)

Contract notice: OJEU 2012/S 88-143624 of 8/05/2012

Last update: 20/06/2012

---

In order to be as transparent as possible, the questions and replies will subsequently be assembled and published via this FAQ document.

### **Question 1: List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.**

**Answer 1:** This information is included in tender specification attached to the invitation to tender. The access to all tender documents has been provided on the website [http://ec.europa.eu/dgs/energy/tenders/index\\_en.htm](http://ec.europa.eu/dgs/energy/tenders/index_en.htm) as mentioned in Contract notice: JO S 88-143624.

### **Question 2: Soft Copy of the Tender Document through email.**

**Answer 2:** In accordance with Article 141(1) and (4) of the Implementing rules to the Financial Regulation, the Commission shall not sent the tender documents in paper form if *unrestricted and full direct access by electronic means to the entire call for tenders and any additional documents* has been provided. Having complied with this requirement, the Commission does not intend to distribute individually the tender documents.

### **Question 3: Names of countries that will be eligible to participate in this tender.**

**Answer 3:** Participation in the present call for tender 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.

### **Question 4: Information about the Tendering Procedure and Guidelines**

**Answer 4:** You can find official information about the tender procedures and Guidelines on the following website [http://ec.europa.eu/contracts\\_grants/index\\_en.htm](http://ec.europa.eu/contracts_grants/index_en.htm). Specific information regarding this particular tender can be found in the tender specifications.

### **Question 5: Estimated Budget for this Purchase**

**Answer 5:** The estimated budget for this tender is not provided. Nevertheless, the estimated amount of work involved to carry out this contract is indicated under point I.6. of the tender specifications.

### **Question 6: Any Extension of Bidding Deadline?**

**Answer 6:** The bidding deadline is indicated in the invitation to tender and in the contract notice. In case of extension of the bidding deadline a corrigendum to the invitation to tender is on the website [http://ec.europa.eu/dgs/energy/tenders/2011\\_en.htm](http://ec.europa.eu/dgs/energy/tenders/2011_en.htm).

**Question 7: Any Addendum or Pre Bid meeting Minutes?**

**Answer 7:** There is no addendum or pre bid meeting minutes for this call for tender. All questions/requests for additional information concerning the tender have to be addressed to the contact point specified under I.1) of the contract notice.

**Question 8: For the similar call for tender on preparatory work ahead of the implementing measures (TREN/D3/454/2009), the Commission was explicit in addressing consumer organisations (Lot C) and ENGOs (Lot E). This new tender refers variously to "environmental NGOs" (I.2), "all NGOs" (I.2 - Task 1), "the stakeholder representation of NGOs for standardisation work" (FSC - I.1.1). Is the tender addressed to the representation of consumer organisations as well as that of the ENGOs and 'others', or exclusively of the ENGOs?**

**Answer 8:** The tender is addressed to all NGOs.

**Question 9: Tasks 1 and 3 recommend (the verbal form "should") that the contractor provide the Commission with its opinions on the developed standards, particularly (the appropriateness and suitability) of those to be cited in the OJEU. Is the Commission able to confirm that this is only a recommended task of the contractor? Our fear is that, if it is intended to be a requirement on the contractor, the contractor could be perceived as both "player and referee" in the standards development process. Hence, it could damage the delicate dynamics that exist among the disparate interests who participate in the consensus-building on a standard. Task 3 of the complementary call for tender (ENER/C3/2012-440) makes the same recommendation for that contractor. Given that this second contractor will represent the Commission itself, it would seem more appropriate for this activity to be performed solely by the second contractor anyway.**

**Answer 9:** Task 1 clearly indicates that "The contractor shall ensure that the interest of all NGOs willing to contribute are represented and taken into account ...". The verbal form "should" refers to strongly recommended tasks by the consultant. The risk to be perceived as "player and referee" is negligible compared to the overall benefit of this action intended to ensure the active participation of NGOs in the standardisation process carried out under the Ecodesign, Labelling and EPBD Directives. It is not appropriate to skip Task 3 of this call. The perspective in this call (interests of NGOs) is different from the perspective in the complementary call for tender ENER/C3/2012-440 (interest of the Commission's services).

**Question 10: Is there any indication concerning the timing of the subcontracting and payment schedule? Would there be any subcontract of a more horizontal nature envisaged under the overall framework contract, that could be used to fund a coordinating position?**

**Answer 10:** Specific contracts will be issued according to the development of the standardisation works. Payments related to specific contracts shall be made in accordance with the provisions specified in the draft framework contract (Annex 6 to the tender

specifications). There will be no pre-financing. Interim payment(s) will take place only when intermediary deliverables (progress report) have been foreseen under the specific contract.

No specific contract covering coordination work is foreseen in the framework of this call for tender.

**Question 11: What happens if an expert cannot be found for a specific Technical Committee?**

**Answer 11:** According to the tender specifications, the applicant must provide evidence of employing directly or being capable of carrying out in a professional and timely manner the tasks requested under the contract. Offers will be evaluated against this selection criteria.

**Question 12: What happens if the standardisation process takes longer than what is foreseen in a specific subcontract?**

**Answer 12:** A specific contract may be amended. Any amendment to the Contract shall be subject of a written agreement concluded by the contracting parties before fulfilment of all their contractual obligations.

**Question 13: We would appreciate some clarifications on the clause in the invitation to tender No. ENER/C3/2012-441 on standardization work on ecodesign, energy labeling and EPBD which states that there may be specific contracts under the framework contract. We indeed find it confusing considering that the tender already gives a list of product groups that ought to be followed under the service contract and does not specify what the subcontracts would add to this.**

**Answer 13:** Invitation to tender ENER/C3/2012-441 refers to a framework contract not to a service contract. A "Framework contract with one organisation" means a situation whereby a Framework contract is concluded between the Commission and the selected tenderer, setting out the general contractual terms (legal, financial, technical, administrative, etc.) that apply during their period of validity and govern commercial relations between the Commission and the Contractor. The award procedure for the Framework contract is described in chapter IV of the tender specifications.

Following the conclusion of the Framework contract each time the contracting authority will ask technical assistance an invitation to submit an offer will be sent (by e-mail) to the contractor. The e-mail will contain a request for services and the related specific terms of reference.

Within the number of calendar days specified in the request for services<sup>1</sup>, the contractor will provide the contracting authority with a written offer.

This offer shall detail the methodology, the deliverables, the composition of the team, the duration of work and the global price (including all expenses, with a labour cost component based on a "person-day" price which cannot exceed the one agreed in the framework contract).

---

<sup>1</sup> Between 5 and 15 calendar days depending of the complexity of the subject

**Question 14: What the EC means by inception report (and progress report) in relation to the subcontracts. We understand an inception report is different from the offer to be submitted to the EC to provide technical assistance on specific issues but we assume both documents will contain similar information regarding the state of play of standardization work, what is at stake for NGOs and what are the next steps.**

**Answer 14:** The inception report needs to be sent at the starting stage of the life of a specific contract. The Inception Report aims at securing integration and providing detailed instructions for the implementation of the Tasks. The objective of the Inception Report is to fine-tune the methodology to be applied, provide a detailed workplan and Timetable of the activities to be implemented and define a monitoring procedure.

The progress report will be sent in the middle of the life of a specific contract and should cover the tasks carried so far. The progress report is an assessment providing information of what has been accomplished, what problems have been encountered, whether the tasks or process is expected to be completed on time. It provides indications on whether changes are necessary to the ongoing activities.

**Question 15: Moreover we did not find any specific requirements regarding submission of an interim and a final report for the overall project. Can you confirm that there is no such requirement?**

**Answer 15:** Each specific contract shall determine the number, timetable and type of reports to produce within its duration. The contractor will not be requested to provide an overall report covering the activities of all the specific contracts.