

Invitation to tender No. ENER/C2/2011/519-1 concerning

Support to Biofuels Deployment

Questions and answers raised for the tender

Update: 05.03.2012

Question 1: Please send the tender documents for B-Brussels: support to biofuels deployment.

Answer: You can find all necessary information at the site below:
http://ec.europa.eu/dgs/energy/tenders/index_en.htm

Question 2: In the deliverables for Task 1 "high-level workshops" are mentioned. Furthermore Task 8 refers to "two workshops with all key stakeholders". Is it right, that the expectations by the European Commission for the Task 8 workshops would be events with 100 – 300 participants ("all key stakeholders")?

Answer: Your analysis is correct, the Task 8 workshops have to address all key stakeholders

Question 3: Should the workshops in Task 1 instead be characterized as expert workshops with a far more limited number of participants (up to 30P)?

Answer: Your analysis is correct, the Task 1 workshops have to be targeted and addressed to experts in specific areas

Question 4: Would it be possible for the Commission to host the two Task 8 workshops?

Answer: The Commission could only provide the venue, however, the organisers or the participants have to cover costs related to catering and other costs.

Question 5: The technical and professional capacity for the tender ask for proven experience:
The tenderer must have the minimum following experience:

- *providing or developing advanced biofuel technology such as those for hydrogenated vegetable oils, Fischer Tropsch, bio dimethylether etc.,*
- *producing or being in the formal stage of planning to produce advanced biofuel such as hydrogenated vegetable oils, Fischer Tropsch, bio dimethylether etc.,*

Are we right in assuming that the assignment of producers and industry by a letter of intent to contribute to specific tasks would be enough to fulfil the above mentioned criteria or is an assignment directly to the consortium necessary?

Answer: The tender must include technology developer(s) and biofuel producer(s) for these advanced biofuels (those can be partner in a consortium or sub-contractors).

Question 6: Especially Task 3, 4 and 7 are based on analytical data collection and preparation. Are we right in assuming that a collection of existing data (e.g. F.O.Licht) in a regular follow-up of market data in most of the cases will be enough to fulfil the criteria or do the tasks from your perspective, require 'new' research and compilation?

Answer: The tenderer could use existing information and data wherever possible but also carry out research for new information where there are gaps in the availability of existing information.

Question 7: Subtask 6.3 is formulated as follows:

Market behaviour with respect to the final biofuel products, to the demand and to the fossil fuel prices. May you specify your expectations for this subtask?

Answer : The market does not always clearly understand the various biofuels products (such as Fhischer-Tropsch, E10 etc). Markets may respond differently to the demand for first or second generation biofuels and especially for the second generation biofuels there is at present little market experience if any at all. Fossil fuel prices may have a strong effect on the cost of biofuels and subsequently to the demand for them.

Question 8: *Tenders specification, page 16:*

Tenderers must provide evidence of their economic and financial capacity by submitting an average annual turnover of minimum 400,000 EUR, for the last three years for which accounts have been closed.by means of the following documents:

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 for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established.

What exactly will be needed from the tenderers: balance sheets for the last three financial years AND a statement of the overall turnover? OR a statement of the overall turnover only when extracts from the balance sheets will be submitted?

Answer: Balance sheets AND a statement of overall turnover and turnover relating to the relevant services have to be provided.

Question 9: With reference to the criterion on financial capacity, as a public association we do not have an annual turnover as such, nor a statement. Which documents should be provided in this case?

Answer: A non-profit organisation has to provide equivalent document to prove his economic and financial capacity (statement of financial position and relevant information from the statement of financial activities). It is the role of the evaluation committee to assess whether the selection criteria are met by the tenderer.

Question 10: *Tenders specification, page 16/17:*

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

Under the same conditions, a consortium of economic operators may rely on the capacities of members of the consortium or of other entities.

How exactly should this look like? What kind of document do you need?

Answer: There is no imposed format for the letter of undertaking. We need the undertaking to be signed by an authorized legal representative of the entity that will put its resources at the disposal of the tenderer.

Question 11: Referring to "III.4.1.Economic and financial capacity – Criteria and references required", I understand that organisations with turnovers below 400,000 Euros are not eligible to be a tenderer (i.e. a full partner in a tender consortium). However, is it allowable for a smaller organisation to act as a named sub-contractor if it has a turnover below this figure (assuming it accounts for less than 20% of the total budget)? Or do named sub-contractors also have to meet the 400k turnover requirement?

Answer: It is not necessary for an individual economic operator to have turnover of 400,000 € in order to be eligible as a tenderer. The tenderer as a whole should have this minimum turnover. Any organisation, regardless of its size, can be a partner or subcontractor.

Question 12: In the Contract Notice, 2012/S 17-025989 under Section III.2.3 Technical Capacity under Minimum level(s) of standards possibly required:

- 1) The tenderer must have the following minimum experience
 - Promoting the interest and cooperation in the field of biofuel production and use at a European level
 - Providing or developing advanced biofuel technology such as those for hydrogenated vegetable oils.
 - Producing or being in the formal stage of planning to produce advanced biofuel.
 - At least 3 years in developing and managing activities

Depending on how one interprets the language one could conclude the only individual persons or entities that are eligible are ones that are technology producers AND are biofuels producers simultaneously. However, we believe this is likely not the correct interpretation, else for example no individual person is going to be eligible and it is likely no corporate or NGO either, in fact, nobody.

Can you confirm for us that to be eligible a tenderer does not necessarily have to be simultaneously an engineering technology provider AND a biofuel producer?

Answer: Please see answer to question n°5 in the Questions and Answers document published on our website. The tenderer as whole (i.e all partners together in a consortium) must have the required capacity. An economic operator may also rely on the capacities of other entities. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place resources at its disposal.

Question 13: Section I, 1.2, Task 1 stipulates that the contractor be neutral vis-a-vis the various stakeholders.

Section III.2.1 requires a Declaration of honour including the absence of conflict of interest (Annex 4)

However the consortium must under Section III.2.3 Technical Capacity either be providing or developing certain biofuels technology and be producing or planning to produce certain advanced biofuels.

It seems possible that consortiums who themselves wholly or in part have direct or indirect economic interest in the development of particular technology or fuel have too strong a conflict of interest and compromised neutrality vis a vis the projects objectives so as in a circular pattern to render them ineligible. Further, were such a consortium to be awarded the project their neutrality would be so compromised that the achievement of the Commissions goals would be improbable and the award itself subject to judicial challenge.

Answer: Section I.2. Purpose of the contract, Task 1 stipulates that "*The contractor should ensure an open access to the organisation and be neutral vis-à-vis the various stakeholders*". Task one furthermore specifies the type of possible categories of stakeholders which can be invited to participate or become observers of this organisation.

As stipulated in

"III.3.2.Other cases of exclusion

1. In accordance with Article 94 of Financial Regulation, contracts will not be awarded to tenderers who, during the procurement procedure:

a) are subject to a conflict of interest;"

tenderers must declare the absence of a conflict of interest.

Paragraph h) of Annex 4 stipulates: "h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;"

In line with the above instructions, If ever faced with a situation of conflict of interest the tenderers and contractors are therefore obliged to inform the Commission.

Furthermore Section I.2. Purpose of the contract, Task 1 stipulates "*The organisation should aim to reach a common position to issues addressing the sector in general while each individual association or independent technology provider or other type of stakeholder should continue to address issues related specifically to their association or technology.*" Thus the purpose of the contractor shall be to address issues common to all participants in an organisational context where it is expected that decisions will be taken on consensus.

Question 14:

Would the Commission accept for the fulfilment of the criterion 2) for technical and professional capacity criterion experience of technology deployment and biofuels production each over a 5 year period?

Answer: YES