



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate B - Internal Energy Market
B.3 - Internal Market III: Retail markets; coal & oil

FREQUENTLY ASKED QUESTIONS

Contract Notice OJEU S 64-103002

Invitation to Tender ENER/B3/2012/154-1

"Civil Liability and financial security for offshore oil and gas activities"

Last update: 22/05/2012

QUESTION 1: List of items, schedule of requirements, scope of work, terms of reference, bill of materials required.

REPLY: This information is included in the tender specifications 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, as mentioned in the contract notice JO S 64-103002 of 31/03/2012.

QUESTION 2: The amount of work as indicated in the Technical Specifications is assessed as 150 man-days, however there is no maximum price specified.

REPLY: The section I.6 of the Tender Specifications indicates that the amount of work involved to carry out the contract is assessed at 150 man-days. This amount of man-days shall indicate the estimated overall value of the contract, including all expenses such as travelling and daily allowances as mentioned in point III.2.3 of the tender specifications.

There is not a maximum price indicated but the financial offer must take into account the estimation of the amount of work to be carried out indicated in point I.6 of the tender.

QUESTION 3: According to section IV.2.1 of the Invitation to tender the tenderer must provide evidence of an average turnover of at least 150 000 EUR. In case of a group of partners, do all partners have to submit the required documents e.g. statements of overall turnover for the last three years, or is it sufficient if the leader submits them, provided that the above required threshold is proven?

REPLY: It is sufficient if the leader fulfils the economic and financial capacity.

QUESTION 4: According to our national legislation, we are not obliged to publish profit and loss accounts. Do we need to submit the balance sheets for the last three years or is a statement with the required information signed by the representative of the law firm sufficient?

REPLY: Yes, in that case, you should provide the balance sheets for the last three financial years.

QUESTION 5: In relation to Paragraph I.2, Task 2 of the Tender Specification, please can you confirm that where a legal regime covers environmental liability separately, this regime should not be considered in this task (i.e. the same position as in relation to Task 3)?

REPLY: Indeed, where a separate legal regime covers environmental liability, such a regime does not need to be covered in the tasks (Tasks 2 and 3).

QUESTION 6: Please can you confirm what a pre-financing guarantee is (Clause II.15.1 of the form of service contract) and whether it is relevant to this tender?

REPLY: A pre-financing guarantee may be requested if Article I.4 of the service contract foresees a pre-financing payment, which is not the case for this tender. Therefore, the question is not relevant.

QUESTION 7: Paragraph IV2.2 of the Tender Specification requires a signed statement of availability related to this assignment from any expert not employed by the tenderer. Is any particular form of statement required or will a simple statement to that effect suffice?

REPLY: There is not a particular form of statement, a simple statement is sufficient.

QUESTION 8: To which extent does the tender remain confidential ?

REPLY: The tenders to be submitted for the Commission's internal evaluation remain confidential. However, as mentioned in Article I.3.3 of the tender specifications, the Commission may publish the results of the study. For this purpose, the tenderer must ensure that the study is not subject to any restrictions deriving from intellectual property rights of third parties. Should he intend to use data in the study, which cannot be published, this must be explicitly mentioned in the offer. Provisions related to data protection and use of the tender's results are also included in Articles I.8 and I.9 of the draft service contract.