

# **FREQUENTLY ASKED QUESTIONS**

## **INVITATION TO TENDER N° ENER/B1/2013-320-1**

### **STUDY ON REGULATORY INCENTIVES FOR INVESTMENTS IN ELECTRICITY AND GAS INFRASTRUCTURE PROJECTS**

**Contract notice: OJEU 2013/S 125-213929**

**Last update: 14. August 2013**

#### **Q1) Resolution of information compiled and made available by national regulation agencies:**

We understand that the NRAs will be submitting their input on methodologies. Can we expect that information from every NRA will already be compiled that provides not only the regulation model being used, but also information about how calculations are done? (for example, which assets are included in the regulated asset base). Or, is the contractor in this case responsible for pursuing and collecting this information themselves?

#### **Response**

As indicated in the tender specifications, some information on the methodologies is expected to already be compiled by NRAs once the contract starts. Next to information about the general regulatory framework, this should include information about how investments are evaluated, the calculation of cost of capital, existing risk mitigation measures and incentives etc. Where more detailed information is required which is not available, the contractor is expected to collect this information.

#### **Q2) Separate analysis of gas and electricity**

Is there any willingness on the part of the E.C. to award multiple and separate tenders for the electricity and gas aspects of regulation? Or is it preferred to research, from the beginning, a unified framework for both?

#### **Response**

The work is expected to take place within the framework of one single contract for both gas and electricity.

#### **Q3) Conflict of interest**

One of our potential team members works part time in the transmission system business. Can you advise as to whether this causes any problem with conflict of interest or other legal aspects of him participating in the tender with us.

#### **Response**

According to Article II.4.1 of the draft contract annexed to the tender specifications, "the contractor shall take all the necessary measures to prevent any situation of conflict of interest. Such situation arises where the impartial and objective performance of the contract is compromised for reasons involving economic interest, political or national affinity, family or emotional ties, or any other shared interest". [...] All possible issues of conflicts of interest must be indicated and addressed, by the tenderer in its tender, in a transparent and objective way. The information given in the tender must be sufficient to enable the Commission to assess the situation. A decision about whether the conflict of interest exists or not in a particular case is subject to the judgement made by the

evaluation committee after the deadline of the submission for tenders. It is to be noted that the results of the study must be fully objective.

**Q4) Specification of resources and time allocated**

In the response to the call for tenders, is necessary for us to specify in detail how many days each member of our team will contribute to the project? Or is it sufficient to specify their role, and that as a whole the team will deliver the results of the project using 85 person days?

**Response**

It is left to the tenderer to decide in which detail and in which way the allocation of resources will be specified. The proposed organisation of work and allocation of resources is evaluated under the award criteria.

**Q5) Providing certificates of satisfactory execution of projects**

I wanted clarification on Section 2.3.2.c of the Tender Specifications. This section states that to prove technical and professional capacity, the tenderer should provide a list of “relevant services provided in the past three years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed”. It is not our company’s practice to request such certificates and as such would be unable to produce them. Could you let us know whether you would require alternative evidence of project completion and if so, what kind of such evidence you would be satisfied with?

**Response**

The list of relevant services provided in the past 3 years (including sums, dates and recipients) is essential for the verification of your company's capacity to carry out this assignment. If it is not possible to present formal certificates of satisfactory execution for your past services, in principle, any document or declaration enabling the Commission to achieve a full overview of the aspects of the services and testifying their successful completion by your company could be provided as a substitute. It is left to your judgement how to substitute the mentioned certificates in order to testify that the service have been carried out in a professional manner. Please note, however, that it is upon the Commission, on case-by-case basis, to assess if the documents submitted are sufficient.

**Q6) Paying for and organising of stakeholder meeting**

On page 13 of the Tender Specifications, section 3.2.3 Timetable and Deliverables, it is mentioned: “It should be noted that further meetings have to be planned with all relevant stakeholders (NRAs, ACER, ENTSO-E, TSOs, COM). A first workshop with the relevant stakeholders should be organised shortly after the kick-off meeting. The exact date will be agreed upon with the Contractor. Further workshops with the relevant stakeholders should be organised regularly, at minimum to consult the intermediate and final deliverables.” On page 14 it is stated that: “The tasks will be performed on the Contractor’s premises. However, meetings between the Contractor and the Commission may be held on Commission premises in Brussels.” Would you please confirm then that these meetings include also the required workshops, and thus these workshops shall also be organized / held at the Commission’s premises in Brussels, and that workshop-related expenses (logistics, venue, coffee breaks etc.) will not be borne by the Consultant?

**Response**

Meetings with relevant stakeholders (e.g. NRAs, ACER, ENTSO-E, TSOs, COM) in accordance with the tasks due may be held on Commission premises in Brussels. This will include the first workshop

shortly after the kick-off meeting. This also includes necessary further workshops at minimum the ones mentioned to consult the intermediate and final deliverables. Any other workshops and meetings necessary for carrying out the task may be held at the Commission premises in Brussels as well, if the Commission decides that this is necessary and appropriate. The Commission will provide the meeting rooms and coffee during the breaks. The contractor must contact the Commission for availability of meeting rooms, wait for confirmation from the Commission and then proceed in organising the entire workshop/meeting. Any other cost arising from the meeting (i.e. traveling expenses) will not be covered by the Commission and must be borne by the contractor. This does not mean that the contractor has to pay for the any expenses of the stakeholders (i.e. traveling expenses). The contractor will be in charge of organising the individual discussions and workshops referred to in 3.2.3 and will not receive any additional financial support from the Commission for that apart from the before mentioned.