

**FREQUENTLY ASKED QUESTIONS**  
**INVITATION TO TENDER NO. ENER C3/2013-523**  
**contract notice in OJEU 2013/S 182-313210 of 19/09/2013**  
**concerning a Single Framework**  
**contract for the provision of impact assessment studies on several possible**  
**implementing measures under the Eco-design Framework Directive of**  
**Energy Using Products (Eco-design Framework Directive) and the**  
**Framework Directive on Energy Labelling of Household Appliances**  
**(Energy Labelling Framework Directive)**

**Last update: 10/10/2013**

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

**Question n°1:**

Concerning the call for tenders “Impact assessment studies on several possible implementing measures under the Ecodesign Framework Directive for energy-using products (Ecodesign Framework Directive) and the Framework Directive on energy labelling of household appliances (Energy Labelling Framework Directive) - ENER/C3/2013-523”, I would like to ask you if only joint tenders are eligible or if individual organisations can also submit their offers.

**Answer n°1**

Individual organisations may submit an offer. According Tender Specifications:

"Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement concluded within the WTO applies, the participation to the call for tender is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down."

**Question n°2:**

Would you need the breakdown of senior and junior staff (i.e. by managerial level, data handling, surveying, research, engineering, economic and statistical analysts) for 2010-2012, OR can we provide this breakdown for 2012 only while for 2010-2012 submitting only total average manpower?

**Answer n°2:**

According to the tender specifications all requested information should be provided for the last three years: "...A report of the average annual manpower in the last three years and the number of staff at senior and junior level, broken down by managerial level, data handling, surveying, research, engineering, economic and statistical analyst staff...".

**Question n°3:**

Is in general a subcontractor >20% considered to be a member of a grouping / consortium / joint tender?

**Answer n°3:**

No, in the case of subcontracting, the contractor (s), and not the subcontractor(s), will retain full liability towards the Contracting Authority for performance of the contract as a whole. This will be the case even if the subcontracted part of the contract is above 20%. Subcontractors have contractual link with the Contractor not with the Contracting authority.

In the case of a joint tender by a consortium, all members of a group of economic operators submitting the joint tender assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole. This applies even in the cases where only some, but not all, of the contractors take part of the actual implementation of a specific contract.

Joint tenders may include subcontractors in addition to the joint tenderers.

More information on the subject is provided under 1.3 and 1.4 of the tender specifications.

**Question n°4:**

We would like to request additional information regarding the length of the contract. There seems to be conflicting information in the documents provided as follows:

- P11 of the specifications: "The duration of the Framework contract is maximum 36 months from the date on which it is signed."
- P15 of the specifications: "The duration of the Framework contract shall not exceed 48 months. This period is calculated in calendar days."
- II.1.4 of the contract notice: "Duration in months: 48"
- II.2.1 of the contract notice mentions: "The total duration of a framework contract will not exceed 48 months. The framework contract will be concluded for a period of 12 months and renewed automatically up to 3 times."

Could you please confirm the duration of the contract?

**Answer n°4:**

Your remark is correct. The intended maximum duration of the framework contract is 48 months. A corrigendum of the information presented in p 11 of the tender specifications will be published on our webpage shortly.

The framework contract will be concluded for a period of 12 months and renewed automatically up to 3 times.

**Question n°5:**

In several sections the Tender ENER/C3/2013-523 specifications refer to a subcontractor's "share of the contract (being) above 20%".

Does this 20% threshold refer to the overall Framework Contract budget or to specific contract budgets?

**Answer n°5:**

The 20% threshold refers to subcontractors whose share of the work (man/days) is expected to represent more than 20% for some specific contracts.