

Question & Answers
on
Invitation to tender for Framework Contract 2007/S 130-158835
Impact Assessment and Evaluation (ex-ante, intermediate and ex-post)

Updated: 02/08/2007

Before submitting any written question to the Commission, the tenderers should consult this frequently asked questions section relating to the invitation to tender. Questions and answers are published here with full respect to the anonymity of the enquiring tenderers.

Question 1

"The date of August 16 specified at point IV.3.4) in the contract notice is the deadline for the receipts of the tenders **or** for the requests to participate?"

Answer 1

16 August 2007 is the time-limit for receipt of tenders.

Question 2

"The framework contract has an indication of duration of 12 months and a total budget of 4 mil. EUR for the lot which could be renewed for "a max 3 1-year period" - does this indication mean that the contract for the renewable lot could potentially value up to 16 mil. EUR?"

Answer 2

No, EUR 4 million for each lot is the indicative maximum budget for the complete duration of the contract (up to 4 one-year periods).

Question 3

Is the new framework contract replacing the current framework contract of DG TREN (TREN/A1/46-2005)?

Answer 3

Each framework contract is independent. However, should the new framework contract be operational before the budget of the current framework contract (TREN/A1/46-2005) is exhausted, then the Commission may decide to only use the new framework contract.

Question 4

With regards to some of the documents needed for the administrative proposal, it is specified within the sections III.2.1 and IV.1.3 that "each tenderer, including subcontractors or any other member of a consortium...must complete and sign....however, the subcontractors shall not be required to fill in those documents when the services represent less than 20% of the contract".

Please indicate whether the respective non-obligativity of filling in the respective documents applies only to the subcontractors, or it is applicable also to the members of the consortium which have less than 20% of the contract.

Answer 4

As stated in Section III.2.1 of the tender specifications, each members of the consortium, regardless of the percentage of work proposed, must provide a tender identification, being proof of registration as prescribed in their country of establishment on one of the professional or trade registers, or a declaration or certificate. If subcontractors are identified in the offer, the above-mentioned documentation has to be submitted only if the services provided by them would exceed 20% of the total work foreseen. In any event, the consortium shall remain bound by his obligations to the Commission under the framework contract and shall bear exclusive liability for proper performance of the Contract.

As stated in Section III.2.1 of the tender specifications, concerning the financial identification and the legal entity forms, these only have to be provided by the person heading the project; subcontractors are hence waived of this obligation.

As stated in Section IV.1.3., only subcontractors identified in the offer that provide less than 20% of the total work foreseen are waived from providing the declaration on the honour. Subcontractors providing services that would exceed 20% of the total work foreseen and all other members of the consortium must provide the declaration on the honour.

Question 5

Are there any further specifications concerning the announcement 2207/S 130-158835 available different from those linked by: HYPERLINK

http://ec.europa.eu/dgs/energy_transport/tenders/doc/2007/s130_158835_specifications_en.pdf
http://ec.europa.eu/dgs/energy_transport/tenders/doc/2007/s130_158835_specifications_en.pdf ?

Answer 5

All technical specifications related to the call for tender n° **2007/S 130-158835** are published on the web site:

HYPERLINK "http://ec.europa.eu/dgs/energy_transport/tenders/index_en.htm"
http://ec.europa.eu/dgs/energy_transport/tenders/index_en.htm

In addition a list of frequently asked questions and answers is available on the same website.

Question 6

With regards to the evidence to be provided by the tenders regarding the fact that they are not in the situations of exclusion mentioned in the ToR; as the template declaration (Annex 4) indicated that it should be provided by the tenders does not cover all the situations of exclusion explicitly cited cf IV.1.1 and IV.1.2, kindly indicate that the provision of the respective declaration mentioned in Annex 4 would be a sufficient proof for the fact that the tenderers are not in any of the respective situations of exclusion.

Answer 6

The template declaration (Annex 4) is at this stage sufficient for the exclusion criteria. The winning tenderer will be asked to submit evidences confirming the declaration and any other document relating to the proposed tender for evaluation and verification on request of the Commission, see the Tender Specifications (Section IV.1.3).

Question 7

Would individual experts interested in applying to work on specific contracts ("assignments") have to be ab initio members of the consortia bidding for the framework contract or are they permitted to join afterwards on a case by case basis?

In other words: should I team up with one of the bidders right now or should I wait until the (5?) successful bidders have been selected to then offer my services?

In case I should wait until the framework contractors have been selected, when shall I know who was selected and where shall I find the details and contact points?

Answer 7

According to the Section II.5 of the Tender Specifications

"... Tenderers may not choose subcontractors other than those mentioned in the bids unless they obtain the prior written authorisation of the Commission..."

This means that possible subcontractors must be already mentioned in the bid, but the Commission may, in some specific cases, accept to subcontract to a different one.

The notice for the award of the Framework Contract, with all the details and contact points, will be published in the Official Journal of the European Union within 48 days after awarding the contract.

Question 8

Is it allowed to be registered as a subcontractor in more than one proposal?

Answer 8

Tender specifications draw a difference between:

1 – Partners or Members of "Groupings" or "Consortium" (See Section II.3 of the Tender Specifications) and

2 – Subcontractors (See Section II.5 of the Tender Specifications)

Members of a Consortium can be partners only in one bid. Because of the risk of collusion, the risk of conflict of interest and the resulting limitation of competition, the Commission does not wish that partners participate in this role in several consortia.

Subcontractors, in principle, could be included as "potential" subcontractors in more than one bid, but the Commission reserves the right to refuse a subcontractor participating in several

bids in a bidding process for a Specific Contract if the part of the work to be subcontracted to that particular entity is significant.

We remind all potential bidders that any exchange of sensitive information with regard to the procurement procedure, in particular about financial offers, constitutes an infringement to competition and public procurement rules. If a subcontractor is involved in several bids, tenderers must make sure that no information is leaked to other bidders.

Question 9

In the tender Specifications, Section III.2.3, Financial Proposal, states: "Tenderers shall specify one single price per man-day whatever the type of service and qualification is requested. The price per man-day shall be valid for any services offered under a specific contract."

For the avoidance of doubt, can you confirm that for each Lot where a grouping submits a joint bid, you wish the tender to specify one single price per man-day for the group as a whole regardless of the organisation or individual?

Answer 9

For each lot, tenderers must specify one single price per man-day for the group, regardless of the organisation or individual.

Question 10

Our company intends to submit a tender for the above mentioned Framework Contract and for that reason we would like you to provide us with the following information:

1. Are we required to include in our proposal a Statement of Exclusivity signed by our proposed experts?
2. Do we also need to include copies of academic titles for each of our proposed experts?

Answer 10

1. A statement of exclusivity is not requested. Please refer to the answer to question 8 published in the Frequently Asked Question on the web site http://ec.europa.eu/dgs/energy_transport/tenders/index_en.htm for more information on the participation of one entity in several bids.

2. All information requested in the Section IV.2.2 of the Tender Specifications may be included in the CV.

Question 11

We will be sending our tender submission from the UK via Airmail under 'International Sign For' service. Can you please confirm if this satisfies the requirements in respect of Tender No. TREN/A2/143-2007; Multiple Framework services contract regarding Impact assessment and evaluations (ex-ante, intermediate and ex-post).

Answer 11

Tenders must be:

(1) either sent by registered mail or by private courier, dispatched not later than 16 August 2007 (the postmark or the receipt issued by the courier service serving as proof of the dispatch)

or

(2) delivered by hand at the Central Mail of the European Commission by 16 August 2007 not later than 4 p.m. (Brussels time),

If 'International Sign For' services fall within one of these categories and the tender is dispatched or received within the deadlines mentioned in the invitation to tender, it should be admissible.

Please note that an error has occurred in the invitation to tender: The sentence

"Any type of delivery other than Post office registered mail shall be considered as hand delivery including delivery by private courier services."

should be disregarded, since delivery by private courier services is now treated in the same way as delivery by registered mail and has to be dispatched by the deadline, not delivered by then.

Question 12

Please clarify what is meant by "above-mentioned" in the remark on page 22 of the RFP stating that:

"The bidders will be waived of the obligation to submit the documentary evidence above mentioned if such evidence has already been submitted for the purposes of another procurement procedure launched by Directorate-General Energy and Transport and provided that the documents are not more than one year old starting from their issuing date and that they are still valid."

Should we understand this to mean any of the documents or supporting document, required under III.2.1 Section One: administrative proposal (under Tenderer's Identification, Financial Identification, and Legal Entities)?

Please clarify which specific documents may be omitted from this tender with the certification that those from a proposal within the last year remain valid.

Answer 12

The documents referred to, are the evidence mentioned in IV.1.3 .2 of the tender specifications:

"The tenderer to whom the contract is to be awarded shall provide, within 15 calendar days after notification of the results of the procurement procedure and in any case before the signature of the contract, the following evidence, confirming the declaration referred to above:

The Commission shall accept, as satisfactory evidence that the tenderer is not in one of the situations described in point IV.1.1 (a), (b) or (e) above, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.

The Commission accepts, as satisfactory evidence that the tenderer is not in the situation described in point IV.1.1 (d) above, a recent certificate issued by the competent authority of the State concerned.

Where no such document of certificate is issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance."

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