



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Equality between Men/Women, Action against discrimination, Civil Society
Equality between women and men

Brussels, 12.06.08

D(2008)

VT2008/037

Question :

We have been contacted by a Swedish company who would like to know whether it is possible to bid for the tender VT/2008/037 (Study on Non-legislative Initiatives for Companies to Promote Gender Equality at the Workplace), (or similar EU tenders in general for that matter) if one of the consultants who would take part is not an EU citizen. The company as such is a Swedish company.

Answer:

Participation in the tendering procedure is *"open to any physical person or legal entity coming within the scope of the Treaties and any other physical person or legal entity from a third country which has concluded with the Communities a specific agreement in the area of public contracts, under the conditions provided for in that agreement"*

See section 5 of the tender specifications.

The tender specifications detail the technical capacity required as regards the team. Conditions of nationality are not foreseen in the call.

Question:

We are interested in submitting our proposal however I would like clarify what does it mean: "Bank statement certifying that tenderers are financially sound". What kind of document we should submit?

Answer:

In response to your question on the tender entitled "Study on non-legislative initiatives for companies to promote gender equality at the workplace", please note that the requirement stated in 13.1 of the tender specifications referring to a 'bank statement certifying that tenderers are financially sound' means:

A declaration provided by a bank confirming that the tenderer has a good relation with the bank and that he has always correctly complied with his obligations.

Question:

This is an enquiry regarding the Tender VT/2008/037, *Study on non-legislative initiatives for companies to promote gender equality at the workplace*. One of the requirements stated in the tender specifications is that the person responsible for coordinating the work "*must have appropriate experience in industrial relations and business*". We would like to know what is considered appropriate experience, specifically whether *research in the fields of industrial relations and business* (as opposed to experience of employment in industrial relations and business) is considered to fulfil this requirement.

Answer:

In response to your question, please note that the requirement for the person coordinating this work *to have appropriate experience in industrial relations and business* will be assessed, as clearly stated in 13.2 of the tender specifications, "*on the basis, inter alia, of a list of previous activities in this field presented clearly in the CV*".

The tender specifications do not precise that a specific requirement in research in these domains is needed for the coordinator. It will be up to the Evaluation Committee to judge the quality of the experience.

Question:

We would like to ask the following questions with respect to the required documents for tender 2008-037:

- Do we need to submit the judicial records with our proposal? Or is this only necessary if we are contracted?
- If a company is owned by 4 persons, do all 4 persons need to submit their judicial record?

Answer:

As mentioned in the tender specifications, point 12.2 : only the "*tenderer to whom the contract is to be awarded shall provide, within a time-limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 134 of the Implementing Rules, confirming the declaration referred to in point 12.1.*" Therefore you do not need to submit judicial records with your proposal.

The tenderer is the company which is a legal person, therefore the evidence shall be provided for the legal person not the owners.

Depending on the national legislation of the country in which the tenderer or candidate is established, the documents must relate to legal persons and natural persons, including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

Please refer to the following website to have more details :

http://ec.europa.eu/internal_market/publicprocurement/2004_18/index_en.htm

Question:

Nous souhaiterions savoir si l'appel à proposition ci-dessus référencé est ouvert aux organismes publics.

Answer:

L'appel VT2008/037 n'est pas un appel à propositions mais un appel d'offres. Cette procédure de mise en concurrence vise pour la Commission non pas à allouer une subvention à un projet mais à acheter un service dont les résultats sont sa propriété.

La participation à cet appel d'offres est ouverte à toute personne physique ou morale satisfaisant les conditions mentionnées dans le paragraphe 5 du cahier des charges (Participation au marché). Il n'est pas fait mention de restrictions pour les organismes publics.

Question:

Regarding the tender VT/2008/037 “ study on non-legislative initiatives for companies to promote gender equality at the workplace”, we would like to ask you some clarifications regarding the point 13.2 “Technical and professional capacity “ for the members of the working team.

In particular we would like to know if the evidence of the technical and professional capacity may be proved including in the CV the list of the names of diplomas obtained by each member. And if so should be it provided by each expert involved in the proposal?

Answer:

In response to your question, please note that 13.2 of the tender specifications stipulate, amongst others, that "the technical and professional capacity of the tenderers to provide the services required will be assessed and verified on the basis of the following:

- the diplomas and professional qualifications of the persons responsible for providing the services, including any publications and/or studies and/or any other type of relevant work in the fields that are the object of the present contract
- the CVs of the members must be enclosed and must clearly show evidence of the skills required".

Including in the CV the list of the names of diplomas obtained by each member is part of this requirement.

Question:

Nous avons bien compris qu'il faudrait fournir une liste d'organisations sur lesquelles nous pourrions nous appuyer pour les pays concernés par le marché. Cependant, avons pensé qu'il n'était pas nécessaire d'identifier un expert(e) par pays: pourriez-vous confirmer que c'est bien le cas?

Answer:

Le cahier des charges précise, sous point 13.2, que la personne responsable de la coordination des tâches "devra attester d'une aptitude à mettre en place la structure organisationnelle appropriée pour accomplir toutes les tâches relevant du présent marché, et en particulier l'aptitude à s'adjoindre les compétences nécessaires pour traiter tous les pays. Pour évaluer ce critère la Commission se fondera notamment sur une liste d'organisations, sur lesquelles le(la) contractant(e) pourra s'appuyer, pour les pays concernés par le marché, ainsi que sur un organigramme présentant la structure à mettre en place".

Il appartient au soumissionnaire de faire une proposition sur la manière de répondre à ce critère. Le cahier des charges ne précise pas la nécessité d'avoir un expert par pays.

Question:

We have already contacted some organisations on which we are going to rely to deal with all the countries. But, we do not know:

- whether these organisations have to provide us with the CVs of the experts that will collaborate with us
- whether the organisations have to sign a letter of intent
- whether the collaboration of these organisations is considered subcontracting
- If yes, will we have to subcontract the organisations for their participation? Or will we have to subcontract the experts individually?
- In case we have to subcontract or pay for their collaboration, how we reflect it in the budget?

Answer:

1. Whether these organisations have to provide us with the CVs of the experts that will collaborate with us

If the experts chosen will be part of the team proposed, they have to comply with the selection criteria under point 13.2, which includes, amongst others, the requirement that "the CVs of the members must be enclosed and must clearly show evidence of the skills required"

2. Whether the organisations have to sign a letter of intent

The tenderer is free to propose the organizational structure to be put in place. I draw your attention to point 11 of the tender specifications, on groupings of economic operators or consortia.

3. Whether the collaboration of these organisations is considered subcontracting

The tenderer is free to propose the organizational structure to be put in place.

4. If yes, will we have to subcontract the organisations for their participation? Or will we have to subcontract the experts individually?

The tenderer is free to propose the organizational structure to be put in place.

5. In case we have to subcontract or pay for their collaboration, how we reflect it in the budget?

For the presentation of the budget, I draw your attention to point 10 of the tender specifications, as well as to Annex III of the draft contract.

Question:

Please can you answer my questions concerning the study on non-legislative initiatives for companies to promote gender equality at the workplace.

- Can you clarify what costs must be covered by the contractor for the end conference. Do contractor costs need to include travel and accommodation for delegates?
- Can the role of co-ordinator be assigned on a job-share basis?

Answer:

In response to your first question on "what costs must be covered by the contractor for the end conference, do contractor costs need to include travel and accommodation for delegates", please note that the tender specifications clearly state in point 6, amongst others, that "speakers', moderators', and participants' travel and subsistence costs and all the expenses incurred in the organization of the conference will have to be budgeted for in the bid submitted under this invitation to tender".

In response to your second question on 'can the role of co-ordinator be assigned on a job-share basis", please note that it is up to the tenderer to propose the organizational structure to be put in place, provided it respects the requirements foreseen in the tender specifications for the role of the coordinator.

Question:

Is there a possibility to raise additional income through sponsorship or selling additional conference spaces to cover costs of this research and conference?

Answer:

In response to your question, please note that it is up to the tenderer to draw up his proposition to respond to the criterias listed in the tender specifications. Sponsorship or the selling of conference spaces is not foreseen in the call.

Question:

Please clarify the statement in point 8.7 of the Tender Specifications: "8.7 – submit a final technical report within three months of the end of the deadline of execution foreseen in the contract (for payment of the balance, as described in point 9)."

Does it mean that if the contract lasts for 20 months, these 3 months for preparing the final report are AFTER the deadline which is 20 months or BEFORE this deadline?

Answer:

In response to your question, the reference to "within three months of the end of the deadline of execution foreseen in the contract" should be understood that it is within the three months after the end of the deadline of execution foreseen in the contract.