REPLIES TO QUESTIONS RECEIVED FROM POTENTIAL TENDERERS

The following replies to questions received by the Commission from organisations potentially interested in submitting bids pursuant to the above mentioned Call for Tender are hereby drawn to the attention of all potential Tenderers.

The document may be further updated later in response to any further questions.

Time-limit for receipt of tenders 05/09/2012
Updated: 29/08/2012

**Question 1:**
Which documents is the call for tender composed of and where could they be found?

**Answer 1:**

The Contract notice has been published in the Official Journal of the European Union S 136-226075 of 18/07/2012. Under its *Section I: Contracting authority* of the Official Journal you will find a link to electronic access to all information related to the Tender: [http://ec.europa.eu/transport/tenders/index_en.htm](http://ec.europa.eu/transport/tenders/index_en.htm).

The complete set of documents you will find in the abovementioned link are:

- the invitation to Tender;
- the specifications which includes the general terms and conditions applicable to contract; and
- the draft contract.

There is no other useful document.

**Question 2:**
What is the amount of the budget allocated to this project?

**Answer 2:**

In its tender documents the Commission does not indicate a maximum budget for the project but an estimate of the resources in 'man-days' needed for its execution, as specified at point *I.6. Estimate of the amount of work involved* of the Tender's Specifications. The resource estimate for this project amounts to 1000 man-days.

**Question 3:**
Does the Commission send any of the documents of the Invitation to Tender by e-mail or other means to potential tenderers?
Answer 3:
The documents can be found and downloaded from the website of the Directorate-General for Mobility and Transport at the address indicated in Answer 1.

**Question 4:**
Which are the countries eligible to participate in the tender?

**Answer 4:**
As stipulated in the Specifications, Section IV, page 16, participation in tendering procedures is open on equal terms to all natural and legal persons falling within the scope of the Treaties (this includes all economic operators registered in the EU and all EU citizens).

As stated in the contract notice II.1.7, the Contract is covered by the Government Procurement Agreement (GPA) concluded within the WTO. Therefore the Contract is also open to nationals of the countries that **have ratified this Agreement**, on the conditions it lays down. The parties to the GPA can be consulted on the following web page: [http://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm#parties](http://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm#parties)

The Commission **refuses** tenders submitted by operators in third countries **which have not signed the GPA for the present call for tender**.

**Question 5:**
Where could I find information about the tendering procedure and Guidelines?

**Answer 5:**
All the information concerning the form and content for the Tender can be found in the Specifications under **Section III Form and Content of the tender**, pages 13, 14 and 15.

**Question 6:**
Does the Call for tender invitation foresee any extension of the bidding deadline?

**Answer 6:**
The deadline for invitation to tender is 05/09/2012. No extensions of deadline are foreseen.

**Question 7:**
The specifications state that the ‘amount of work involved to carry out this contract is assessed at 1000 man-days’. Should the financial offer therefore be presented only in terms of man-days and man-day rates and all external costs, as well as DSA and travel costs, be covered by these man-days?

**Answer 7:**
As stipulated in in the Specifications under **Section III Form and Content of the tender**, page 15, prices of the financial proposal must be quoted in **Euros**, must be fixed amounts and include all expenses, such as travel expenses and daily allowances.

**Question 8:**
The tender specifications state that ‘the consultant is invited to explain why, in its view, some of the suggested actions has less added value than others and could then be dropped.’ Is the tenderer therefore obliged to respond to all tasks listed and budget these even if it chooses to recommend dropping them? Or is the tenderer at liberty to propose dropping certain tasks entirely and not including them in the budget, for example cancelling all flyers.
Answer 8:
The Information Campaign, as set out in the Specifications, page 3, shall cover several actions with several cumulative tasks. Therefore, all actions and tasks listed in the Specifications shall be included within the budget. Nevertheless, the consultant may explain, within its proposal, why some of the actions have less value than others. It will be in the kick-off meeting where the final list of actions will be agreed with the Commission.

Question 9:
Who is the current passenger rights ambassador described in the tender specifications?

Answer 9:
Ms Meglena Kuneva, former European Commissioner for Consumer Protection and currently Vice-President Kallas Special Adviser on passenger rights and consumer protection issues.

Question 10:
Page 5 of the tender specifications states that the tenderer should update the 2009 aviation campaign poster. Where can a copy of this poster be obtained?

Answer 10:
The poster can be found and downloaded from the website of the Directorate-General for Mobility and Transport at the following address: http://ec.europa.eu/transport/publications/index_en.htm

Question 11:
Page 5 of the tender specifications states that the poster shall also contain ‘updated information once the EU Court of Justice has provided clarity on the Joined cases C-402/07 and 432/07 (the Sturgeon case)’. Is this information a point of reference, or should this information be incorporated into the design proposal despite the fact that the ruling is pending?

Answer 11:
Aviation Campaign 2009 poster differs from the others in having a detailed description of main passenger rights under EU Regulation 261/2004. Nevertheless, it does not include any reference to the changes introduced by the Sturgeon ruling because the poster was printed out earlier. Moreover, there are two pending cases at the European Court of Justice that may bring more clarity on Sturgeon ruling. Therefore, the design of the poster should take this into account and incorporate the information once it is publicly available.

Question 12:
Page 2 of the tender specifications mentions a "report on the previous campaign". Where can a copy of this report be obtained?

Answer 12:
As stated in page 2 of the tender specifications "the report on the previous campaign will be provided to the contractor". It means that will ONLY be provided to the awarded tenderer.

Question 13:
Page 7 of the tender specifications states that ‘the contractor shall organise regular Passenger Rights Days every year’. Does this mean that the contractor should organise more than one
Passenger Rights Day each year – i.e. one Air Passenger Rights Day, one Rail Passenger Rights Day etc. or should the contractor cover all modes of transport on one Passenger Rights Day? If yes, should this day replace the campaign day currently referred to as ‘Air Passenger Rights Day’.

Answer 13
The contractor shall organize, in coordination with the European Consumer Centers and National Authorities, different Passenger Rights Days for every single mode of transport covered by EU Regulations: air, rail, waterborne and land transport.

Question 14:
The tender states in 2013, ‘the European Commission will launch an Information Campaign on passenger rights for the next two years that will cover all modes of transport’. What date in 2013 does the Commission envisage launching this campaign and when will the contract with the new contract holder come into force for this tender?

Answer 14
Article I.21. of the draft Service Contract accompanying the Contract notice published, states that the "Contract shall enter into force on the date on which it is signed by the last contracting party". Page 9 of the tender specifications, states that the Information Campaign shall be officially launched 6 months after the signature of the contract at the latest. The Commission expects the signature of the contract for January 2013 and the launching of the campaign just before 2013 summer break.

Question 15:
In tender specifications page 15 it is written that ‘Prices must be fixed amounts and include all expenses, such as travel expenses and daily allowances.’ Should the tenderer cover the travel and DSA costs as well as all other external costs as man-days?

Answer 15
Please, refer to answer 7

Question 16:
The tender specifications specify that the contractor should ensure ‘translation into the other official EU languages’ for the posters and leaflets. Should the contractor therefore also provide typesetting of each product in each language, or is this service provided by the EU Publication Office?

Answer 16
Posters and leaflets: it is up to the Commission to provide text in English. It is up to the Contractor to provide translation into the other Official EU languages as stated in the tender specifications. Typesetting for poster and leaflets shall be provided in all official EU languages by the contractor.

Question 17:
Page 6 of the specifications state that ‘the contractor shall update the A5 format leaflets’ and that the leaflets should have ‘the same structure and layout’ as the previous leaflets. The leaflets found on the campaign website are 6 panel Z-fold leaflets and not A5. Should the dimensions of the leaflets be A5 or the same as the previous leaflets? Can the tenderer propose new dimensions for the leaflets if the structure and layout remains the same?
Answer 17
Actual leaflets are 6pp Z-fold format, designed to be print out in standard A4 format. The contractor is free to come up with new proposals on dimensions that may consider appropriate, as long as the structure and layout are kept.

Question 18:
As is specified in question 9 of the Q&A for this tender, Ms Meglena Kuneva is currently the passenger rights ambassador. For the proposed campaign should this ambassador remain unaltered, or can the tenderer propose an alternative ambassador or alternatively additional ambassadors?

Answer 18
Page 7 of the tender specifications, under Passenger Rights Ambassador Campaign section, mentions as an example, the possibility of coming up with new ideas such a "well-known local personality accompanying the Commission's Ambassador at local events". Ms Kuneva will remain the Commission's Ambassador.

Question 19:
The answer to Question 7 of the Q&As stated that the ‘prices of the financial proposal must be quoted in Euros, must be fixed amounts and include all expenses, such as travel expenses and daily allowances’. Do the prices referred to mean man-days? Should all external costs be covered by man-days and the whole budget be presented only as man-days?

Answer 19
The prices referred to in Answer 7 do not mean man-days. As indicated in Section III.2.3 of the Specifications (page 15) and in Answer 7, the tenderer shall present one total price in Euros covering all tasks to be executed. This price shall include all expenses, such as travel and daily allowances. The amount presented as a total price will be considered as the financial offer for the purpose of the evaluation of the price element in the award of the contract.

The amount of 1000 man-days mentioned in Section I.6 of the Tender Specifications only aimed at providing an estimate of the resources needed for the project (see Answer 2)

Question 20:
Page 7 of the specifications state that the contractor should promote the campaign’s Smartphone application. Should the contractor also be responsible for updating the app for maritime and coach/bus rights etc., or will this be the responsibility of a separate contractor? Is the contractor able to propose other changes to this app?

Answer 20
The contractor shall be primarily responsible for the advertising of the EC smartphone application as stated in the tender specifications. The contractor, as stated in page 4 of the tender specifications "is invited to come up with additional actions –and their respective tasks". Nevertheless, "the final list of actions to be tackled in the information Campaign will be discussed and agreed by the Commission during the kick-off meeting".

Question 21:
Regarding the “local EC offices in the Member States” mentioned on page 6 of the tender specifications, the abbreviation is ambiguous. Does this refer to offices of the European Consumer Centers?
Answer 21
No. "Local EC offices in the Member States" refers to the **European Commission Representation Offices in Member States**.

**Question 22**
The tender specifications request that the campaign posters shall be updated with the Commission’s new visual identity. The five campaign ‘visual posters’ described on page 5 use two images, whereas the EC visual identity specifies that just one main image should be used for posters. Should the tenderer follow the new guidelines exactly and use only one main image?

Answer 22
New rules on EC visual identity apply from February 2012. These rules forbid any logo or specific visual identity rather than the new EC visual identity. Nevertheless, derogations on some specific cases such as communication campaigns aimed at a larger public may be granted. The new information campaign has the intention to use both images: the new EC logo and the visual identity of the precedent campaign in yellow. More information on the EC visual identity can be found in the following link: [http://ec.europa.eu/ipg/whats_new/2011/templates_update_12_12_11_en.htm](http://ec.europa.eu/ipg/whats_new/2011/templates_update_12_12_11_en.htm). Exhaustive information and guidance in how to use the new visual identity of the EC will be provided to the awarded tenderer.

**Question 23**
On page 7 (section C) of the specifications states that when possible all gadgets should show the “applications sign”. The meaning of this is unclear, does this refer to the smartphone application?

Answer 23
It refers to any relevant application sign to the Campaign such as the smartphone application.

**Question 24**
Pursuant of the answer given to question 17, the new visual identity requires just one main image (i.e. photograph). The current posters rely on two images (i.e. the bride waiting, the groom in an inset picture). Should the tenderer follow the new EC identity rules, or can two photographs be used for the posters?

Answer 24
Please, refer to answer 22.