Invitation to Tender MOVE/C2/2012-489-1

"To develop and validate a European passenger transport information and booking system across transport modes"

Contract notice: OJ S 2012/S 139-231662

Frequently Asked Questions

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.

Regarding understanding of the application process of the tender:

**Question 1**

- Do you need some kind of a formal request for documentation from us at this moment?
- Is it necessary to give formal qualification documents in this phase especially about the detailed structure of our consortium?
- When does the commission accept the tender?

**Answer 1**

- The invitation to tender and its annexes gives details of the documents that you will need to provide with the submission. 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; the draft contract and corrigendum.
• The award decision will be made after the evaluation that encompasses both phases. The composition of the consortium may not be changed after the signature of the contract.

• The Commission will accept (or reject) the tender at the point of 'box opening' on 5 October. Formal assessment of the competing tenders will then take place during October with a final decision taken on the winning tenderer taken in November.

**Question 2**

The call for tender was launched at the end of July. Due to the intervening holiday season, decision makers were not available, and the remaining time to the deadline may not be sufficient to prepare a competent bid. Will DG MOVE consider an extension of the deadline, what is the timing and procedure for bid acceptance and how long does the process take?

**Answer 2**

The closing time and date for tender applications is 4 pm on 28 September 2012, there is no consideration of an extension to this deadline. As is detailed in the Invitation to Tender, tenders will be opened on 2 October 2012. This opening session will be public. Each tenderer may be represented by not more than one person. At the end of the opening session, the Chairman of the opening committee will indicate the name of the tenderers and the decision concerning the admissibility of each offer received. The prices mentioned in the bids will not be communicated.

A formal decision will be made on which consortium is to be awarded the contract and the successful consortium will be notified. It is expected that this decision will be made during October or November and the contract signed this year. So, from the date of the contract notice's publication to contract signing will take in the order of six months.

**Question 3**

Does the commission plan any negotiation procedures before tenders get an acceptance of the bid?

**Answer 3**

After the opening of tenders and if a tender requires clarification, or if there is a need to correct material errors which have occurred in the drafting of the tender, the Commission may take the initiative and contact the tenderer(s). Such contact shall not lead to the conditions of the tender being altered in any way. Hence, there is no pre-contract negotiation.

**Question 4**

Does the commission publish any tender contents after one bidder gets the acceptance of
the tender?

**Answer 4**

No. The Commission will not publish any tender content relating to the tender submissions. However, the names of the tenderers will be communicated during the public tender opening session.

**Question 5**

Several questions concern the composition of the consortium.

- The call for tender is directed at qualified consortia. Would a lobby organisation to the EU in Brussels qualify as a consortium in the sense of the tender, or would individual members have to form a consortium in its own right (potentially including other entities) to qualify?

- Is it necessary to bid in a consortium or is the topic up to the bidder?

- What are the formal criteria?

- Is the Commission willing to give preferably the project to a broad consortium of all relevant agencies? Is the presence of one or more transport operators in the consortium essential? Is there for this project a minimum / maximum number of Member States to be represented in a consortium, if so, how?

**Answer 5**

- If a lobby organization or any company fulfills all selection criteria on its own, the offer is acceptable.

- Submitting as a consortium is not necessary but recommended taking the demanding selection criteria into consideration.

- The formal criterion relates to the necessary level of experience and expertise—the details are given in the “Tender Specification” under section IV.2. Selection criteria and in particular IV.3. Evaluation of Tenderers. There is a requirement for the bidder to ensure that all aspects of the request are covered.

- The consortium's composition is the tenderers affair—suffice it to say that the proposed tenderers will be assessed against the criterion set and assessors will be looking to how the consortium can deliver firstly a comprehensive study and then how the consortium could deliverer an interesting trial. The phase I study would need to take account of all relevant stakeholders' opinions, developments and aspirations but not necessarily involve all as consortium members. Phase 2, the trial would need to include those necessary to fulfill the task as outlined in phase 1.

**Question 6**

Is there a chance that the EU aims to have a market monopoly with the European
passenger transport information and booking system later on?

**Answer 6**

Absolutely not.

**Question 7**

The mentioned White Paper on Transport: "Roadmap to a single European transport area - towards a competitive and resource-efficient transport system". Where can I find it?

**Answer 7**


**Question 8**

In case more than one bidder will get an acceptance of the bid. Does the total amount of € 1.5 million remain?

**Answer 8**

The contract will be placed with one tenderer and they will be paid for their work under the first phase. Depending on the outcome of that work, the Commission shall decide on the continuance of this work towards the second phase. The total amount involved remains at up to € 300,000 for the first phase and up to € 1.2 million for the second phase.

**Question 9**

Relates to answers to question by prospective tenderers.

- Do you publish all received questions?
- Is it correct that any further questions regarding the tender can be asked till September 17th?
- By when will they be published?
- Are they published once or continuously?
- In which format will they be published and where will they be published?
- How will I take notice of the publishing?

**Answer 9**

- This is the first of the Frequently Asked Questions and includes all the questions
• As the invitation to tender states: "Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed." Hence in this case the closing date for information will be 21 September.

• Week beginning 2 September.

• This is the first publication and there will be more if demand dictates.


• Again, as the Invitation to tender states: "All additional information will be made available via Directorate-General for Mobility and Transport website (DG MOVE). Tenderers are invited to consult this site regularly until the deadline for submission."

Question 10

What is the difference between this tender and the one completed last year (referring to the study "Towards a European Multi-Modal Journey Planner" that was completed in November 2011)

Answer 10

The focus of last year's study was the assessment of the complexity in providing a multimodal journey planner and was carried out under the provision of the ITS Action Plan, action 1.5. "Promotion of multimodal journey planners". It also relates to the Action Plan on Urban Mobility and the ITS Directive (Directive 2010/40/EU), that calls for promoting and supporting EU-wide multimodal travel information services. In a wider context, Vice-President Kallas, Commissioner for Transport, launched a Smart Mobility Challenge on journey planners to industry and stakeholders in June 2011 (the results of which were announced in March 2012, and are available at http://ec.europa.eu/transport/its/multimodal-planners/index_en.htm), and multimodal travel is a key part of the European Commission’s strategy for the future of transport.

Both the journey planner initiative and this proposed study recognises that greater ticketing integration and improved links between ticketing and information provision will make public transport use easier, more flexible, and more attractive for passengers. So, as far as the overall objective of providing services to the travelling public that would render their experience of travelling across borders as simple as travelling within the Member State, then the two initiatives share a common policy theme.

This initiative will take full account of the journey planner work, and the other references listed in the Tender Specification to the Invitation to Tender. Tenderers need to take particular note of the operational difficulties that the journey planner study identifies in multi-modal information provision as well as the lack of real-time information, especially cross-borders and add ticketing as the final outcome.

The purpose of the current tender is documented in the Tender Specification. In short, the Commission wants to understand where the market is delivering services, what is preventing services on an EU wide level (including costs/business cases, organisational
and technical issues) and what would be the European Added Value of specific Commission intervention over-and-above what is being envisaged through the application of other Commission initiatives, not least the application of the "Digital Agenda" (http://ec.europa.eu/information_society/digital-agenda/index_en.htm) and by the market itself.

Question 11

What commitment is required after getting the acceptance of the bid?

Answer 11

Once the bid has been accepted then work shall commence as soon as the contract has been signed by both parties. The first action will be a 'kick-off' meeting, chaired by the Commission and involving all members of the Consortium.

Question 12

In case of acceptance of the bid - is it allowed to promote and work on similar themes regarding a mobility system?

Answer 12

The Commission has no interest in how the Consortium or its individual members continue with the work done under the contract. However, during the whole contract implementation, the contractor should avoid any situation of conflict of interest.

Question 13

Refers to errors in the original invitation to tender and the omission of Annex 6—the draft contract from the tender web-site.

Answer 13

The corrigendum is detailed on the web-site and the draft contract is now included.

Question 14

- What is the Commission's position on the situation where one Tender is signed by an 'Association' representing several member companies/entities on the one hand, in conjunction with another (and competitive) Tender signed by a single member of the same 'Association' which is signatory to the first Tender? Is this permitted and if not, which entity is obliged to 'retire' (the association or the member)?

- What measures are in place to avoid information about the one Tender being communicated to the Consortium members of the other Tender?
Answer 14

- The European Commission as a contracting authority will not communicate any other information about one specific tender to the participants of another bid than the name of the tenderers that will be communicated during the public tender opening session. Consequently, an organisation may well be represented in more than one bid but as each bid is treated confidentially by the Commission then there is no reason for any consortium's position to be compromised.

- As stated, the information submitted by tenderers is confidential and will not be imparted to any other tenderer.

Question 15

- What are the reasons for the Commission to request a First phase prior to the Trial?

- Why link the two in the same call? [knowing that the competent bodies for the study are not necessarily for the same for the Trial]

- What are the main conditions for the Commission to agree giving the green light to implement the trial after the First phase?

- Must the Trial be done exclusively by members of the consortium that conducted the First phase, or is it possible to add new partners with complementary expertise for the second phase of the project?

- Would it be possible to launch a Trial focused only on land multimodal transport? [Because air transport seems more advanced in the use of NFS tickets, which may make it harder to interface with other transport modes least developed on this subject.]

Answer 15

- The idea of the proposed phase 1 work is to gain a detailed assessment of where the market is and what is planned for the future and thereby identify any 'market failures' and, most importantly, what the added value would be of any Commission involvement and if positive—what the Commission should do.

- Once phase 1 is completed, the Commission will decide 'in house' but through intimate dialogue with the 'phase 1' consortium on the nature of a trial that would add value. If a trial is thought to be worthwhile, then Commission has the option of continuing the trial with the preferred Consortium or to re-launch a further contract.

- The reason why the two phases are included in the same call is due to the fact that the Preparatory Action as delivered from the European Parliament envisaged this level of complexity. However, as stated in Q&A 1, there, there is flexibility in nominating members for the second phase within the tender.

- The main conditions will be whether the trial makes sense and has high potential that such an action would make a sufficient benefit in the realisation of the Commission's
vision for the application of a multi-modal, cross-border passenger travel information, billing and ticketing service.

As stated, the exact nature of the second phase may well have not been completely envisaged by the tenderer from the outset. Hence, there will need to be flexibility through contract adaptation regarding the inclusion of other consortium members. However, such an event would need to be envisaged at the time of tender submission

The comprehensiveness of the trial is for the judgement of the tenderers—of course the study should be about all modes and interfaces, but the trial could be limited provided the limitation would not tacitly prohibit another sector from taking advantage of any conclusion/application that the trial focussed on.

**Question 16**

Concerning the phase 2: Does the budget of € 1.2 million include – apart from the consulting service – also all relevant technical investments for the pilot systems, e.g. interfaces, or is it designated for the consulting services only, i.e. organisation and evaluation of the pilot?

**Answer 16**

As Q&A 1 states, the contract will be placed with one tenderer and they will be paid for their work under the first phase. Depending on the outcome of that work, the Commission shall decide on the continuance of this work towards the second phase. The total amount involved remains at up to € 300,000 for the first phase and up to € 1.2 million for the second phase—that is the maximum amount that the Commission is prepared to pay for the second phase.

**Question 17**

In case the technical investments are not included: Is it helpful to provide a declaration of the operator of the passenger transport information and booking system that they are generally willing to provide budgets for the technical development of the interfaces themselves in phase 2 which will be clarified in phase 1?

**Answer 17**

Yes, indeed any expenditure that exceeds the amount that the Commission is prepared to pay and it to be paid by consortium member(s) can be included in the tender offer for completeness.

**Question 18**

Is the operator of the information and booking system free to define technical suppliers later on (during phase 1) or do you already want us to state those suppliers as partners in the tendering process?
Answer 18

See comment under Q1.

Question 19

The call for tender refers to transport modes, but is not specific in this respect. The term could collectively reference all modes from taxi to public transport to airlines. However, the document also allows a more narrow interpretation inasmuch as only public transport (i.e. busses, trams, urban and long-distance rail) is meant. Which perspective does DG MOVE have in mind?

Answer 19

As the tender specification states: DG MOVE is seeking external expertise "To develop and validate the feasibility of a multi-modal, passenger transport information and booking service that could be applied on a pan-European basis". To this end, the Commission is looking to understand whether specific action by the Commission would be justified in order to realise such a vision. The emphasis is on passenger transport and the interfaces that the individual traveller has across the transport modes and country borders.

Question 20

P. 18 of the Tender Specification says: "The CV's shall be presented, preferably, in accordance to the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66".

• Does the word "preferably" mean that if the CV is only available in another form, this will still be accepted?

• Are individual sub-contractors providing services to less than 20% of the value of the contract required, obliged to furnish such CVs and complete any of the forms included in Annexes 1 to 5?

Answer 20

• The preference for presenting CVs in a set format is to help ensure that they are completed correctly, it is a preference but not a compulsion. It remains the tenderer's responsibility to present such information in whatever format they consider meets these basic requirements.

• Subcontractors providing less than 20% of the value of contract do not need to submit any of the annexes.

Question 21
The recently published 'Frequently Asked Questions' includes responses to questions relating to inclusion of Annex 6, the draft contract, in the specification but this still appears not to be included.

**Answer 21**

It seems we have had a problem with the web-site and annex6 is now published and available for downloading.

**Question 22**

The question relates to section IV.2 – Selection Criteria (selection of tenderers) IV.2.1 Economic and financial capacity.

It seems references are required for all Tenderers (in the first paragraph).

Then, in the second paragraph it says "This rule applies to all service providers...".

Could you clarify from whom these references are required? Presumably not from Trade associations or academic institutions, who may nevertheless be tenderers? So, if Service Provider, what is the definition of Service Provider?

**Answer 22**

This rule applies to all service providers i.e. all economic operators identified in the tenderer's identification (annex 1) involved in the implementation of the tasks under the contract (tenderer, member of the consortium or subcontractor) with the exception of subcontractors whose task represent less than 20% of the contract. However, an economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

Under the same conditions, a consortium of economic operators may rely on the capacities of members of the consortium or of other entities.

**Question 23**

During the Pilot phase of the project (phase 2), will it be more suitable to rely upon "laboratory" data and studies, or to rely upon a "real scale" terrain phase.

**Answer 23**

The aim is to have a trial that validates some service that has a real chance of being accepted in the marketplace—if you think an academic study could do this then you are free to propose one.
**Question 24**

The question concerning the Power of Attorney document and the interpretation of sections 2 and 2b:

Section 2 seems to imply that if the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company X on the basis of the joint tender to which this power of attorney is attached, all partners shall be co-signatories of the Contract etc. However, section 2 (b) states that: The lead partner shall sign any contractual documents – including the Contract, and Amendments thereto – and issue any invoices related to the Services on behalf of the group of partners.

The question asked is does the lead partner sign the Contract on behalf of the group of partners, or do all partners sign the Contract?

**Answer 24**

All partners are co-signatories: that means they are all jointly and severally liable towards the Commission for the execution of the contract.

The leader partner shall sign and will be the only one to physically sign the document on behalf of all partners of the group.

**Question 25**

Questions were again asked on the stringency of the deadline and whether a postponement was possible.

**Answer 25**

The closing time and date for tender applications is 4 pm on 28 September 2012, there is no consideration of an extension to this deadline.

**Question 26**

Concerns clarification on article 1.4 of the draft service contract on payments. In particular is it possible to receive a pre-financing at the beginning of the project? If yes, up to which amount.

**Answer 26**

The contract is in two phases—the existence of the second phase is dependent upon the outcome of the first. Suppose the tender (a hypothetical tender) is for the full amount—€ 300,000 for phase 1 and € 1.2 million for phase 2. Then the first interim payment would be for € 90,000 (30% of € 300,000) and then if and when phase 2 starts a further 'interim payment' would be made for € 360,000 (30% of € 1.2 million).
Question 27

Concerns the necessity to supply of administrative data by those who have already a registration with the EC (a PIC N°). Is such a registration sufficient or is it necessary to provide the administrative data again?

Answer 27

It is a requirement to submit all the necessary data, irrespective of whether this has been done, successfully, for some other contract.

Question 28

Concerns an organisation that has existed only since 2010, and hence has been established for less than three years, and asks whether it would be possible to be able to add a non-audited forecast for 2012 in the knowledge that the other consortium partners have been in operation for more than three years, so there is no problem there.

Answer 28

There is no leeway. The three year limit is a minimum.

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

Last update: 20 September 2012