Questions and Answers

Updated 11.04.2013

tender No. SRD MOVE/A2/2013-352 concerning
multiple framework contract for the provision of services of legal, economic, technological and
operational assistance in the field of aviation security
Question 1

- In section “IV.2.2. Technical and professional capacity – Criteria and references required” for both lots the Commission has set the following requirement: “Experts in possession of a security clearance issued by one of the EU Member State’s appropriate authority that will permit them to handle- and have access to classified information to the level of ‘UE Restreint’”.
  o We understand that not all experts put forward need to be in possession of a security clearance. What is the minimum number of experts in possession of a security clearance do you expect to be included in the team?
  o Do you expect experts to have a “live” security clearance OR are experts whose security clearance has elapsed or who are in a position to obtain one also eligible?

Answer to question 1

- Not all experts put forward have to be in the possession of a security clearance. However, a minimum of two experts have to be in possession of a security clearance.
- These experts have to be in possession of a security clearance and maintain that status throughout the contract period.

Question 2

The invitation to tender says ‘Tenders should be placed inside two sealed envelopes, one inside the other. The inner envelope should be marked: "Call for tenders No. MOVE/A2/2013-352, Lot 1/Lot 2/, not to be opened by the internal mail department". Please can you confirm whether the outer envelope only needs the address label on it and the inner envelope only needs the above label on it, or whether both the inner and outer labels need both the address label and the above label on both of them?

Answer to question 2

- The outer envelope needs to have the address on it, the inner envelope should be marked as specified in the tender documents.
**Question 3**

Please can you advise of the correct call for tender number which should be included in Annex 1 – Identification of the Tenderer form? Annex 1 in the specifications indicates ‘Call for tender SRD MOVE/ENER/SRD.1/2013-XXX’ (where presumably the XXX refers to the relevant Lot that is being submitted), however, the invitation to tender number on the front page of the tender specifications and on the invitation to tender is ‘SRD MOVE/A2/2013-352’.

**Answer to question 3**

The correct reference for the invitation to tender is "SRD MOVE/A2/2013-352". This reference should be used in all correspondences.

**Question 4**

Also with regards to the Identification of tenderer form please can you advise if we should change the wording at all to be more relevant to subcontractors (for those carrying out more than 20% of the contract), e.g. instead of ‘Name of the tenderer’ we should put ‘Name of the subcontractor’? Under the legal representatives section this seems to only be relevant to the lead tenderer, is that correct? Lastly, the subcontractors cannot really sign the statement at the end to advise that ‘the tender is valid’ as it will be the lead tenderer submitting the tender. Please can you advise what should be done here with regards to subcontractors carrying out over 20% completing this form?

**Answer to question 4**

Each tenderer and subcontractor has to fill in one form and sign it. No changes shall be made to the template.

**Question 5**

We will submit an original signed version of the legal entity form, however the VAT registration document and the official document with the legal name etc. will be copies (as requested at the end of the legal entity form). Please can you confirm that copies of these supporting documents are sufficient as the specifications on page 24 mention originals or certified copies, however we have never been asked to submit originals before and it will not be possible to do this.

**Answer to question 5**

At this stage copies of the VAT registration document and the official document with the legal name are sufficient.
Question 6

If we decide to form a consortium we will complete the Power of Attorney form and get all of our consortium members to sign the form. On pg 11 of the specifications it says ‘an original must be filled and signed by (an) authorised representative(s) of each partner’. Please can you advise whether each consortium member will need to sign the same form or whether it is acceptable for all consortium members to complete separate forms, e.g. in the case of a grouping of 4 firms, would it be acceptable to have 4 separate powers of attorneys, with the same text, signed separately by each consortium member?

Answer to question 6

Each partner needs to sign a separate Power of Attorney form.

Question 7

The profit & loss account is included in our audited accounts. Is it acceptable to include the whole audited accounts for the last two years for which they have been closed or is it preferable to simply include the one page of profit & loss account from the audited accounts for each year?

Answer to question 7

Tenderers are requested to submit a copy of the profit & loss account for the last two years for which accounts have been closed. The full audited accounts shall not be submitted.

Question 8

On pg 16 it under the list of relevant services it says ‘The most important services shall be accompanied by certificates of satisfactory execution, specifying that the have been fully completed’. Where these certificates are not available please can you advise of an acceptable alternative to include, e.g. links to publish reports or final invoices?

Answer to question 8

Links to the published final report or the final invoice are sufficient proof for the completion of the service.
Question 9

Can the parent company of the leading submitting legal entity be considered as part of the same legal entity?

Answer to question 9

Each legal entity that is a member of a consortium needs to submit a legal entity form, irrespectively of is affiliation with other consortium members (see also question 13).

Question 10

Under II.4. Subcontracting, pg 8, it is mentioned that ‘Legal persons must produce a document containing a list of the professional qualifications of the subcontractor’. Please can you advise if submitting Europass CVs, which include professional qualifications, for each subcontractor would serve to cover this point?

Answer to question 10

CVs and/or a list of previous relevant contracts in the domain of aviation security would be sufficient to document the professional qualification of a subcontractor.

Question 11

In the case of a consortium, if the lead tenderers profit & loss account shows a total turnover of over EUR 2,000,000, is it necessary to include the profit & loss accounts for the other consortium members, or will the lead tenderers profit & loss account suffice?

Answer to question 11

The Tenderer (or, for a consortium, total turnover of its members) must proof that he had an annual turnover in each of the last two financial years of more than 1.000.000€ (2.000.000€ in case the tenderer submits offers for both lots). There is no need to provide profit and loss accounts for all consortium members if the lead tenderer’s profit and loss accounts fulfil this requirement.

Question 12

Do quality control measures have to be also included in the 10 pages of the case scenarios to be developed or should this be explained in more detail in the technical proposal?

Answer to question 12

The description of quality control measures needs to be provided in a separate chapter in the offer. A description of the quality control measures is not required for the case studies.
**Question 13**

With regard to the legal entities form in Annex 3:

- Can the leading legal entity be a wholly owned subsidiary of its parent company?
- Can personnel from both entities (the leading legal entity and its parent company) provide services for the Framework Contract?
- Is only one legal entity form for both the leading legal entity and its parent company required?

**Answer to question 13**

- The leading legal entity can be a wholly owned subsidiary of a parent company. This parent company can equally be part of the consortium.
- Only personnel employed by a legal entity that is part of the consortium can provide services under the framework contract.
- Each entity that provides services under the framework contract needs to be a member of the consortium and needs to complete a legal entity form (unless an entity acts as subcontractor).

**Question 14**

With regard to pricing in "III.2.3. Section Three: Financial proposal”:

- Does the DG want to have one single maximum price per person day per category of staff (i.e. Category 1 - more than 15 years of experience; category 2 more than 10 years of experience ... ); or only one maximum price for all categories of staff including experts?
- In case the DG only wants one single maximum price per person day, should this price reflect the maximum blended rate for a specific request (i.e. Blended price per person day = overall fee value of specific request / overall number of day for a specific request)?

**Answer to question 14**

- Tenderers shall specify one single maximum price per person-day. Tenderers shall not specify prices for different categories.
- The price shall reflect the maximum price per person-day including all administrative costs. The maximum price needs to be quoted for all possible specific requests. Specific requests will only be made once the framework contract will have been signed with the best ranked tenderers.
**Question 15**

With regard to the price of our global offer in "**IV.4. AWARD OF SPECIFIC CONTRACTS**" b - financial part:

- Do we understand correctly that the price to be provided correspond to the separate budgets for the Case Scenarios 1 and 2 for the respective lots?

**Answer to question 15**

Section IV.4 "award of specific contracts" refers to the award of specific contracts under the framework contract once the framework contracts have been signed with the best ranked tenderers. This section is added for information purposes only, to inform potential tenderers of the process for awarding specific contracts.

**Question 16**

Is it necessary for each subcontractor to complete and sign the identification form in annex 1 and provide the identification documents as specified under III.2.1. if the amount of subcontracting of each subcontractor is less than 20%?

**Answer to question 16**

Only subcontractors for which the expected part of services represent more than 20% of the specific contracts must complete and sign the identification forms in Annex 1 and provide the identification documents as specified under III.2.1.

**Question 17**

- Does the offer need to be delivered as hard copy, or may the offer and all requested documents and information be provided in Digitized format (pdf files) via email?
- Are tenderers obliged to be present when the Tenders are being opened (see IV.3.8 – Conditions for opening tenders)?

**Answer to question 17**

- The complete offer needs to be submitted as specified in the document "invitation to tender No. MOVE/A2/2013-352" that has been published on the following website: [http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm](http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm). A submission via email cannot be accepted.
- Tenderers may be present when the offers are being opened. There is no obligation to be present.

**Question 18**
Which is the minimum total number of points necessary? The reason for this question is that the result of adding each of the proposed thresholds for the award criteria is 60 instead of 70.

**Answer to question 18**

The minimum points necessary is 70. Only bids that have reached a total score of a minimum of 70 points and a minimum score of 60% of each criterion will be taken into consideration for the evaluation of the financial offer.

**Question 19**

Can a national regulatory agency (a national authority) be a member of a consortium or does this constitute a conflict of interest? Can you also elaborate on the definition of economic interest as mentioned in point g) of Annex 4?

**Answer to question 19**

A conflict of interest exists where the impartial and objective exercise of the function is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest.

As mentioned under II.2. of the technical specifications, for each specific contract the contractor and, if applicable, the members of the consortium carrying out the task under the specific contract, will have to sign a declaration stating that there is no conflict of interest. Conflicts of interest linked to a particular request for services will therefore be examined under that context.

Therefore, a regulatory agency can be a member of a consortium submitting an offer for the framework contract. However, it is possible that for a specific contract a consortium member (a national authority or a private company) may have a conflict of interest that this member will need to declare when the situation arises. In that case this member cannot take part in the work under this specific contract. For example, there would be a conflict of interest when the subject of the assignment is to evaluate costs and benefits of a technology that an economic operator has itself developed.