

# QUESTIONS AND ANSWERS

## REGARDING

Invitation to tender MOVE/D1/355-1/2012 (contract notice JO S 063-104532) concerning

'Fact-finding study to in support of the development of an  
EU strategy for freight transport logistics'

**Last update: 24/05/2013**

**Question 1:** I have a doubt on the eligibility criterias to participate to the call for tender "Fact-finding study in support of the development of an EU strategy for freight transport logistics" 2013/S 063-104532: could a public body attend the call?

**Answer 1:** Yes.

**Question 2:** On behalf of a group of entities interested in submitting a common bid for the tender mentioned in the subject field, I'd like to inquire if the consortium wishes to submit bids for all four lots they should submit four separate bids, one for each lot, or a joint bid covering all four lots.

**Answer 2:** The consortium should submit four separate tenders, one for each lot.

**Question 3:** We have downloaded the tender specifications, invitation, contract notice and draft contracts for lot 1-4 from the website [http://ec.europa.eu/transport/facts-fundings/tenders/index\\_en.htm](http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm). Is there any other source of information existing which will be necessary to know for the preparation of the bids?

**Answer 3:** As far as information from the European Commission is concerned, the documents listed in your questions (tender specifications, invitation, contract notice and draft contracts for lot 1-4) are the ones necessary to know for the preparation of the tenders.

**Question 4:** Regarding chapter 1.1 of the tender specification we would like to ask whether a consortium or sub-contracting partner from Switzerland would be within the scope of possible participation?

**Answer 4:** Yes.

**Question 5:** Could European associations act as consortium partner for a bid to this tender?

**Answer 5:** Yes.

**Question 6:** Is there perhaps a focus on universities or research institutes becoming service provider or is the tender completely open for all kind of legal / natural persons (consultancies, universities, other companies, etc.)

**Answer 6:** There is no focus on universities or research institutes; the tender is open for all kind of entities.

**Question 7:** What is meant with the technical criteria "EU wide coverage"? Does this mean that international/EU-wide consortia with several offices in the EU countries or would EU-wide working/project background of the team members be sufficient?

**Answer 7:** The technical criteria 'EU wide coverage' (see tender specifications chapter 2.3.2) means EU wide working/project/knowledge background of the team members.

**Question 8:** Does the set of selection criteria equally apply to all lots? Is there any weighting of selection criteria depending on the lots? Is EU-wide coverage also a relevant selection criteria for Lot 3?

**Answer 8:** The set of selection criteria applies equally to all lots. There is no weighting of selection criteria depending on the lots. EU-wide coverage is also a relevant selection criteria for Lot 3 (see also answer to question 7).

**Question 9:** Are there any specific selection criteria for Lot 3?

**Answer 9:** There are no specific selection criteria for Lot 3 in addition to the selection criteria listed in the tender specifications.

**Question 10:** In the tender specification it is said that the tender should have the contents Part A-F including technical offer (Part D) and financial offer (Part E). The tender invitation describes that there should be 2 envelopes in the overall envelope namely the technical offer (Part D) and the financial offer (Part E). Should Part A-C and Part F be part of the technical offer (Part D) or should they build one single envelope in addition to the technical and financial offer?

**Answer 10:** The tender invitation requests amongst others that 'tenders must be placed inside two sealed envelopes' and that 'the inner envelope must contain two sealed envelopes, one containing the technical tender and the other the financial tender', meaning that you need to have in total four envelopes.

The technical offer is composed of Part A, B, C, D and F; the financial offer is composed of Part E.

For all additional requirements as regards the submission of the tender please refer to the technical invitation and the technical specifications.

Please also note that, if you intend to submit offers for several lots, for each lot one separate tender has to be submitted.

**Question 11:** As regards Lots 3, what are the specific research objectives, what specific perceptions should be should be fulfilled and should be targeted at? What thematic items should be considered in particular?

**Answer 11:** The context, objectives, tasks, outputs, deliverables and timetables are defined in the tender specifications.

**Question 12:** Lot3, Task 3: Stakeholder consultation – A pre-survey of stakeholders is requested. What is exactly expected here: a sample approach? How many stakeholders should be included? Further, the EC should be supported and complemented with respect to the non-response to the public consultation. These efforts will vary also from the expectations DG MOVE has on that issue. Could you quantify the support to that issue?

**Answer 12:** In general Task 3 requires a significant coverage of all relevant stakeholders and their different interests on the topic in order to be able to derive representative results. The work shall be based on an overall 'consultation plan' as to be developed by the tenderer(s). Task 3 requests inter alia 'a pre-survey of the interests of stakeholders' which is linked to the overall identification of stakeholders concerned. This can be e.g. done based on desk research or via direct contacts with stakeholders. Task 3 further requires filling in the gaps as regards the non-response rate to the public consultation; the latter not known yet. Subject to the quality of the overall

consultation work, gaps still to be filled in after the public consultation could be limited.

**Question 13:** Lot 3, Task 5: Development of the main policy options - The development of policy option and measures may cover huge excerpts. But due to the fact that the following tasks focus on policy impacts and its comparison we think that you expect a short and comparing presentation of policy options and measures. Please express in more detail what is expected here.

**Answer 13:** In view of the work conducted and results obtained, the initial set of policy options as established in chapter L3.4 shall be validated and extended, including proposing specific measures under different options.

**Question 14:** Lot 3, Task 6: Analysis of impacts - The IA guidelines define a clear structure for impact assessment. Should one distinguish between direct and indirect impacts? Could you specify please what you are expecting for step 3 "In-depth analyses of the most significant impacts", please? Do you want the contractor to go into detail, e.g. on several levels (EU, country, etc.)?

**Answer 14:** As stated in the tender specifications "The contractor shall scope main relevant economic, social and environmental impacts – positive and negative, direct and indirect.....". As regards the 'in-depth analysis of the most significant impacts', please be referred to the Impact Assessment (IA) guidelines ([http://ec.europa.eu/governance/impact/commission\\_guidelines/commission\\_guidelines\\_en.htm](http://ec.europa.eu/governance/impact/commission_guidelines/commission_guidelines_en.htm)), in particular to Chapter 8 including page 39. Impacts should as much as possible quantified/monetised.

**Question 15:** Lot 3, Task 7: Comparison of options - In general it is not clear for us how deep the contractor should examine this task.

**Answer 15:** Please be referred to the Impact Assessment (IA) guidelines ([http://ec.europa.eu/governance/impact/commission\\_guidelines/commission\\_guidelines\\_en.htm](http://ec.europa.eu/governance/impact/commission_guidelines/commission_guidelines_en.htm)), in particular to chapter 9 'How do the options compare'. In principle, the comparison of options should be as detailed as possible, depending naturally also on the results of the work done until this point (as described also in the IA guidelines).

You may consult also for further reference the 'IA best practice' examples to be found on [http://ec.europa.eu/governance/impact/commission\\_guidelines/best\\_pract\\_lib\\_en.htm](http://ec.europa.eu/governance/impact/commission_guidelines/best_pract_lib_en.htm).

**Question 16:** Point 2.4 of the specifications (page 8), which is referring to the award criteria lists under no. 1 a weighting of 60 points. If we sum up the overall approach: 25 points + data collection techniques: 15 points and the relevant coverage: 10 points this comes up to 50 points. Could you please inform us where the remaining 10 points are taken into account.

**Answer 16:** Please find in reply to your question a correction stated in corrigendum N°1 published on [http://ec.europa.eu/transport/facts-fundings/tenders/index\\_en.htm](http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm).

**Question 17:** According to point L.4.6 of the Tender specifications (page 44) there should be available a "List of available background material and administrative and technical files in the Annex". However, we could not find this List in the Annex. Could you please indicate where we can find such a list?

**Answer 17:** Please find in reply to your question the list in corrigendum N°1 published on [http://ec.europa.eu/transport/facts-fundings/tenders/index\\_en.htm](http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm).

**Question 18:** Please advise whether Croatia will be subject of the project following the accession to the EU foreseen in June, 2013.

**Answer 18:** All countries being an EU Member State at the date of submission of the tender shall be subject to the project. As regards Croatia and due to the proximity of its accession, inclusion of Croatia is desirable.

**Question 19:** Technical specifications (p. 6, section 2.3.2, item a., para. 2) stipulate: "The tenderer must prove experience in the field of the respective lot (logistics, combined transport, carbon footprint, programme ex-ante evaluations) with at least one project delivered in this field in the last five years with a minimum value of € 50.000."

On the other hand, p,6, section c., para 2 stipulates: "List of relevant services provided in the past three years in the field of the respective lot, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed."

Please clarify whether the evaluation will consider the proven experience (projects) performed within the past five years.

**Answer 19:** Please find in reply to your question a correction stated in the corrigendum N°1 published on [http://ec.europa.eu/transport/facts-fundings/tenders/index\\_en.htm](http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm).

**Question 20:** In point L4.4 on p. 39, the contractor is supposed to conduct a study which "shall measure, analyse and compare potential impact of the proposed scenarios with relevant and sound/credible indicators, assess the risk and uncertainty of the assumptions and provide a cost-benefit analysis of the EU financial intervention in order to identify the market potential for such intervention and demonstrate its added value". What are "the proposed scenarios" and where in the specification are they requested/defined?

**Answer 20:** 'Proposed scenarios' means in this context 'proposed options', as outlined in Chapter L4.5 and to be validated and extended during the course of the study as requested in Chapter L4.6.

**Question 21:** With reference to Lot 4, can the technical criteria 'at least one project delivered in this field in the last five years with a minimum value of €50.000" be satisfied by demonstrating experience in evaluation activities (i.e. impact assessment", "evaluation") or is it necessary to have at least one ex-ante evaluation of a programme?

**Answer 21:** Please find in reply to your question a correction stated in the corrigendum N°1 published on [http://ec.europa.eu/transport/facts-fundings/tenders/index\\_en.htm](http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm).

**Question 22:** A participation as lead partner in a Marco Polo II project already concluded can be considered a reason for exclusion for conflict of interest?

**Answer 22:** A participation as lead partner in an already concluded Marco Polo II project is not considered a reason for exclusion for conflict of interest.

**Question 23:** Which documentation do we have to provide in order to evidence our capacity: certifications, profit and loss account, notice of appointment of the persons authorized to represent the tenderer, and the like? Can we provide of the original in in any of the EU languages or is it necessary to have an official translation into English?

**Answer 23:** All documents which have to be provided in your offer are specified in the tender specifications; they can be submitted in any official language of the EU.

**Question 24:** Could you please confirm if it is necessary to provide a copy of the ID card of the legal representative and a copy of the Company's deeds of incorporation?

**Answer 24:** If the tender is submitted by a legal entity, a copy of the ID card of the legal representative is not necessary. However as mentioned on page 4 of the tender

specifications, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment is required.

**Question 25:** It is sometimes difficult to obtain certificates of satisfactory execution – particularly in EC projects. In the past for other DG bids we have been advised to provide the EC contract reference number where it is not possible to obtain a certificate of satisfactory execution, please can you confirm if this will be suitable for this bid and will not be penalised.

**Answer 25:** Since August 2012, the Commission has made available to its services a standard template of letter to be used upon request by former contractors willing to receive evidence of contract execution. The relevant Commission service should therefore in principle provide you with such a certificate signed by the competent authorizing officer.

**Question 26:** Lot 3: As regards "The study shall assess the impacts of introducing a standard for the calculation of the carbon footprint of freight and passenger services in Europe...", could you please explain whether the study should cover also 'passenger transport'?

**Answer 26:** In principle the study shall, even if the focus lies on freight transport services, take into account both aspects, also in view of the White Paper on transport as well as standardisation activities as the recently published CEN standard EN 16258 (Methodology for calculation and declaration of energy consumption and GHG emissions of transport services (freight and passengers)).

**Question 27:** "Section 2.3.2 Technical and professional capacity of the tenderer" indicates within paragraph c) as evidence to be presented by the tenderers for the experience in the field of the lots, a list of relevant services provided in the past 3 years, accompanied, for the most important services, by certificates of satisfactory execution. Could you please clarify whether in alternative to the client certificate, we could also provide copy of the respective contracts and/or invoices?

**Answer 27:** Please see in reply to your question the answer to Question 25.

**Question 28:** As concerns the financial offer (section 2.6 of the specifications) can you please clarify the meaning of "complete financial proposal"? Are you requiring for a detailed cost calculation, for example per partner and work package? Are there any formal requirements?

**Answer 28:** As stated in section 2.6 the financial offer for a lot must comprise a single price including all expenses. A detailed cost calculation is not required. There are no formal requirements for the presentation which go beyond what is stated in the tender specifications. It should be noted however that in the context of the award criterion "Organisation of work" information has to be provided which allows for an assessment of the global allocation of time and financial and human resources to the project and to each task and/or deliverable.

**Question 29:** I intend to participate in a joint tender for Lot 4 as a private/individual consultant. I will hence be part of "a group of partners not constituting a new legal entity". As a private/individual consultant I do not operate as a company which is registered in any sort of company register. However, I am properly registered with the national tax authorities and have a VAT number. With regard to the formal requirements to be followed with the submission of the offer, I will probably have to adapt the documentation to be submitted. Please advise me in which way the adaptation should be done:

a) As regards the "Identification of the tenderer: Since a registration number is not available, would the national tax number be sufficient?

b) As regards "Supporting evidence for legal entity form": As a private consultant I cannot submit an excerpt from a trade register. What kind of documentation would you suggest?

c) As regards "Declaration of honour on exclusion criteria and absence of conflict of interest": The declaration is only valid for legal persons. I would participate as a neutral person. Is there a template for any alternative declaration available?

**Answer 29:** a) Yes. Please see also section 1.6 of the tender specifications:

"If it has not been included with the Legal Entity Form, tenderers must provide the following information [...]

- For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

....."

b) There is a specific legal entity form for natural persons which does not require an excerpt from a trade register to be found at: [http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/legal\\_entities/legEnt\\_indiv\\_de.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/legal_entities/legEnt_indiv_de.pdf)

c) The template for the declaration in Annex II to the tender specification includes also options for natural persons and should be used by them as well.

**Question 30:** Lot 4: Following Corrigendum N°1 we have spotted an inconsistency in the numbering of the tasks 6, 7 and 8, could you please clarify.

**Answer 30:** Please find in reply to your question a correction stated in the corrigendum N°2 published on [http://ec.europa.eu/transport/facts-fundings/tenders/index\\_en.htm](http://ec.europa.eu/transport/facts-fundings/tenders/index_en.htm).

**Question 31:** The invitation to tender states under section 3 as follows: "The inner envelope must also contain two sealed envelopes, one containing the technical tender and the other the financial tender. Each of these envelopes must clearly indicate the content ("Technical" and "Financial")". We have two questions:

1. Does "Financial" solely relate to Part E of the "content of tender" as specified in the tender specification under section 1.5?
2. Does "Technical" refer to all other parts A to D and F of the "content of tender" as specified in the tender specification under section 1.5?

**Answer 31:** Please see in reply to your question the answer to question 10.

**Question 32:** Lot 1: What level of support is required from us in the stakeholder consultation, e.g. for the two consultation meetings, will EU run it and we would just support in preparing and arranging the meeting?

**Answer 32:** Lot1: The requirements as regards the stakeholder consultation are described in detail in the tender specifications. As regards the moderation of the consultation workshops they would be most likely be moderated by DG MOVE, while preparation, organisation, follow-up etc. would be to be provided by the contractor.

**Question 33:** Lot 1: At what level does shipping need to be considered? Do we consider only short sea shipping between Member States or is an analysis of deep-sea extra EU-shipping required? Same question applies to air (and to a lesser extent to rail).

**Answer 33:** Whatever is relevant in the context of the tender specifications for Lot 1, statistical analysis, performance and trends as well as in the context of the revision of the Freight Transport Logistics Action Plan shall be taken into consideration. As regards in particular short sea shipping versus deep-sea extra EU-shipping, again when relevant, both short sea shipping with Member States and neighbouring countries as well as deep-sea shipping shall be taken into account. The same applies to air and rail.

**Question 34:** How does the action plan development in Lot 1 relate to the potential outcomes of the other Lots e.g. the carbon footprint methodology may wanted to be featured in the Action Plan.

**Answer 34:** Actions shall be based on the work and results obtained during the course of the study. However, relevant policy documents such as the 2011 White Paper on Transport and relevant initiatives identified in those as well as latest policy developments need also to be reflected upon, subject to information by and discussion with the Commission services during the execution of the study.

**Question 35:** General conditions for Service Contract P19 Section II.15.5 Pre-financing and Performance Guarantees states: "*Pre-financing guarantees shall remain in force until the pre-financing is cleared against interim payments or payment of the balance and, in case the latter takes the form of a debit note, three months after the debit note is notified to the contractor.*" Do you want a performance bond?

**Answer 35:** The special conditions of the draft contract, in particular Article I.4, provide neither for a pre-financing nor for a performance guarantee. The general conditions are hence not applicable in this respect.

**Question 36:** Can you provide us with the word versions of the templates?

**Answer 36:** The word versions of the Annexes 1-3 are available 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)

under the relevant call for tender.

**Question 37:** Do you plan to set up a steering committee dedicated to Lot 3?

**Answer 37:** Not envisaged.

**Question 38:** As regards the templates for the annexes we copied and pasted the text of the annexes from the pdf file to a word document. The content is exactly the one requested but in some cases the format is a little different. Is it ok?

**Answer 38:** As long as the contents is the same as requested, differences in the format do not matter.

**Question 39:** Our intention is to submit our proposal by courier services. Section 3, a) of the Tenders Invitation states: “either by post or by courier not later than 24/05/2013, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the address indicated below”

Our understanding is that the date of the deposit slip should be the 24/05/2013. Does it mean that the courier should reach you by 24/05/2013 or does it mean it can be sent on the 24/05/2013 as long as we have proof?

**Answer 39:** It is the date on which the offer is sent (“either by post or by courier not later than 24/05/2013, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the address indicated below”).