QUESTIONS AND ANSWERS

REGARDING

Invitation to tender MOVE/A3/2013-119 (Contract notice 2013/S 122-208384) concerning

"Framework Contract regarding Impact Assessments and Evaluations (ex-ante, intermediate and ex-post) in the field of transport"

Last update: 26/08/2013

Question 1: Based on the OJEU notice - it is our understanding that this is 1-stage tender procedure but I would be thankful for your confirmation on this matter.

Answer 1: The call for tender is an open procedure for a multiple framework contract with reopening of competition. It is thus a one-stage procedure for selection of multiple tenderers to conclude the framework contract with.

Conclusion of the framework contract itself does not constitute a commitment from the Commission's side. The commitments will be carried out via specific contracts.

Question 2: We need to provide the team of experts capable of carrying out in a professional and timely manner the tasks requested under the Framework Contract. Do these experts need to sign a statement of availability where it states that they are not allowed to present themselves as a candidate to any other tenderer submitting a tender to this tender procedure or they are allowed to be included in more than one tenderer’s bid?

Answer 2: No statement of availability of experts is required and no restriction is set on their participation to one or several bids. Please be reminded that "the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole" (paragraph 1.4 on page 5 of the tender specifications).

Question 3: We would like to clarify the requirement regarding some of the formal documents to be submitted as part of the Administrative Proposal (Parts A and B). In particular, we understand that the tenderers are required to submit a range of forms including:

- Form provided in Annex 1;
- Legal Entity Form;
- Financial Identification Form;
- Declaration of honour on exclusion criteria and absence of conflict of interest.
It is also our understanding that some of the above mentioned forms are required from the (a) leading organisation, (b) JV partners, (c) sub-consultants whose share of work is expected to represent more than 20%, and (d) sub-consultants whose share of work is expected to represent less than 20%.

Could you please clarify who is required to sign Declaration of honour?

**Answer 3:** As written in paragraph 1.6 of the tender specifications, the **identification form** (annex 1) and the **legal entity form** have to be provided for the tenderer (including both leading partner and all members in case of a consortium) and by subcontractors whose share is expected to represent more than 20% for some specific contracts. According to the same paragraph, the **financial identification form** has to be submitted solely for the tenderer (or leading partner in case of consortium).

As written in paragraph 2.2 of the tender specification, the declaration of honour (annex 2) has to be submitted for (and thus signed by) the tenderer (including both leading partner and all members in case of a consortium) and by subcontractors whose share is expected to represent more than 20% for some specific contracts.

None of the above forms is required for subcontractors whose share is expected to represent less than 20% in the specific contracts.

**Question 4:** Could you please confirm that the signature of an authorised person on the range of formal documents is sufficient to meet your formal requirements (eg. an additional notarisation by the notary public is not necessary)?

**Answer 4:** The signature by an authorised representative of the organisation is sufficient for the following required forms: identification form (annex 1), legal entity form, declaration on honour (annex 2), power of attorney (annex 3). For the financial identification form, a signature and stamp from the bank is also required (unless a copy of a recent bank statement is provided).

None of the above documents should be notarised.

**Question 5:** Could you please confirm that the copies of the specific documents (for example the accounts or extract from the registration court) can be submitted without any further notarisation and signatures (eg. without signatures of persons submitting the bid on behalf of the tenderer)?

**Answer 5:** Requested copies of specific documents include: notice of appointment of persons authorised to represent the tenderer (or a copy of publication of such appointment), proof of registration on a professional or trade register (or other official document showing the registration number), supporting documents to the legal entity form and financial identification form and profit and loss account (or appropriate statements from banks).

None of the above documents should be signed or notarised. Please be reminded that copies must be legible.
Question 6: Could you please confirm if our understanding is correct that if the leader meets the economic and financial capacity criteria (point 2.3.1) by itself – it is not required to submit this information on behalf of its partners and subconsultants?

Answer 6: In the case of a consortium, the combined economic and financial capacity is assessed. If one member of the consortium fulfils on its own the required criteria, this is considered to be sufficient and evidence may be submitted only for this member.

Question 7: We understand your requirements regarding the team delivering the service (point 2.3.2b). However, having extensive experience in the sector we find it difficult to relate some of those requirements to the calibre of candidates capable to deliver the projects of this nature. In particular, we noticed that the experts are required to have only 3 years of professional experience. In our opinion the experience of this length would rather qualify them as consultants (project delivery team/support staff), rather than experts who would lead the work, set the evaluation frameworks and effectively guide multi-national teams. Could you please clarify if the thresholds mentioned above regarding the years of experience were intentional and why?

Moreover, as the tenderers are required to link the proposed personnel to the financial offer, and in particular they need to propose one price per person-day for each staff category, we see a risk in a fair comparison of different offers. For example, this could lead to the situation that a graduate with 3 years of experience would get the same scoring as internationally recognised expert in the field (just only with a disadvantage that the tenderer who proposed the internationally recognised expert is likely to lose as their offering is likely to be more expensive). Could you please clarify if there is any intention to amend the requirements regarding the project team to address this issue?

Finally, we also recognise that the evaluation comprises of both – quality and price evaluation – and that the team will be a part of quality assessment. Could you please clarify if the tenderer who proposed experts who meet your minimum requirements will be scored down when comparing their offering with other tenderers who proposed experts exceeding your minimum requirements?

Answer 7: It is essential to distinguish between the selection criteria and the award criteria. Please refer also to the evaluation steps in paragraph 2.1.

The selection criteria assess whether the tenderer disposes overall over the necessary capacity to provide the services which will are requested under the framework contract. This Commission will only verify whether minimum requirements set out are reached by the tenderer.

Under the selection criteria, the years of experience are asked in order to assess the technical and professional capacity of the team delivering the service. Experts in the field of mobility and transport are requested to have proven experience of at least 3 years in the field of mobility and transport. The minimum requirement of three years is set as in our opinion, a younger profile which has limited but in-depth knowledge of a very specific field is as valuable as a more senior generalist expert.

The Commission has no intention to modify the minimum requirements set in the tender specifications.
On the other hand, through the award criteria, the Commission assesses whether the understanding and approach of the tenderer is adequate to perform the work. At this stage, the experience of the team, or any other minimum requirement, requested under the selection criteria will not be further assessed. It will thus have no influence (upwards or downwards) on the grading of the award criteria.

In the frame of the framework contract, the overall adequateness of the team proposed under each case study, including its expertise, will be assessed as part of the quality of the tender under the criterion of "Organisation of the work" (see paragraph 2.4). As provided in the tender specification, "this criterion will assess how the tenderer proposes to mobilise adequate resources in the frame of the two case studies in terms of language/Member State coverage and specific expertise. It also assesses how roles and responsibilities of the proposed team are distributed for each task and how coordination will be ensured. Further, this criterion assesses the global allocation of time and resources to the case study and to each task or deliverable, and whether this allocation is adequate for the work." (see section 2.4 of the tender specifications).

**Question 8:** The requirements regarding the financial offer and the form of its presentation are clear. However, we would like to raise an enquiry regarding the weighting allocated to different categories of staff. In particular, we have noticed that the expert in impact assessment and evaluation gets only 5 points, and in our opinion s/he will be critical for the success of this Framework. At the same time a data collector and analyst get 40 points which effectively is 8x higher weighting than the above mentioned expert. Could you please explain the justification between the weighting adopted to different staff categories so we could address it accordingly when responding to the case studies and developing the financial offer?

**Answer 8:** The expert in impact assessment and evaluation in a project is meant to provide mainly methodological expertise and support on the most suitable methods and approach for a specific study, taking into account methodological guides and standards of the Commission. He has a role to ensure a solid methodological foundation of an impact assessment or evaluation. His involvement should therefore in general be relatively limited on a day-to-day basis.

Data collectors and analysts are considered essential as the Commission aims to promote involvement of stakeholders in the impact assessment and evaluation process through various data collection methods.

**Question 9:** We would like to clarify your requirement regarding the financial proposal requested as part of the case study (point 3.4.2). We understand that it is about providing the allocation of resources and that this proposal will not prejudice the financial offer referred to in point 2.6. However, could you please confirm that we are required to present only the allocation of hours for different categories of staff per tasks identified as part of case studies, eg. it is not expected that we include any financial information such as the actual daily rates of the proposed personnel.

**Answer 9:** Tenderers should present the allocation of person-days for different categories of staff for each task, and calculate the total price on the basis of the person-day prices defined in the financial offer. The daily rates of the proposed personnel in the frame of the case studies have to correspond
to the prices per person-day defined in the financial offer. The total price for the case studies will indeed not be considered in the evaluation of the financial offer.

**Question 10:** When analysing the requirements regarding the project team (point 2.3.2b) we noticed that in some cases the singular and plural form has been used in regard to different staff categories. Could you please clarify if we are correct assuming that your expectations are to receive:

- one CV for Project Manager per each lot;
- numerous CVs for experts in the field of mobility and transport, and impact assessment and evaluation methodologies;
- one CV for data collector and analyst;
- numerous CVs for support staff?

**Answer 10:** Referring to the evidence to be provided under point 2.3.2.c, the requirement is to provide "The educational and professional qualifications of all the team members who will provide services under the Framework contract (CVs) including the management staff". It is up to the tenderer to propose a team, whose members are ranked according to the profiles set in point 2.3.2.b and who will jointly offer the required competences requested under 2.3.2.b. The Commission has no expectations as to the number of CVs it should receive in total or per profile.

**Question 11:** Could you please explain the details regarding the way of packing and marking the envelope containing the bid? Is our understanding outlined below correct?

*Tenders will comprise of three parts and each section must be assembled separately.*

Could you please clarify if each of the three parts must be submitted in a separate inner envelope and then the three of them are expected to be placed in one outer envelope?

**Answer 11:** All three sections (administrative, technical and financial offer), including possible separately bundled sections for technical and financial offers of different lots, may be placed either in a single inner envelope or in several inner envelopes. The requirement refers solely to the fact tender documents have to be placed in at least one inner envelope.

**Question 12:** *Tenders must have a continuous page numbering and must be assembled in a coherent fashion (eg. bound or stapled).*

Could you please clarify if the above page numbering refers to the pages within the section (eg. each section starts from page 1) or is applicable across the whole bid?

**Answer 12:** Continuous page numbering may be applied separately for each section (administrative, technical and financial offer) or as a whole for all tender documents. Within a bound or bundled section, page numbering has to be continuous.
**Question 13:** The electronic copy of the tender should be submitted in separate files for each section and duly named.

Could you please clarify how this requirement should be executed in practice? In particular, we would appreciate your explanation:

if we are expected to produce one CD containing three files duly named and place it in one inner envelope that will be included in outer envelope; for avoidance of doubts in this case the outer envelope will include four inner envelopes (three of them including hard copies of different parts of the proposal and one of them including CD with an electronic version of all three parts); or

if we are expected to produce three CDs, each of them including one file corresponding with different parts of the proposal; for avoidance of doubts in this case the outer envelope will include three inner envelopes (each of them including hard and electronic copy of the same part of the proposal).

**Answer 13:** A single electronic support may contain the different required electronic files. The electronic support(s) may be placed in the same inner envelope as the paper tender documents.

**Question 14:** Could you please confirm that both – the inner and the outer envelope – should not carry the name of the tenderer and only the outer envelope must be signed across the tape?

**Answer 14:** The name of the tenderer is not required on the inner and outer envelopes. Only the inner envelope should be signed across the tape.

**Question 15:** The tender specification, page 16, the second paragraph from the bottom includes the following sentence: “The attention of the tenderers is drawn on Article I.10.1 of the Framework Contract in Annex 5, on Penalties in the event of inadequate quality of work or delays”. However, when we referred to Article I.10 of the Framework Contract we noticed that it has the following wording: “Not applicable”, and the penalties are discussed in other contract sections. Could you please clarify this inconsistency so we know which version is binding?

**Answer 15:** The tender specifications should read "The attention of the tenderers is drawn on Article I.11.1 of the Framework Contract in Annex 5" instead of "The attention of the tenderers is drawn on Article I.10.1 of the Framework Contract in Annex 5".

Please however take note of page 2 of the Framework Contract in Annex 5 of the tender specifications: "The terms set out in the special conditions shall take precedence over those in the other parts of the FWC.".

**Question 16:** In referring to the above referenced contract notice, we acknowledge that the deadline is 21 August. We and our consortium partners need to provide documents, references, CVS and there is work to be done on the methodologies and in compiling the proposals. Given that July and August are holiday season in most European countries we kindly request that you consider a deadline
extension by two weeks (e.g. 4 September 2013) which would facilitate the proposal making process for us and the different partners.

**Answer 16:** At this point of time, the Commission will not consider extending the deadline of the call for tender.

**Question 17:** With regard to technical and professional capacity criteria on page 8 of tender specifications (Framework contract for impact assessment and evaluation studies) where is requested “proven experience of working on projects (in any domain) on at least 5 EU countries during the last three years. The combination of projects must show coverage of at least 22 EU countries”, I would like to better understand:

1. whether is needed at least one project that involves at least 5 EU Countries or not;

2. If the following examples are considered appropriate ways for the coverage of EU Countries: projects assigned from Public or Private entities of different EU Countries and/or activities carried out within projects concerning different Countries and/or participation of EU Countries representatives in project activities managed by tenderer financed by European Institutions.

**Answer 17:** These are three requirements relating to a) the time of acquiring the experience – 3 last years, b) the experience which must include at least one project relating to 5 EU countries, while c) the projects in overall must cover at least 22 EU countries.

The tenderers must fulfil all of these three conditions.

The coverage is determined by whether the projects include the required number of EU countries in the scope of analysis.

The service request of these projects provided by a tenderer for this criterion may originate from public or private entities with a regional, national, European or international reach.

**Question 18:** Is there a specific format or established form for the “Formal statement of native-level language skills in English or equivalent, signed by both the legal representative and the team member” (section 2.3.2 c, p10 of the ITT specification), if so can the Commission please provide it?

**Answer 18:** There is no specific format or established form foreseen for the formal statement of native-level language skills in English or equivalent and no evidence is required in support of this statement. Signatures of the legal representative and the team member with native-level language skills in English or equivalent is however essential.

**Question 19:** Under section 3.4.2 Case studies (p24 of the ITT specification) the specification text indicates page lengths against three parts to be included in each of the case studies, i) Overview/understanding – 1 page, ii) methodology – 4-5 pages, iii) organisation of the work – 2-3 pages. Could you please clarify whether these are only indicative section lengths (i.e. there is some
flexibility), or whether they are ‘hard’ limits (e.g. would submissions going beyond the limit be penalised in some way)?

In section 2.4 ‘Award criteria for the Framework Contract’ these three sections are covered separately, however there is an additional separate fourth criterion ‘Quality control measures’ that will be applied to the case studies. Could you please confirm whether this subject can/should be covered in a separate (i.e. fourth) section of the case studies or within one or more of the other sections?

Could you please also confirm that the financial proposal for each case study should be presented as another separate section and so does not fall under the page counts for overview/understanding, methodology and organisation that have been indicated above?

**Answer 19:** The page lengths provided for the three parts of the case studies to be included in the technical offer are not hard limits and little flexibility in this regard will be applied. However, tenderers should take these limits into account in their bid, as these are indicative of what the Commission expects. Technical offers which are deviating too strongly from the page length requirements "may be excluded on the basis of non-conformity with the tender specifications" (see section 2.5 on page 12 of the tender specifications).

The criterion "Quality control measures" will be assessed as a whole over both case studies and should be addressed within the organisation of the work.

The financial proposal requested should also be part of the organisation of the work.

The whole of the content requested for the case studies falls under the page limits provided. These lengths have been voluntarily set short in order to have tenderers focus on the key elements.

**Question 20:** The Tender Specifications document mentions the following on page 8: proven experience of working on projects (in any domain) on at least 5 EU countries during the last three years. The combination of projects must show coverage of at least 22 EU countries. Could you please specify how the experience of working on projects covering EU countries should be proven?

More specifically - Does this mean that coverage of 22 EU countries can only be proven by listing projects that covered at least 5 EU countries each?

**Answer 20:** Please refer to question and answer 17 above.

As for the proof that the experience exists, a list of projects along with the short description of basic features of each project would serve as the minimum evidence.

**Question 21:** In response to your answer to question 7 please clarify the following: When writing our answer to the case studies if we propose a team that meets your minimum criteria and another
consultant proposes a more experienced team, if everything else is equal, would they score more points under “Organisation of the Work”?

**Answer 21**: Please refer to clarifications brought to answer 7.

If two teams proposed by two tenderers meet the minimum requirements set under the selection criteria, both teams will equally pass this selection criterion. If one tenderer proposes a more experienced team than the minimum requested, this will have no impact on the scoring of the award criteria.

Under the award criterion "Organisation of the work", the adequacy of the resources mobilised "in the frame of the two case studies in terms of language/Member State coverage and specific expertise" will be assessed. The Commission will thus give scores on the basis of whether the proposed team is adequate to address the tasks at hand.

Please note that other aspects will also be assessed under the criterion of "organisation of the work" as defined in section 2.4 of the tender specifications.

**Question 22**: Could you please clarify if the formal documents such as the Identification of the Tenderer, Declaration of Honour, Power of Attorney need to be submitted on the headed paper?

**Answer 22**: The Identification of the tenderer (Annex 1), Declaration on honour (Annex 2) and Power of Attorney (Annex 3) do not need to be submitted on headed paper. There is no requirement to have any other document submitted on headed paper.

**Question 23**: We understand that the tenders must be written in one of the official languages of the EU. In the situation when the whole bid is submitted in English but some organisations involved are based in countries where the official language is other than English - could you please confirm that in this case we can attach the specific evidence (such as for example the extract from the registration court or other documents issued by the third parties) in the official language of that country without its (sworn) translation into English?

**Answer 23**: Specific evidence can be submitted in any of the official languages of the EU, even though the bid is written in another language. No translation is required.

**Question 24**: The document “invitation” seems to be missing some text. The text does not correspond with the page numbering. I am missing a part of point 2 and point 3. Could you please provide me with the correct text?

**Answer 24**: The missing text is provided in the corrigendum No. 1 published next to the tender documents.

As must file electronic copy of the proposal? Must be sent to an e-mail or on a CD?

Answer 25: We understand from your question that you want to know whether the submission of an electronic copy of the tender is mandatory and if so under what form.

The Commission will indeed require an electronic copy of the tender. The electronic copy should be submitted on an electronic support together with the paper version, i.e. USB key, CD or DVD. It should not be sent by email.

Question 26: We understand that the project experience to be presented by a tenderer must refer to the commissions in the last three years, as specified in point 2.3.2a of the Tender Specifications. Could you please clarify if the projects must be completed in the last three years or they can be still on-going (in which case the major segments of the projects which were completed would be specified and the overall percentage of project completion would be provided)?

Answer 26: The tender specifications require tenderers to provide a list of relevant services provided as proof of the required number of projects delivered. As the projects have to be delivered, this requires indeed for the projects to be completed at the time of submission of the tender for the present framework contract, i.e. the final deliverable has been submitted and approved.

Question 27: I would like to clarify the requirements regarding the persons to be proposed as Project Managers (point 2.3.2b). Could you please clarify if the requirement regarding the EU-27 coverage refers to each individual proposed as Project Manager and each of these individuals must be able to present:

(1) a single project which covered all EU-27 countries, or

(2) a combination of projects that together cover EU-27 countries, or

(3) s/he is supposed to have experience in project management in one of EU-27 countries?

Answer 27: Each project manager proposed under the framework contract should be able to prove 5 years’ experience with at least one project of a similar coverage. The reference to EU-27 indicates that most likely the majority of projects under the framework contract will cover all EU Member States. However it is not required that the project(s) managed by the project manager(s) cover the exact same (number of) countries. This is not required for a single project, or for a combination of projects. No experience in project management in one of the EU Member States is required.

Therefore: a project manager should be able to show he/she has managed one project covering a large number of countries which in essence are close to the EU Member States.
**Question 28:** In the section “Criteria relating to tenderers” it is understood that projects should show a “coverage” in terms of having a direct impact to at least 22 countries: may you kindly confirm that a project focusing on an impact assessment at EU-wide level that involved several stakeholders from many EU countries shall be considered as having a coverage on all stakeholders’ countries?

**Answer 28:** Please also refer to questions and answers 17 and 20.

As specified in answer 17, "the coverage is determined by whether the projects include the required number of EU countries in the scope of analysis". Therefore, the scope of a project at EU-wide level will be determined by the countries considered under the study, for example but not exclusively through involving stakeholders from those countries, for as far as those stakeholders were involved for their knowledge and understanding of the situation in their country.

**Question 29:** Can you please clarify the duties required of persons with a legal expertise in relation to activities associated with Lots 2, 3 and 5?

**Answer 29:** Duties required of persons with a legal expertise are similar for all lots under the present framework contract, the differences lying in the transport modes or topics covered.

Legal experts may be requested under a specific contract to carry out legal analysis, for example on the possibilities to broaden or modify the legal base or on the cohesion between different pieces of legislation.

The exact tasks of a legal expert can however not be defined at the present stage and will depend on the needs that will arise in the frame of a specific contract.

**Question 30:** Additionally, is it anticipated that persons with a legal expertise, involved in Lots 2, 3 and 5, will be required to draft formal legislation and statutory instruments?

**Answer 30:** Please also refer to answer 29 above.

Persons with legal expertise will not be asked to draft formal legislation and statutory instruments under the framework contract.

**Question 31:** Would a tender submitted by a non-for-profit association be eligible taking into account that the association per se can't meet the criteria of economic and financial capacity (point 2.3.1) whereas the members of the association (who also generate no profit) can prove that their aggregated annual budget exceeds a threshold imposed in the point 2.3.1.

**Answer 31:** Non-for-profit associations, including universities and research centres, may provide proof of their economic and financial capacity by any other mean than the one asked for in paragraph 2.3.1.
Please be reminded that in those cases, the tenderer must indicate, in the tender, a justification of its reliance on this exception, and must still have the economic and financial capacity required.

The decision on the acceptability of the other means of proof is done by the Contracting Authority on case-by-case basis.

Alternatively, the possibility of forming a consortium is also available for the tenderers to consider.

**Question 32:** We are requested to include staff profiles indicating what their role in the team can be (project manager, expert in impact assessment, data collector etc.). We would like to ask whether the allocation of staff to categories is binding for specific project tenders that will come within the Framework Contract. This question arises as a number of staff are capable of taking up multiple roles (i.e. project leader or impact assessment expert, transport and mobility expert or data collector) depending on the needs of each project.

For instance if we were planning to indicate an adequate number of staff as project leaders, the case is that only one can lead each project. Are the rest then excluded from participating as experts in mobility or experts in impact assessment?

Should they be allowed to participate with another function, what happens with their daily fee? Does it remain that of their initial function, or does it adjust to the new function they take up?

**Answer 32:** The staff profiles required under the Framework Contract serve the purpose to prove that the tenderer has at its disposal the relevant profiles which could be necessary under a specific contract. Therefore, the allocation of staff to specific staff profiles under the Framework Contract is not binding under the specific contracts.

Under specific contracts, the staff allocated to staff profiles will however need to comply with the minimum requirements set for those profiles as defined in the framework contract (see paragraph 2.3.2.b of the tender specifications).

The prices per person-day to be provided under the framework contract are linked to the staff profiles. They will be applied to all staff allocated to the particular profiles under each specific contract.

**Example:** a project manager under the framework contract may be proposed as expert in mobility and transport under a specific contract, for as long as he complies with the minimum requirements for experts in mobility and transport. The price per person-day which will be applied is the one defined under the framework contract for expert in mobility and transport.

**Question 33:** May an association implement the project deploying human resources of its members, i.e experts whose CVs will be submitted are employees of the association members, and not its own employees. Shall/may an association in this case subcontract the members?
**Answer 33:** Any tenderer may include in its tender any expert or other human resources which are not its own employees. Sub-contractors can be natural or legal persons, depending on which is more relevant in the context of the particular tender.

Two options are available. First, the associations or companies which employ these human resources could be included as members of a consortium, or considered as subcontractors. Secondly, the human resources themselves could be considered subcontractors.

Please bear in mind that in all times, the selection criteria must be complied with.

**Question 34:** Is it possible to hand in offers for two different lots with different consortia? This means, our company is part of consortium A for an offer that only covers lot 2 (rail). Additionally, we are considering being part of another consortium B for an offer that only covers lot 5 (horizontal issues). Is this possible / allowed?

**Answer 34:** As specified in section 1.5 of the Tender Specifications, "tenderers may participate in several lots". It is allowed to participate to different lots, and thus to submit offers for two lots, as leader or member of different consortia. A company which is member of consortium A which applies for lot 2 may thus also apply for lot 5 as member of consortium B.

Please note that "A single administrative offer may be submitted on the condition that, in the case of a joint tender, the tenderer is composed of the same members of a consortium or grouping for all lots." In the case however that the composition of the consortia is not the same for two lots, even if the leader would be the same, two separate administrative offers should also be submitted. "In the case a separate administrative offer is submitted for each lot to which a same tenderer applies, each offer should be assembled separately."

**Question 35:** Could you please clarify if the Power of Attorney (annex 3) is required from sub-consultants with envisaged share of work less than 20%, and if the sub-consultants with less than 20% share of work are also required to accept a joint and several liability with other consortium partners?

**Answer 35:** The Power of Attorney is to be provided only by the members of a consortium, with the exception of the leader of the consortium. Subcontractors not being members of a consortium and therefore not the parties to the contract, they do not have to fill in the Power of Attorney. The joint liability towards the Commission does not extend to subcontractors, regardless of their share in the contract.

Nevertheless, please be reminded that "Even where the contracting authority authorises the contractor to subcontract to third parties, it shall nevertheless remain bound by its contractual obligations and shall be solely responsible for the proper performance of this FWC." (see Article II.7.2 of the General Conditions of the Framework Contract) and that "The contractor shall be held liable for any loss or damage sustained by the contracting authority in performance of the FWC, including
in the event of subcontracting” (see Article II.3.3 of the General Conditions of the Framework Contract). A consortium is thus jointly and severally liable also for performance of subcontractors.

The articles 1.3 and 1.4 of the Tender Specifications can also be compared in this respect.

**Question 36:** With regards to the administrative proposal, are original copies of all signed forms & documents required for the original copy & electronic copy, or can any of the following solutions be accepted as valid by the contracting authority:

1. Full page photocopy of the original documents
2. Full page scans of the original document, integrated in a word document (to comply with continuous page numbering requirement)

**Answer 36:** The original paper copy of the tender should contain original signed forms and documents requested. No scans or photocopies of these documents will be accepted. An original signature is required for the identification form (annex 1), legal entity form, financial identification form, declaration on honour (annex 2), power of attorney (annex 3) and on the financial offer.

The two additional paper copies and the electronic copy may contain scans or photocopies of these documents.

Please note that for some other documents, the tender specifications only request a legible copy. Please see answer 5 above for more details.

**Question 37:** As we are interested in taking part to the opening committee, we would appreciate if you could provide us with a description of the steps necessary for the registration. We were unable to retrieve this kind of information from the “Invitation to tender MOVE/A3/2013-119 for a framework contract regarding Impact Assessments and Evaluations (ex-ante, intermediate and ex-post) in the field of transport”.

**Answer 37:** No preliminary registration is required for participating in the tender-opening session. On the day of the opening, all attending persons (one representative per tenderer) must be before 10.00 AM at the reception desk of building DM24, and bring their identity card. They will be asked to complete and sign an attendance sheet that will be attached to the written record of the tender-opening session.