FREQUENTLY ASKED QUESTIONS

INVITATION TO TENDER NO. MOVE/B2/2014-827

"FOR A SERVICE Provision CONTRACT REGARDING USER-FRIENDLY ACCESS TO INFORMATION ABOUT LAST-MILE INFRASTRUCTURE FOR RAIL FREIGHT"

CONTRACT NOTICE: OJEU 2014/S 087-151906 OF 06/05/2014

19/06/2014

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Question 1:

Allerdings unterscheiden sich die Angaben über die voraussichtliche Höhe des Auftrages, einerseits 400 000 EUR, andererseits 750 000 EUR.

Sind dies unterschiedliche Ausschreibungen?

Ist hier ein Fehler bei der Veröffentlichung passiert?

Answer:
Es handelt sich um verschiedene Ausschreibungen. Ähnlichkeiten, nicht Identität, mögen gegeben sein, worin aber kein Fehler liegt.

Question 2:
Refering to the point 4) from the Main objectives and tasks in the page 10 of the technical specifications document:

"4) Development and programming of a web-based information portal with GIS-application, which shall be put online during the project, filling of the portal with data for at least three major regions (industrial agglomerations) in at least three different Member States – of which one in Central-Eastern Europe - , managing the administration of the
portal until the end of the project, organise in Brussels a seminar for stakeholders to
demonstrate the online-information portal, carry out a stakeholder consultation about the
content and functionalities of the portal and derive recommendations for the operation of
a possible permanent portal."

Does this development include the GIS-application development, or is it just focused on
developing the web-based information portal (that would take the data from an external
GIS application)?

**Answer:**

As stated in the title and on different other occurrences in the call for tender in subject,
the objective is the development and programming of the web-based information portal.
This portal shall make use of a suitable GIS-application.

**Question 3:**

In relation to the organization of both tenders we have faced the curtain unclarity
regarding interpretation of the following clauses:

1. “Selection criteria” (see clause 2.3 of respective “Tender specifications”). In
   particular, it is written that “the consortium of tenderers has to include at least one
   sector association representing (also) railway infrastructure managers in at least two
different Member States”. Taking into account a limited number of such associations
and form of their availability for contractual work, we would like to clarify the
following points:
   
   • Exclusivity for participating in tenders. May the one particular association or
     rather its single expert take part in several consortia at the same time?
   
   • Is there any restriction concerning the form of their involvement (partner or
     subcontractor)?

2. “Main objectives and tasks” (see clause 3, “Technical specifications” of the Tender
   1). In particular, “4) Quantify on an indicative level the investment needs/potential in
   the EU for construction, revitalization and modernization of last-mile infrastructure;
   several different scenarios (ambition levels) shall be defined”. Here we would like to
   clarify the following point:

   • How detailed should be the indicative level of identified investment needs?
   
   • How many countries have to be considered while quantifying the investment
     needs?

Considering the terms of interim and balance payments we would like to reduce the pre-
financing of respective project and therefore to suggest some additional interim payments
due to sufficiently long terms before submitting the progress reports and final results. In
this sense, we would like to ask you, whether in case of winning the tender it is allowed
to negotiate on the contractual terms?

Moreover, concerning the selection criteria, in particular the involvement of a sector
association, our consortium have contacted the respective associations. These are UIC
and CER, where DB International as a part of DB ML AG also disposes of a membership. As a result, we have gotten the mutual confirmations of their interest and further support in case of successful project award. Such a support will be provided in form of preparation to the seminars, providing the contacts to respective stakeholders and organizing the working groups. Due to the political essence of such associations they cannot fully or directly take part in a project team as well as sign any written confirmation (e.g. Letter of Intent). In the light of these facts I would like to ask you, whether mentioning of such pre-agreements in the proposals or / and prove of the memberships in these associations is enough to fulfill this selection criteria?

**Answer:**

The tender specifications do not comprise any requirements concerning the internal distribution of tasks and thus neither on which tasks the association(s) will carry out.

I cannot anticipate the assessment by the evaluators regarding the form of arrangements by the tenderer concerning the participation of the association(s).

The tender specifications do not comprise any limitation in the number of consortia/tenders an entity may participate in.

As stated in the tender specifications the information regarding the indicative investment needs/potential for construction, revitalisation and modernisation of last-mile infrastructure shall be provided for the European Union. In case the tenderer should provide any information concerning (also) non-EU members (such as Norway or Switzerland), the values concerning the EU Member States must be clearly separable. The tender specifications do not comprise any requirements on the level of detail of the information provided on the indicative level of investments.

Any arrangements regarding payments, including, where applicable, internal arrangements between consortium partners, must be in line with the provisions in the draft contract, which is part of the call for tender.

**Question 4:**

In developing our proposal please clarify what is intended by section 2.3 Selection Criteria of the Technical Specifications.

Section 1.1 states that the call is ‘open to all natural and legal persons’; however Section 2.3 states ‘The consortium of tenderers has to include...’, implying that the call is only open to a consortium.

Please confirm whether this call is only open to a consortium or can an individual company submit a proposal.

**Answer:**

It is nowhere stated that other entities then listed in Section 2.3 could not participate. However, the functions provided there constitute the minimum required.
Regarding the statement in section 2.3, it is not excluded that one entity combines two or more functions, which would reduce the minimum number of different entities accordingly.

In section 1.1 it is clearly provided that the call is open 'to all natural and legal persons'.

The requirement in section 2.3 that the tenderer has to "include at least one sector association representing (also) rail infrastructure managers from at least two different member states" has to be met as well.

**Question 5:**

1. In TOR, Section 2.3. Selection criteria, it is mentioned that “The consortium of tenderers has to include at least one sector association representing (also) rail infrastructure managers from at least two different Member States.” This seems to be a strange requirement, as these associations are typically representative bodies of rail infrastructure managers, and as stakeholders, might lack the necessary independence to provide advice to the European Commission. We also sense a lack of willingness of these associations to participate in this tender as a part of a bidding consortium. Can you please confirm whether the absence of such an association in the consortium will automatically exclude the consortium for competing for this tender?

2. Can you please indicate which languages need to be available on the web-portal?

3. We assume that the website will be on the Europa server. Can you please confirm this understanding?

4. Will this be a members only website, or available to the general public?

5. Given the unclarity of the terms of reference, is it possible to extend the submission deadline?

**Answer:**

1. see answer to question 4, last part

2. no specific requirements regarding language.

3. There are no such provisions.

4. There are no provisions on the accessibility in the tender specifications. But all rights on the results including publication of the web site will belong to the Commission.

5. In case we decide to extend the deadline for submission of proposals, we will inform about this extension in the same place where the tender is published.
**Question 7:**

Given the requirement to enter into a consortium with an appropriate sector association in order to deliver the project, it is also necessary to put in place the agreements between the parties, to enable the parties to comply with the conditions in the Call for Tender.

Consequently I am writing to enquire whether you would consider a short extension the submission deadline for this tender to enable us to consult with relevant sector associations, and seek internal agreement for entering into contracts with them?

**Answer:**

See answer 6.5 above

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**Question 8:**

Concerning both calls for the last-mile infrastructure, on Monday 16th we saw that the deadlines for submission of tender documentation were postponed respectively till June 30th. In the light of the deadline extension I would like to ask you, whether we could get back the submitted proposals. The main reason for that is the need for adjustment of commitment period due to new termsframe.

**Answer:**

We would like to offer you a following choice:

- The Commission will send the tenders back, unopened, so that you can submit the modified versions, or

- You will submit new tenders, adding cover letters that clearly declare the current tenders void, and to be replaced with the new one.

On both cases, the condition is that the tender must be submitted in no later than 30/06/2014 and be full, containing administrative, financial and technical part with all the required annexes.

Please reply in shortest delays, preferably today. If you choose the first option, please indicate the address.