Invitation to tender MOVE/B3/2015-224 for a service contract regarding a "Study on support measures for the implementation of the TEN-T core network related to sea ports, inland ports and inland waterway transport"

Contract notice in OJEU 2015/S 125 - 228607 of 02/07/2015

QUESTIONS & ANSWERS

Latest update 17/08/2015

Question 1:

Page 6, section 2.3.1 (Economic and financial capacity criteria and evidence):

“...In order to prove their economic and financial capacity, the tenderer (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:
- The annual turnover of the last two financial years for which the accounts have been closed of minimum €600,000.
- The following evidence should be provided:
  - Copy of the profit & loss account for the last two years for which accounts have been closed."

Is it correct that only the turnover will be a threshold; the minimum of €600,000 euro per year for the tenderer? Are there no further requirements as regards the solvability and profitability for the tenderer?

Answer 1:

Your approach is correct: EUR 600,000 is a minimum threshold that the tenderer must comply with, in order to pass this selection criterion. As for the solvability requirements, please refer to paragraph 2.2 (Exclusion criteria) and Annex II (Declaration of Honour) of the Tender Specifications, in particular points a) and d) of the declaration.
Question 2:

We refer to page 6, section 2.3.2. (Technical and professional capacity criteria and evidence):

Is it needed to show on each of the fields mentioned a reference project of at least €150,000? Or would it be sufficient to qualify with 3 projects in the field of Inland waterway transport and inland ports without showing experience in maritime transport for Lots 3 and 4?

Answer 2:

No, it would not be sufficient.

The tenderer must prove experience in the fields of 1) maritime transport, 2) seaport or inland port infrastructure, 3) port or inland waterway services and 4) logistics, with at least 3 projects delivered (completed) in these fields.

This is a basic selection criterion for all 4 lots. The projects in combination must cover all four fields.

There are additional requirements for lots 1 and lot 2. Please read carefully the text of paragraph 2.3.2 (a).

Please bear in mind that the tenderer may rely on the capacity of other entities, by forming a consortium or engaging sub-contractors, in accordance with paragraphs 1.3 and 1.4 of the Tender Specifications.

Question 3:

We refer to page 8, section 2.3.2 c. Evidence:

“List of relevant services provided in the past three years, 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;”

Is it correct that ‘most important services’ are seen as the completed contracts for projects carried out in the past 3 years?

Answer 3:

Yes, your approach is basically correct.

The "most important services" are the services that the tenderer refers to as the completed projects in the meaning of paragraph 2.3.2 (a) of the Tender Specifications, proving the experience in the fields explicitly required for the lot in question, e.g. maritime transport for all lots.

The minimum requirement is 3 projects for all four lots, 3+2 projects for lot 1, and 3+1 for lot 2, covering all fields mentioned in Tender Specifications.
**Question 4:**

a) Are ‘certificates of satisfactory execution’ also needed for projects carried out for European Commission DG MOVE?

b) Are ‘certificates of satisfactory execution’ needed for projects carried out for other European Commission DGs such as REGIO?

**Answer 4:**

Yes, certificates of satisfactory execution are needed both for projects carried out for DG MOVE and also for other DGs.

**Question 5:**

We refer to page 9 of Tender Specifications – section: 2.6. Financial offer:

“Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.”

Could you give more information about this phrase? Because if the European Union is exempt from such charges (VAT), it is correct to assume that the contractor executing the work (and established in the European Union) is exempt from payment of VAT? Could be clarified what a reason could be to show the amount of VAT separately?

**Answer 5:**

The contract(or) is exempt from VAT, in accordance with articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union.

For this reason, all financial offers must be submitted VAT-excluded.

Nevertheless, the tenderers may, for the informational purposes, to indicate the amount of VAT: the wording "may" in paragraph 2.6 of the Tender Specifications refer to the right, and not to an obligation of the tenderers.

**Question 6:**

We refer to page 17, Lot 1 Specification task C

“The contractor shall organise its work in such a way to avoid any possible conflict of interest between the partner and/or teams carrying out this task and the teams working on the parallel studies "Studies on TEN-T core network corridor and support of the European coordinators"11, in particular when addressing subtask C2. Evidence of the arrangements taken to avoid any conflict of interest must be provided in the tender.”

Seen the above limitation, is the conclusion correct that the European Commission does not accept as overall lead partner of the lot 1 a partner which is involved in the parallel studies
“Studies on TEN-T core network corridor and support of the European coordinators”. This in order to avoid any possible conflict of interest acting as lead partner with overall responsibility for the management of the whole lot, including the Task C(C2)?

**Answer 6:**

*No, this interpretation would be too restrictive.*

*This means that the tenderer, in the case of any risk of conflict of interest, will take all reasonably expected measures, so that the conflict of interest will not occur. The tenderer must describe any risk of the conflict of interest and the mitigation measures he has taken, in his tender.*

*It is up to the Commission to decide upon whether the measures are sufficient.*

**Question 7:**

We refer to page 23, Lot 2 specification:

*“The contract may be renewed two times, each time for a period of 12 months as regards the execution for tasks B and C, for the annual value of a maximum of 25% of the contract.”*

Is it correct to assume 25% of the contract = €212,500 per year for contract renewal per year for tasks B and C and would be on top of the €850,000 maximum available for the tasks to be carried out in the 36 months? Is there already a quote requested in the proposal for this contract renewal for these tasks after the 36 months have passed?

**Answer 7:**

*The interpretation is not correct. The maximum amounts indicated in paragraph 2.6, at the end of page 9 of the Tender Specifications, are the maximum amounts for the respective lots, covering all tasks and all possible renewals.*

*In addition, at this stage it is impossible to say anything about the concrete amounts, for the reason that "value of the contract" will be established as the price agreed in the contract, which in turn is based on the financial offer of the winning tenderer/the contractor.*

*It would be an error to assume that a maximum price is automatically the price of the contract, as the tenderers can offer a price lower than that, and the contractor will be chosen according to the best value for money procedure — please refer to paragraph 2.4 of the Tender Specifications.*

**Remark: Please refer to answer n°16**
**Question 8:**

We refer to page 24, Lot 3 specification Task 1:

“...the meetings will take place in Brussels in premises organised by the contractor and shall be co-chaired by the Commission and the Danube River Commission, with the support of the contractor.”

As the Danube River Commission will co-chair the meetings, is the Danube Commission also in the position to act in the meeting as stakeholder and expert to contribute from the technical content side to the discussions?

**Answer 8:**

Yes, the Danube Commission will also be in a position to act in the meeting as stakeholder and expert.

**Question 9:**

We refer to page 24, Lot 3 specification Task 3:

“...- rehabilitation of rivers in case of structural problems or one-off events resulting in a deviation from good navigation status”

Can more specific information be provided on what can be understood as a ‘structural problem’? Into what extent is this different from the other aspects mentioned under task 3 (e.g. physical infrastructure such as fairways)? When is a deviation from good navigation status seen as “structural” and to be classified under ‘rehabilitation of rivers’

**Answer 9:**

It is up to the tenderer to explain its understanding of the above mentioned issues. This point may cover for instance flooding, collapse of bridges or other similar events which might have lasting damaging effects on the navigation.

**Question 10:**

We refer to page 24, Lot 3 specification Task 5:

“Assess the TEN-T Core inland waterway network with respect to the specifications defined in Task 3 and enter the resulting information on good navigation status of TEN-T sections in the TEN-TEC system;

and page 31, section 3.3:

“The Commission will put at the contractors' disposal access to the TENtec Information System in order to consult the database on the infrastructure, in particular the GIS data of the relevant TEN-T infrastructure. Access to the TENtec Information System will be possible
through the internet. Contractors shall use this system to the extent possible for data collection and as data base. There is thus no need for contractors to set up a separate database or to create a new tool; consequently, no such activity may be priced into the offer.”

As regards the requested task to enter the resulting information on good navigation status of TEN-T section in the TEN-TEC system: can further information be provided on what this would require from the contractor and how the interface would look like to feed data into the TEN-TEC system? What support will be provided by the TEN-TEC experts from the European Commission services to actually fill TEN-TEC with the data? In what format shall data be provided to the European Commission for this purpose?

Answer 10:

The detailed modalities of the encoding of the resulting information on good navigation status in TEN-TEC will be defined at the inception phase of the project during the kick-off meeting. Information on TEN-TEC can be found at the following address: http://ec.europa.eu/transport/themes/infrastructure/tentec/index_en.htm

Question 11:

We refer to page 34 and 35, planning of deliverables, as regards the Lot 3:

The deadline of the Draft Final Report is set on T0+83 weeks which corresponds more or less to T0+19 months and a deadline for the Final Report of approximately Month 21/22 (maximum 9 weeks after submitting the Draft Final Report). This seems to mismatch the deadline for the Task 8-9 interim report since the deadline is T0+22 months. Can this please be clarified? Shall tasks 8 and 9 not be part of the Draft Final Report and Final Report of Lot 3? Or shall the deadline for the interim report for tasks 8 and 9 be adapted to feed into the Draft Final Report for Lot 3?

Answer 11:

The preliminary results of tasks 8 and 9 should indeed feed into the Final Report. The interim report for tasks 8 and 9 in Lot 3 mentioned in the table on page 35 of the Terms of Reference should read with a delivery at TO+19.

Question 12:

Task 1 of Lot 3: Good Navigation status - in accordance with Article 15(3)b of the TEN-T guidelines

as described on page 23/24 of the tender specification (attached):

“1. Establishment of a dedicated good navigation status working group composed of all relevant stakeholders including interested Commission services, Member State authorities, waterway authorities, River Commissions, inland ports, seaports with inland connections, freight forwarders, shippers, skippers, etc.; preparation, support and follow up of the meetings of this working group, including preparation of agenda, of invitation of relevant
stakeholders and drafting of minutes; the meetings will take place in Brussels in premises organised by the contractor and shall be co-chaired by the Commission and the Danube River Commission, with the support of the contractor.”

Is it correct that the contractor shall bear all directly related costs for organising these working group meetings as described under task 1, such as expenses for catering (lunch and coffee breaks) and expenses for hiring the premises and equipment? It is therefore not foreseen to have the working group meetings on European Commission premises in Brussels?

**Answer 12:**

Yes, the meetings will take place in Brussels in premises organised and financed by the contractor.

**Question 13:**

Our consortium has been partner of the Commission, DG MOVE, for various contracts. We would kindly ask the unit of DG MOVE responsible for this invitation to tender to issue certificates of satisfactory execution for those contracts delivered by our consortium members. We will attach the list of contracts. We would need these certificates in order to prove carrying out the projects as required under the selection criteria, paragraph 2.3.2 a) of the Tender Specifications.

If there is another procedure to acquire the certificates, please indicate, which one?

**Answer 13:**

A certificate of satisfactory execution must be requested directly from the Commission desk officer(s) who was responsible for the particular contract the certificate relates to. In this case, as your e-mail was also addressed (in copy) to the desk officer responsible for the contracts for which you were the contractor, we can issue the certificates for you without further formalities.

For the future, the Commission invites the potential tenderers to request for the certificates of satisfactory execution as soon as a contract has been completed.

**Question 14:**

Our company is highly interested in submitting a tender, but for this, we would need a few additional weeks. This is the reason why we propose that the Commission would extend the deadline for the submission of tenders from 26/08/2015 until 16/09/2015.

**Answer 14:**

Unfortunately, extension of the deadline for the submission of tenders is not possible. The current deadline – 26/08/2015 – is not only in line with applicable requirements, but exceeding them.
**Question 15:**

We note that on page 15 of the Tender Specifications a number of footnote references appear (5, 6 & 7) - text reproduced below.

In the ITT copy downloaded from the Commission Web-site these references do not appear. Could you please provide confirmation of the relevant footnotes?

"Freight inland waterway traffic and port traffic forecasts and assessment of policy scenarios and measures shall be analysed for various types of traffic in accordance with the Eurostat classifications\(^5\) (container, liquid bulk, dry bulk, Ro-Ro, general cargo) and where possible differentiated to the first level NACE\(^6\) codes, based upon a forecast of intercontinental and of intra-EU maritime traffic development that takes account of the analysis provided under A1, A2 and A3. The analysis shall include trend projections for 2030 and 2050 under the various policy scenarios, and the EU Reference scenario 2013 (and its 2015 update when available), to be adapted to take into account consistent with the International Transport Forum (ITF) transport outlook 2015\(^7\)."

**Answer 15:**

Please see below references to the missing footnotes:

- **Footnote 5:** Eurostat classifications:

- **Footnote 6:** NACE: "Nomenclature statistique des activités économiques dans la Communauté européenne"

- **Footnote 7:** International Transport Forum (ITF) transport outlook 2015: OECD/ITF, ITF Transport Outlook 2015, OECD Publishing/ITF.
  [http://dx.doi.org/10.1787/9789282107782-1-en](http://dx.doi.org/10.1787/9789282107782-1-en)

**Question 16:**

Referring to your answer to question 7 of the Q&A (20/07/2015), we seek further clarification to the first part of your answer. (“The interpretation is not correct. The maximum amounts indicated in paragraph 2.6, at the end of page 9 of the Tender Specifications, are the maximum amounts for the respective lots, covering all tasks and all possible renewals”).

Given the wording on page 23 of the technical specifications the annual value for the extension of tasks B and C is a maximum of 25% of the contract value. According to your answer 7 the indicative maximum amount (paragraph 2.6) already includes the two extensions. Following this rationale this would mean that up to 50% of the contract value are foreseen for the extension of tasks B and C for two years, resulting in a remaining budget for the “main contract” of 50% of the contract value. Even when neglecting the fact that task C has a longer duration in the main contract this would lead to a situation where 0% of the value are left for tasks A and D. Though the 25% for the annual extension are stated as “maximum”
the range seems strongly misbalanced and leads more to the interpretation that the indicative maximum value does not include the contract extensions.

**Answer 16:**

*We have corrected and complemented our approach regarding the budget and possible extensions of lots 2 and 4: please see corrigendum No 1 to the invitation to tender.*

*In the case of extension of the contract for lot 2 and/or lot 4, indeed, additional budget could be foreseen to cover the extension. On the other hand, the extension will, among other things, depend on the availability of additional budget.*

*Answer 7 has therefore become obsolete and should not be taken into account by potential tenderers.*

**Question 17:**

What is the total project funding available for this call for tender?

**Answer 17:**

*For the budget of the contract, please see paragraph 2.6 of the Tender Specifications, as published on MOVE Europa:*


*The total budget is divided between four lots of the contract, each lot having an individual ceiling.*

*The procedure relates to the public service contract (public procurement), but not to a grant agreement.*

**Question 18**

We hereby refer to page 6, section 2.3.2. the paragraph “technical and professional capacity criteria and evidence” (text quoted further below for ease of reference).

We understand that the additional 2 project references required for lot 1 in the field of industrial policy, flow modelling, economics of transport and traffic forecast would apply to any sectors of industrial policy and economic of transport and traffic forecast. Please can you confirm or otherwise can you specify?

Furthermore, should these 2 additional project references cover in combination all four fields (industrial policy, flow modelling, economics of transport and traffic forecast) or one or some of them, being that in the template for selection criteria (annex 7) for lot 1 it is mentioned only “experience in the field of industrial policy”?

**Answer 18**

*First, reference is made first to "Question and Answer 2" on page 2 of the present document, which relates to the first bullet point of section 2.6.2.*
As regards the first question, yes, the at least 2 projects can make reference to any sector(s) of industrial policy, flow modelling, economics of transport and traffic forecast.

As to the second question, yes, the at least 2 projects in combination should cover all four fields industrial policy, flow modelling, economics of transport and traffic forecast. The short title in the relevant section in Annex 7 must be seen as a pointer to the more detailed explanations given in section 2.6.2.

**Question 19**

The Draft Contract document for Lot 1 provides for two interim payments (Item I.4.1), whereas the Tender Specifications document on page 34 states that a second intermediate report is not required. Could you clarify how the interim payments will be organised?

**Answer 19**

For lot 1, only two payments are foreseen in accordance with the Tender specifications document: one interim payment and one final payment.

Corrigendum n° 2 deals with the inconsistency flagged in question n° 19 and specifies the amount for the interim payment for lot 3.

**Question 20**

There is a national public body interested in participating in our consortium. Are there any limitations on the involvement of public bodies in this tender?

**Answer 20**

There are no limitations as regards the involvement of public bodies.

**Question 21**

Referring to page 8 of the Tender Specifications:

“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”.

Is there a template available for the ‘certificate of satisfactory execution’?

**Answer 21**

There is no template available for the certificate of satisfactory execution – a simple signed letter by the entity that received the service on its own letter heading identifying the service in an unambiguous way and stating that the service has been carried out in a professional manner and has been fully completed, is sufficient.
**Question 22**

Section 1.4 of the Specifications states that ‘Tenderers are required to identify subcontractors whose share of the contract is above 20%.’ Does this 20% refer to the volume of financing (budget) for which subcontracting is foreseen compared to the overall contract volume or to the number of subtasks that are allocated to subcontractors?

**Answer 22**

Please refer also to section I.6 of the Tender Specifications:” The tenderer's identification form in Annex 1 shall be filled in and signed by /.../ subcontractor(s) whose share of the work represents more than 20% of the contract."

Therefore, a sub-contractor representing more than 20% of contract has to be interpreted as a sub-contractor whose share of the work / tasks equals to or exceeds 20% of all tasks.

In the tender, the tenderers must clearly describe the tasks that each sub-contractor is to undertake, preferably also assessing the share of work of each sub-contractor as precisely as possible.