

Call for tenders' details

Title: Framework Contract for the Recognition of Equivalence of Supply Chain Due Diligence Schemes under the Regulation (EU) 2017/821 (Conflict Minerals)

Start date: 26/09/2022

Time limit for receipt of tenders: 15/11/2022

Contracting authority: European Commission, DG Trade (TRADE)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	17/10/2022 13:01	18/10/2022 12:17	Recognised supply chain due diligence schemes	Dear Sir or Madam, May I kindly ask you to provide the list of the recognized supply chain due diligence schemes or indicate where it is possible to find them. Thanks a lot!	18/10/2022 The assessments of supply chain due diligence schemes that have applied to the Commission for recognition under Regulation (EU) 2017/821 are ongoing and therefore the list of recognised schemes is not yet available.

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2	20/10/2022 16:07	25/10/2022 12:04	Conflict of interest	What, if any, conflict of interest clauses does DG Trade have with regards to auditing schemes and participating in their assessment through this tender, if awarded?	25/10/2022 All tenderers must sign a “Declaration of honour on exclusion criteria and selection criteria” (Annex 2 of the Tender Specifications), which includes in section I (page 6) a declaration that the tenderer/candidate “is not subject to conflicting interests which may negatively affect the contract performance.” In addition, the successful tenderer will sign a Framework Contract with the European Commission (see the document “draft framework contract and its annexes” on eTendering), which in its section II.7 lays down rules governing the prevention of any situation of conflict of interest or professional conflicting interest.

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3	20/10/2022 16:05	25/10/2022 12:06	Alignment assessment tools	We understand that current contractors have used the OECD alignment assessment tool to assess schemes in their work for the existing award to date. Is the spirit of the current tender that a new, tailored assessment should be developed, or is it intended to maintain consistency and continue using the OECD alignment assessment moving forward?	25/10/2022 It is not necessary to develop a new tailored assessment, as the details and methodology of how the assessment should be conducted are already laid down in Delegated Regulation (EU) 2019/429, which is based on the OECD Methodology. More specifically, the Delegated Regulation lays down that schemes shall be assessed against the applicable specific criteria of Annex 1 to the OECD Methodology (Article 5 of the Delegated Regulation) and that schemes may be recognised if they are assessed as “fully aligned” in accordance with Section 4 of the OECD Methodology (Article 4 of the Delegated Regulation).
4	20/10/2022 16:02	25/10/2022 12:11	Relation between the new tender and the previous one (TRADE2018/G3/G09)	We note that the current tender closely resembles the specifications set forth in N° TRADE2018/G3/G09, which was successfully awarded. We wonder whether this implies the current tender makes the previous award void, or whether the prospective winner of the new award would join a pool of service providers with the existing winners.	25/10/2022 The current Framework contract is ongoing and will continue to run under the same contractual relationship. The current Framework contract will conclude any ongoing assessments until its expiration in 2023. This new call for tenders is thus meant to ensure continuation of services for any new application received, as well as to, in the future, periodically verify any already recognized supply chain due diligence schemes.

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5	20/10/2022 15:57	25/10/2022 12:14	Simultaneous work on several specific assignments	Could it be that several specific assignments have to be conducted in parallel?	25/10/2022 Yes. As the assessment of due diligence schemes is application-based, it is possible that several schemes apply within the same time period and that therefore parallel specific contracts will have to be prepared and specific assignments will have to be conducted in parallel.
6	20/10/2022 15:52	25/10/2022 12:16	Team of experts	Is the team of experts to be presented in the tender final or indicative? To what extent can experts be added in response to specific requests for services (assignments) from the contractor during the 4-year period?	25/10/2022 Changes to the experts team should in principle be possible during the 4-year period, but any new expert has to fulfil the minimum requirements set up in the Tender Specifications and any new expert has to be notified and approved by the contracting authority before the expert undertakes the specific assignments.
7	26/10/2022 09:52	26/10/2022 14:32	Training	Will the European Commission offer any trainings to the selected contractor on how the assessments should be conducted based on the methodology and criteria outlined in the Delegated Regulation (EU) 2017/821?	26/10/2022 No, the Commission does not foresee offering trainings on the alignment assessment process. The selected project manager is expected to have at least two years experience in sustainability consulting and assessment (Criterion T3 in the Tender Specifications).

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8	26/10/2022 09:50	26/10/2022 14:34	Conflict of Interest	Would being an accredited auditor to any of the supply chain schemes in scope of the assessment constitute a conflict of interest?	26/10/2022 A key component of the alignment assessment is conducting a sample number of shadow audits (i.e. observations by the Commission's evaluator of the activities of an auditor who is auditing a company against the requirements of the scheme that is under assessment). Therefore being an accredited auditor to a scheme that applied for recognition can lead to a situation of professional conflicting interests, as the Commission's evaluator will be asked to observe and evaluate the work of the auditors conducting the smelter and refiner audits on behalf of the assessed due diligence scheme.

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9	26/10/2022 09:40	26/10/2022 14:40	Number of assessments	How many assessments of supply chain due diligence schemes does the European Commission foresee over the duration of the framework contract, annually and in total? What is the frequency at which supply chain due diligence schemes will be re-assessed (e.g. annually, every 2 years etc.)?	<p>26/10/2022</p> <p>The alignment assessment of industry schemes is an application-based process. This means that the Commission cannot foresee a specific number of upcoming assessments, as it will depend on how many supply chain due diligence schemes may decide to submit an application for recognition or a repeat application as per Article 10 of Delegated Regulation (EU) 2019/429. With regard to the periodic verification of already recognised schemes, this shall be done “as appropriate” in accordance with Article 8 (4) of Regulation (EU) 2017/821 and the timeframe will be decided on a case-by-case basis, or, if there is evidence that a recognised scheme fails to comply, the Commission will follow the process outlined in Article 8 (6) and (7) of the Regulation.</p>

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10	01/11/2022 12:07	04/11/2022 16:32	Deliverable from the review	Are you expecting a report that provides: an Opinion (i.e. ISAE standards); a level of Assurance (i.e. in line with ISQM1); results based on Agreed Upon Procedures (AUP) (also ISQM); or results based on our judgement?	<p>04/11/2022</p> <p>The alignment assessment should be undertaken in line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and apply the OECD Alignment Assessment Methodology (https://mneguidelines.oecd.org/industry-initiatives-alignment-assessment-minerals.htm). As an example, see the report (https://mneguidelines.oecd.org/Alignment-assessment-of-industry-programmes-with-the-OECD-minerals-guidance.pdf) of the findings of the pilot alignment assessment against the recommendations of the OECD Guidance.</p>

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11	01/11/2022 12:08	04/11/2022 16:33	11	Testing – is the scope expected to cover test of controls or verification of technical competency / accuracy?	<p>04/11/2022 As per the tender specifications, the scope of the assessment should be aligned with the OECD Alignment Assessment Methodology (https://mneguidelines.oecd.org/OECD-Due-Diligence-Alignment-Assessment-Methodology.pdf) and the requirements of Delegated Regulation (EU) 2019/429. According to Delegated Regulation (EU) 2019/429, the Commission shall assess the scheme against the applicable specific criteria set out in Annex 1 to the OECD Methodology, in accordance with Articles 6, 7 and 8 of the Delegated Regulation. The assessment should include attendance at and observation of third party audits of economic operators participating in the scheme against the requirements of the scheme, and assessment of the corresponding audit reports. This should be done in a manner consistent with the OECD Methodology.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
12	08/11/2022 22:26	10/11/2022 19:06	Financial offer	<p>Could you kindly confirm that in the financial offer (Annex 6) tenderers only need to enter two numbers, one for the daily fee rate for the Project Manager category and another for the daily fee rate for the Analyst of due diligence of supply chains category? Are no other details required? Will these fees cover all the contractor's costs to manage and carry out the contract as well as the commercial margin?</p>	<p>10/11/2022 The financial offer should only include the two daily fee rates for the two categories (one for the Project Manager and one for the Analyst of due diligence of supply chains). No further details are required. The rates should be inclusive of all the contractor's costs to manage and carry out the contract, the travel and subsistence expenses relating to any physical meetings with the Commission in Brussels, as well as the commercial margin. The only additional costs to be reimbursed separately are the travel and per diem costs as defined in Annex 6.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
13	08/11/2022 22:36	10/11/2022 19:08	Expert Team	Is it possible to include in the team of experts who will carry out a specific assessment of a scheme - in addition to at least one Project Manager and one Analyst of due diligence - an expert figure who does not fall into these two categories, but who could enrich and innovate the assessment? If yes, how is this figure to be taken into account in the financial offer proposed in Annex 6?	10/11/2022 The minimum requirement is defined in the selection criterion T3. Meaning that the tenderer must prove its capacity to gather a team that will deliver the services consisting of at least one "Project manager" and one "Analyst(s) of due diligence of supply chains"; both fulfilling defined criteria for respective expert profile. Behind each of the defined profiles, more experts can be listed. The tenderer can also, within the narrative of its technical offer, propose different profiles of experts and describe the relevant roles of these experts. On the other hand, within the scope of the financial offer (Annex 6) only two pre-defined categories (Project Manager, Analyst of due diligence of supply chains) can be included.

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