

Call for tenders' details

Title: Legal, economic and technical assistance in the fields of energy and mobility and transport.

Start date: 19/04/2016

Time limit for receipt of tenders: 10/06/2016

Contracting authority: European Commission, DG Mobility and Transport (MOVE)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	22/04/2016 12:08	22/04/2016 14:45	Criterion A3: its capacity to work in at least six EU countries?	Lawyers are, in general, admitted to a bar of one country only. They are, however, allowed to advise clients in other countries and to visit them at any time. Could you please clarify "its capacity to work in at least six EU countries"?	22/04/2016 The capacity requirement under selection criterion A3 refers to the capacity of the tenderer as whole, including, where applicable, of the consortium members and / or of the sub-contractors. The selection criterion A3 does not refer to the capacity of single team members. The requirements to the team (members) are foreseen under selection criteria B1-B3.

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#	Submission date	Publication date	Question subject	Question	Answer
2	22/04/2016 12:24	22/04/2016 15:09	Evidence A1: references, including the sums, dates and information on the client	In some countries, Lawyers do not provide any details on clients and certainly no information on the details of an assignment. Could one fulfill criteria Evidence A1 by paraphrasing the client, i.e. not naming him, but only e.g. its industry area or business activities?	22/04/2016 The solution proposed in the question is not possible. All tenderers are, in order to comply with the selection criterion A1, obliged to provide evidence A1, including the names of the clients. Moreover, the tenderers must submit the statements, issued by the clients, in order to prove being in compliance with the selection criterion. On the other hand, please refer to Section 11 of the Invitation to tender, stating, that the Commission will treat all tenders in a confidential manner. The members of the opening and evaluation committee, before taking up their duties, will sign the declaration on the absence of conflict of interest and on confidentiality. The declaration imposes the obligation to all committee members - and other officials treating the tenders, if any - to treat the tenders confidentially and not to reveal any confidential information.

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#	Submission date	Publication date	Question subject	Question	Answer
3	22/04/2016 12:02	25/04/2016 17:00	experience in Union law relating to mobility and transport or any related issue	Could you please clarify what is meant by "Union law relating to mobility and transport"?	25/04/2016 For lots 4-6, the studies or assignments required under selection criterion A1, can relate to any legal act, regulation or measure, adopted or in preparation, concerning the common transport policy of the EU, or Trans-European Networks for transport, in accordance with articles (4) (2) (g) and (h) and Titles VI and XVI of the Treaty of the Functioning of the European Union.

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#	Submission date	Publication date	Question subject	Question	Answer
4	25/04/2016 17:42	27/04/2016 11:06	Evidence A1 "accompanied by the statements issued by the clients"	Does the above requirement refer to each reference or does this requirement refer to the "at least two studies delivered or completed in the last 3 years, representing a total budget of at least 200,000€"?	27/04/2016 Your second assumption is correct. The evidence A1 must fully cover "at least two studies delivered or completed in the last 3 years, representing a total budget of at least 200,000.00 euros". The statements covering all these elements are compulsory, for the tenderer to be in compliant with the selection criterion A1. On the other hand, it is not obligatory to provide statements going beyond these requirements. The selection criteria A1-A3 apply to the tenderer, which, in the case of a joint tender and / or tender involving sub-contractors, means the combined capacity of the leader of the consortium, other members of the consortium, and / or sub-contractors identified in the tender.

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#	Submission date	Publication date	Question subject	Question	Answer
5	28/04/2016 15:07	28/04/2016 16:36	List of historical contractors or companies included in previous frameworks contracts	Is it possible to find an existing public inventory listing the companies that have been included in the Framework contracts in the past?	<p>28/04/2016 These are the links to the contract award notices for the previous MOVE/ENER framework contracts:</p> <p>Lot 1: http://ted.europa.eu/udl?uri=TED:NOTICE:303415-2012:TEXT:EN:HTML</p> <p>Lot 2: http://ted.europa.eu/udl?uri=TED:NOTICE:398610-2012:TEXT:EN:HTML</p> <p>Lot 3: http://ted.europa.eu/udl?uri=TED:NOTICE:405282-2012:TEXT:EN:HTML</p> <p>Lot 4: http://ted.europa.eu/udl?uri=TED:NOTICE:37824-2013:TEXT:EN:HTML</p> <p>Lot 5: http://ted.europa.eu/udl?uri=TED:NOTICE:398605-2012:TEXT:EN:HTML</p> <p>Lot 6: http://ted.europa.eu/udl?uri=TED:NOTICE:405290-2012:TEXT:EN:HTML</p>
6	02/05/2016 15:40	02/05/2016 16:05	Ability to access Annexes in Word format	Please confirm where we are able to access the Annexes in Word format, to ensure efficient completion of the relevant forms.	<p>02/05/2016 Annexes in word format are now published.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
7	02/05/2016 17:47	04/05/2016 11:16	Section 5.1 Award criteria for the framework contract (Step 1)	<p>On pages 19-21 of the tender specifications, the award criteria for the framework contract (section 5.1) are listed. The second criterion on 'Quality of the proposed methodology' describes that two case studies per lot concerned need to be developed in order to demonstrate and assess the tenderer's quality but also flexibility of the range of methodologies and multidisciplinary approaches the tenderer can propose for different tasks based on previous experience or fictive example. The case studies need to be developed along a list of seven elements.</p> <p>In relation to these award criteria for the framework contract, could you please clarify whether the tenderer should write the two case studies per lot concerned to reflect a potential proposal in response to a fictive request for services (under the framework contract), or to reflect a summary of the objective, methodology, findings and conclusions of an already concluded (fictive) project?</p>	<p>04/05/2016 The case study should help to demonstrate and assess the tenderer's quality but also flexibility of the range of methodologies and multidisciplinary approaches the tenderer can propose for different tasks based on previous experience (for example, a study delivered) or fictive example.</p>
8	04/05/2016 11:04	04/05/2016 13:51	Criteria B2 on academic qualifications	For Lot 2, is the requirement for the degree to be a major in Economics or will a minor will also be considered?	<p>04/05/2016 Any degree on Economics delivered by a University will be considered.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
9	04/05/2016 11:10	04/05/2016 15:57	Case studies and references	If project references are used for the case studies, how does evidence A3 combine with the criteria for each (?) case study to cover at least six EU Member States?	04/05/2016 Provided that references for projects already delivered are used as case studies, the geographical coverage for these case study will have to include at least six EU Member States per each case study. As per Evidence A3, the combination of projects must cover at least six EU Member States.
10	04/05/2016 11:10	04/05/2016 15:58	Case studies and references	Should each case study (fictive or previous, which I assume could be project references) cover at least six EU Member States?	04/05/2016 Yes.
11	04/05/2016 16:28	04/05/2016 16:41	Criteria regarding the tenderer and references required	For evidence A1, what are the "statements issued by clients" referring to? What is expected to be providing as a statement? Can you provide an example of what is expected for such statements?	04/05/2016 It is a document signed by the client certifying that the contract was performed according to the contractual terms.

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#	Submission date	Publication date	Question subject	Question	Answer
12	04/05/2016 11:10	04/05/2016 15:05	Case studies and references	<p>Should each case study (fictive or previous, which I assume could be project references) cover at least six EU Member States?</p> <p>If project references are used for the case studies, how does evidence A3 combine with the criteria for each (?) case study to cover at least six EU Member States?</p>	<p>04/05/2016 The question has been split.</p> <p>10/05/2016 - As a response to the first part of your question, indeed, each case study must cover, at least six EU Member States.</p> <p>- As for the second part of the question, provided, that references for projects already delivered are used as case studies, the geographical coverage for these case studies will have to include at least six EU Member States per each case study. As per Evidence A3, the combination of projects must cover at least six EU Member States.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
13	10/05/2016 15:37	10/05/2016 17:05	MOVE/ENER/SRD/2016-498 Administrative requirements	The Legal Entity Form is required from all the group members in a joint tender. It is mentioned in 2.4 (page 6) that subcontractors can participate in addition to the group. I read from this that subcontractors are not part of the group as such. It is a bit unclear to us whether subcontractors should submit a legal entity form or not. Please advise.	<p>10/05/2016 Your understanding is correct, sub-contractors should not provide the Legal Entity Form.</p> <p>Please follow the wording of Section 2.6, Part A: Identification of the tenderer, of the Tender Specifications: "All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence."</p> <p>Therefore, the Legal Entity Form must be provided only by the tenderers, including the members of the consortium in the case of a joint tender.</p> <p>This does not have any implications on the right of the tenderers to involve sub-contractors in accordance with the Tender Specifications.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
14	10/05/2016 17:39	10/05/2016 18:11	Question subject: Criterion B1 – Project Manager	Question: The Tender Specification asks for one project manager for each Lot under the framework. Is it the intention that this project manager will manage all work under the lot (including all specific contracts let under that Lot) OR will the contractor be able to identify different project managers for specific contracts from amongst their team?	<p>10/05/2016 The selection criterion B1, as all selection criteria, stipulate the minimum requirements that all tenderers must comply with, in order to be eligible. This means that each tenderer must designate at least one project manager who fulfills the criteria B1.</p> <p>On the other hand, in the case the tenderers would like to designate more than one person as their project managers, all these person must fully comply with the criterion B1, as regards of duration and nature of their experience.</p>
15	12/05/2016 10:35	12/05/2016 13:03	Deadline extension	We are interested in submitting proposals for all 6 Lots. Due to the amount of work that this implies in order to meet the quality standards, would you consider extending the submission deadline by 1 or 2 weeks?	<p>12/05/2016 Unfortunately, extension of the deadline for the submission of tenders is not under consideration.</p> <p>20/05/2016 The deadline for the submission of tenders will be extended to 10/06/2016. Please refer also to Question and answer No 50.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
16	12/05/2016 11:46	12/05/2016 15:02	Qualifications for experts (criteria B2) and ability to put forward team members that don't meet such criteria	<p>Assuming a minimum pool of 10 experts meeting the B2 criteria is gathered:</p> <p>A/. Is there any restriction on proposing team members that don't have an Economics degree delivered by a University (knowing they would not therefore qualify for meeting the B2 criteria) but are eminent experts in the energy industry due to their extensive experience?</p> <p>B/. Similarly, can key team members be put forward even if they don't fulfill the B2 criteria?</p>	<p>12/05/2016</p> <p>To respond to the first part of the question, please refer to the wording of the criterion B2: "Pool of minimum 10 experts /.../". The wording must be interpreted in a way that, in addition to the mandatory 10 experts with the required qualification, the tenderers are entitled to foresee additional experts, in accordance with their vision on the organisation of work. Therefore, there is no restriction to add additional experts as long as the minimum requirements under the selection criteria are complied with.</p> <p>To respond to the second part of the question, again, in the case the minimum criteria is complied with, in terms of the minimum number of experts and their qualification, it is up to the tenderers to designate their key team members, in accordance with their vision of the organisation of the work.</p> <p>Nevertheless, the project manager - for each lot, if applicable - must fulfill the criterion B1. In addition, the project manager must actually carry out the project management functions for the future specific contracts.</p> <p>In the case a tenderer decides to designate more than one project</p>

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					<p>designate more than one project manager for one lot applied for, all the project managers must comply with the criterion B1.</p> <p>As for the roles and functions within the team, please refer also to the award criterion "Project management and allocation of resources". The score under this criterion will, among other aspects, depend on how the roles in the team is distributed, e.g. to receive a high score, the distribution of roles must be done in a balanced and convincing way.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
17	06/05/2016 13:00	12/05/2016 15:24	For evidence B: language Quality Check	What is to be considered as "past relevant experience described in the CV" as to be an evidence of Language Quality?	<p>12/05/2016</p> <p>The experience under the selection criterion B3 can refer to, e.g. carrying out or contributing to the projects, working language of which was English, to a university degree obtained in English, to scientific research carried out in English.</p> <p>It is not possible to give an exhaustive list of the relevant experience, but the experience must relate to the professional activities of the team member and the level of knowledge of the English language must be at least C1.</p> <p>Namely, successfully carrying out the tasks under future specific contracts would require the knowledge of English, enabling to communicate, present the ideas and draft the documents on a high level.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
18	11/05/2016 17:15	12/05/2016 16:05	Declaration of honour on exclusion criteria and selection criteria	<p>Within other tender documents recently received, it was specified that the "selection criteria" box within the Declaration of honour on exclusion criteria and selection criteria had to be completed only by the tenderer and not identified subcontractors.</p> <p>Can you confirm than only the tenderer should fill in the selection criteria box within the Declaration on Honour ?</p> <p>Thank you.</p>	<p>12/05/2016</p> <p>Please refer to Section 5.2.1 of the Tender Specifications, the first paragraph thereof: "The tenderers (and each member of the group in case of a joint tender and subcontractors whose expected share under the framework contract is equal or above 20% and / or whose capacity is necessary to fulfil the selection criteria) must provide the declaration of honour (see Annex II), signed and dated by an authorised representative, stating, that they fulfill the selection criteria applicable to them."</p> <p>Therefore, the obligation to submit the declaration in Annex II - as regards of the non-exclusion and selection criteria - applies to the tenderers, including consortium members, if any, and to the sub-contractors identified in accordance with the Section 2.5 of the Tender Specifications.</p>

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19	10/05/2016 15:16	12/05/2016 16:41	The question refers to the section 5.2.4.2 – Criteria Regarding the team and References Required – B3 – Language Quality Check in the CVs	<p>The question refers to the section 5.2.4.2 – Criteria Regarding the team and References Required – B3 – Language Quality Check in the CVs (A) people, who may qualify for the PM profile or pool of experts, are proficient in English but do not necessarily hold a “English certificate showing C1 level”</p> <p>(a) Could you please specify what is considered to be past relevant experience as an equivalent proof of C1 level?</p> <p>(b) Is a degree obtained in an English speaking University or in a University programme done in English considered as equivalent?</p> <p>(c) Is working in an English speaking country considered as equivalent? If yes, is there a threshold on the duration?</p> <p>(d) Is working in an International environment where the English language is the dominant form of communication, considered as equivalent? If yes, is there a threshold on the duration?</p> <p>(e) Is a secondary school degree obtained in an English speaking school considered as equivalent?</p> <p>(f) In case someone is proficient in English but has never taken any certification exams, would a self-declaration be accepted as a proof?</p> <p>(g) If a CV declares English as</p>	<p>12/05/2016 For parts a, b and e of your question, please refer also to the answer of 12/05/2016, to the question 17.</p> <p>As a reply to part c and d of the question, a mere reference to working in the English-speaking country or an international organisation is not sufficient as being too general. The tenderer must refer to concrete projects or tasks carried out in English, to a school or university diploma obtained in English, etc. The subject and duration of these tasks, projects, etc. must be mentioned, and in which framework they were carried out, like university studies, job, etc.</p> <p>To respond to part f of your question, instead of a self declaration, which would be, again, too general, the experience of the team member must be described in his or her CV in a concrete way, referring to tasks, projects, research, etc, that the team member carried out in English.</p> <p>13/05/2016 To respond to part g of your question, in the case English is the mother tongue of the team member, no certificate is required. Nevertheless, from the CV it must be clear that this is declaration is correct and not a mere declaration, e.g. the team</p>

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				(g) If a CV declares English as mother tongue, is the English certificate or equivalent still required?	mere declaration, e.g. the team member must have a school or university diploma obtained in English, etc.
20	10/05/2016 17:03	13/05/2016 09:38	Query on the Draft contract	<p>It is noted that the draft contract still contains two options for ownership of pre – existing rights in results (clause I.10.2).</p> <p>Could the Commission confirm whether, under any subsequent contract the Union shall acquire all pre –existing rights incorporated in the results or if pre-existing rights will be licensed to the Union?"</p>	<p>13/05/2016 The first option, on the licensing of the pre-existing rights in accordance with the Article I.10.2 is chosen.</p> <p>Article I.10.2 Licence or transfer of pre-existing rights will be read as follows: "All pre-existing rights incorporated in the results, if any, are licenced to the Union as set out in Article II.13.2." The respective corrigendum to the draft contract will be published soon.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
21	11/05/2016 15:04	13/05/2016 09:40	Error in Draft Contract	<p>We have spotted a mistake in the draft framework contract, Art. I.10.2 Licence or transfer of pre-existing rights.</p> <p>Sentence 1 and 2 of the clause contradict each other. Sentence 1 speaks of license of PE rights to the Union while sentence 2 speaks of acquiring PE right by the Unions, see below. Sentence 2 must be deleted from the framework contract.</p> <p>I.10.2. Licence or transfer of pre-existing rights</p> <p>(sentence 1) All pre-existing rights incorporated in the results, if any, are licensed to the Union as set out in Article II.13.2.</p> <p>(sentence 2) By derogation to Article II.13.2, the Union acquires fully and irrevocably all pre-existing rights incorporated in the results, if any, unless provided otherwise in a specific contract.</p> <p>Please inform us as show you will proceed in this matter.</p>	<p>13/05/2016</p> <p>The first option, on the licensing of the pre-existing rights in accordance with the Article I.10.2 is chosen.</p> <p>Article I.10.2 Licence or transfer of pre-existing rights will read as follows: "All pre-existing rights incorporated in the results, if any, are licenced to the Union as set out in Article II.13.2." The respective corrigendum to the draft contract will be published soon.</p>

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22	12/05/2016 14:43	13/05/2016 14:23	Sub-contractor	Does a sub-contractor, intended to be engaged to cover one specific EU jurisdiction which cannot be covered by the tenderer, needs to be identified in the tender, although that sub-contractor would definitely not exceed the 20% threshold and whose capacity is not necessary to fulfill the selection criteria? More specifically, is it mandatory to identify sub-contractors which would need to be assigned by the tenderer, once a specific contract is tendered, in order to cover a specific jurisdiction?	<p>13/05/2016</p> <p>The tenderers are bound to identify, in accordance with Section 5.3 of the Tender Specifications, the sub-contractors, whose capacity they need in order to comply with the selection criteria and / or whose share of any future specific contract are likely to be equal or exceed 20%. The sub-contractors identified in the meaning of the Section 5.3 of the Tender Specifications must sign the declaration of honour as regards of the non-exclusion and selection criteria (Annex II to the Tender Specifications).</p> <p>Nevertheless, the tenderers should name all sub-contractors that they will engage, whether or not Section 2.5 of the Tender Specifications applies to them. The tenderers should make, in their offers, a clear difference between the two categories of sub-contractors.</p> <p>In the case a sub-contractor is not to be identified in the meaning of Section 2.5 of the Tender Specifications, it is sufficient to name the sub-contractor, its expertise and, to the extent possible, the intended function in the implementation of the Framework contract, e.g. like in the case referred to in the question it would be a</p>

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					<p>to in the question it would be a country-specific expertise.</p> <p>Please note that, after the conclusion of the Framework contract, any change related to a subcontractor identified in the tender, as well as any additional subcontracting, will be subject to prior written approval of the Commission.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
23	11/05/2016 17:44	13/05/2016 15:29	Avoidance of conflict of interests - Declaration of contractual relations	<p>The terms of reference (page 14) stipulate that “the tenderers must declare, as a part of their tender for the framework contract, their contractual relations during the last five years with any stakeholders and/or companies directly involved in the programmes, projects and legislative activities conducted or subcontracted by the Directorate-General Energy or the Directorate for Mobility and Transport”.</p> <p>Could you please clarify: a. How should the contractual relations during the last five years be declared? Could you provide a template declaration? b. Can you provide us with a list of stakeholders and/or companies directly involved in the programmes, projects and legislative activities conducted or subcontracted by the Directorate for Mobility and Transport and by the Directorate for Energy during the last five years?</p>	<p>13/05/2016 To respond to part a. of the question, there is no such template. The contractual relations should be declared in a clear manner, distinguishable from other parts of the offer, e.g. in a separate annex. In terms of content, the tenderers should declare whether or not they have any relevant contractual relations, and if yes, they should declare the subject of the contract, the other party or parties, and the duration of the contract, i.e. completed or ongoing.</p> <p>To respond to part b. of the question, it is not possible to provide such an exhaustive list. Nevertheless, the contractors must declare their contractual relations in good faith. The list would be valid for the future specific contracts, in order to avoid the cases where a the contractor would have professional conflicting interest, negatively affecting its capacity to perform the contract, e.g. to evaluate a project in which it has participated or to audit accounts which it has previously certified.</p>

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24	12/05/2016 17:03	13/05/2016 17:45	Case studies to be prepared for each lot	In relation to the cases studies to be prepared and in order to compare them when assessing the bids, do you have any requirements for the structure, content and maximum length? Does a case study needs to include a list of staff to be mobilised, a breakdown of working days and a detailed estimated budget? Please clarify.	<p>13/05/2016</p> <p>The instructions for the case studies are given in Section 5.1 of the Tender Specifications, directly in the award criterion "Quality of the proposed methodology".</p> <p>On top of these instructions, the tenderers themselves should decide upon other elements of their case studies, including on their structure and content. In fact, on the basis on how these elements are chosen and presented, can the evaluators decide on the quality of the tenderer's methodology.</p> <p>As for the organisation of work - the allocation of person-days, and the breakdown of the budget, they should be presented, respecting the maximum budgets for the case studies. The staff should not necessarily presented by names (concrete persons), but can be also presented by abstract profiles of the team members.</p> <p>Please bear in mind that the purpose of this award criterion is to evaluate the methodology of the tenderers. In the case the tenderers would like to use some elements of the organisation of the work, presented for case studies, also for actual work</p>

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					<p>for case studies, also for actual work under future specific contracts, they should point out, to which extent and in which manner.</p> <p>As for the length of the case studies, there are no restrictions, but we expect that the length will not exceed reasonable, that the presentation is clear and easy to follow, e.g. contains no repetitions or text irrelevant for the case study.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
25	17/05/2016 09:43	17/05/2016 11:26	Tendering for one lot	<p>Dear Madam or Sir,</p> <p>I have a question regarding the call for tender: 2016/S 076-132762: Legal, economic and technical assistance in the fields of energy and mobility and transport.</p> <p>The tender is divided into 6 lots. I would like to kindly ask if it is possible to bid for instance only for one or two lots or If we have to build up a consortium covering all the tasks.</p> <p>Thank you very much in advance for your response.</p> <p>Best regards,</p> <p>Zuzana Vacková, LL.M. Junior Policy Advisor</p> <hr/> <p>Tel +32(0)2 204 44-40 · Fax +32(0)2 204 44-99 zuzana.vackova@bbh-online.be</p> <hr/> <p>Becker Büttner Held Rechtsanwälte · Wirtschaftsprüfer · Steuerberater PartGmbH Avenue Marnix 28 · 1000 Brüssel · Belgien · www.bbh-online.de</p>	<p>17/05/2016</p> <p>Please refer to Section 2.1 of the Tender Specifications, in particular the last paragraph thereof:</p> <p>"Tenderers can bid for all six lots by submitting separate tenders. Please refer to section 5.2 below for more information on the requirements, notably related to the selection criteria, for bidding for one or several lots."</p> <p>This means that in no case is it required that one tenderer must cover all lots: to submit an offer for several or all lots is a right, but not an obligation.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
26	13/05/2016 18:29	18/05/2016 09:24	Avoidance of conflict of interests (4. Terms of the Framework Contract)	Does reference to "the tenderer" means: - all members of a consortium? - all subcontractors? including those who do not need to be identified under section 2.5?	<p>18/05/2016</p> <p>The tenderers should distinguish between:</p> <p>a) the obligation to submit the declaration on the non-exclusion and selection criteria, Annex II of the Tender Specifications, and</p> <p>b) the obligation to declare their contractual relations with the relevant stakeholders and / or companies in accordance with Section 4.1 of the Framework contract.</p> <p>The obligation a) applies to the tenderers, including, in the case of a joint tender, to consortium members, and to sub-contractors identified under Section 2.5 of the Tender Specifications.</p> <p>The obligation b) applies to all entities mentioned under a), but additionally, to all sub-contractors that the tenderer declares to be a part of their tender, including to the sub-contractors not to be identified under Section 2.5 of the Tender Specifications.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
27	17/05/2016 11:01	18/05/2016 09:26	Extension of Bid Submission Deadline	Given the complexity of the tender (types of services and geographical footprint as well as the eligibility requirements), which would require some time for the setting-up of adequate consortia, apart from the preparation of the technical proposals, would it be possible to extend the submission deadline by two weeks so that economic operators that are new to this type of framework contracts or who were not successful in the last round would be able to prepare thoroughly?	<p>18/05/2016 Unfortunately, no extension of the deadline is under consideration.</p> <p>20/05/2016 The deadline for the submission of tenders will be extended to 10/06/2016. Please refer also to Question and answer No 50.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
28	17/05/2016 16:54	18/05/2016 09:44	Evidence	<p>The Tender Specifications state on page 22 (regarding Criterion A1) that "the tenderer must prove the experience in successfully delivering studies or assignments in the field of the lot concerned – studies or assignments of legal (lot 1 and 4), [...] and in the field of energy policies (lots 1-3) for lots or mobility or transport policies (lots 4-6)." Can you please clarify what the passus "and in the field of energy policies (lots 1-3) for lots [??] or mobility or transport policies (lots 4-6)" means? More specifically, does it mean that (in the case of applying for lot 1 and 4) the tenderer must prove studies/assignments of legal nature AND (energy/mobility or transport) POLICIES? If yes, do the references (Evidence A1, p 23) need to cover EACH of these requirements ie 2 references for legal assignments AND POLICIES each?</p>	<p>18/05/2016</p> <p>In the context of selection criterion A1, and in the case of applying for more than one lot, the tenderer must be able to separately prove their experience related to each of these lots.</p> <p>Taking the example as referred to in the question, while applying for both lot 1 - legal assistance in the field of energy, and for lot 3 - technical assistance in the field of energy, the tenderer must be able to refer to:</p> <ul style="list-style-type: none"> - in order to be selected for lot 1, at least 3 projects, like studies or analyses, of the field of energy policy, which have legal nature, and - in order to be selected for lot 3, at least 3 projects, like studies or analyses, of the field of energy policy which have technical nature. <p>Please refer to the note to selection criteria A1-A3, the last sentence, in Section 5.2.4.1 of the Tender Specifications.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
29	17/05/2016 16:54	18/05/2016 10:09	Evidence	The Tender Specifications state on page 23 (regarding Evidence A1) that "The tenderer must submit references [...] to the STUDIES OR ASSIGNMENTS RELEVANT TO THE LOTS CONCERNED, with at least two studies [...]." Page 10 of the Tender Specifications lists a non-exhaustive list of different studies, assignments and analysis for each lot in question. If you read the evidence (p 23) and the services as part of a specific contract (p 10) together the question arises whether evidence needs to be submitted for each type of possible service requests (as listed on page 10) and if yes how many? In other words: do the two references as mentioned on page 23 refer to every single (possible) type of service OR does the tenderer need to submit TWO REFERENCES ONLY to an OPTIONAL service/past study?	<p>18/05/2016</p> <p>In order to comply with the selection criterion A1, the tenderers are not expected to have completed studies or assignments to cover all topics listed under Section 3.2 of the Tender Specifications.</p> <p>It is sufficient for the tenderers to submit evidence on the completed studies of assignments - minimum two for each lot applied for, which are relevant for the lot or lots concerned. As long as the studies or assignments referred to are relevant for the field applied for, e.g. have a legal, economic or technical nature, they might or might not be related to the topics listed under Section 2.3 of the Tender Specifications (as the list is non-exhaustive).</p>

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#	Submission date	Publication date	Question subject	Question	Answer
30	17/05/2016 12:37	18/05/2016 14:44	Reference to question 24 on case studies to be prepared for each Lot.	<p>You answer that "the allocation of person-days, and the breakdown of the budget, they should be presented, respecting the maximum budgets for the case studies". However it is our understanding that the technical proposal should contain no financial information. Please confirm that we should not include financial information for the case studies in the technical proposal.</p>	<p>18/05/2016 The question refers to the case studies to be submitted under the second award criterion, Quality of the proposed methodology. These case studies make a part of technical offers, and should, inter alia, contain breakdown of the budget, respecting the budget ceilings for the case studies, as well as the description of the allocation of the tasks.</p> <p>Nevertheless, this information should not be mixed with the financial offers of the tenderers, to be ranked using the formula indicated in Chapter 5.1 of the Tender Specifications. No other information than the financial offers will be taken into account for the ranking of the tenderers. Therefore, the tenderers must clearly distinguish between their technical and financial offers, in accordance with the Section 2 of the Invitation to tender.</p> <p>The technical and financial offers must be clearly distinguished from each other, in accordance with the 20/05/2016 Please read the last sentence of the answer as follows: The technical and financial offers must be clearly distinguished from</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					must be clearly distinguished from each other, in accordance with Section 2 of the Invitation to tender.
31	18/05/2016 16:12	18/05/2016 16:56	Section 5.2.4.2.	In section 5.2.4.2. can you please clarify if for B2 Pool of minimum 10 experts, for Lot 5, the university degree in economics is equivalent to a degree in economic sciences such as business administration, management, accounting, business strategy, finance, statistics?	18/05/2016 Yes.
32	18/05/2016 16:12	18/05/2016 17:01	Section 5.2.4.1	In section 5.2.4.1 can you please confirm if for Evidence A1 tenderers can submit references for studies or assignments relevant to the lot concerned which took place in a non-EU Member State?	18/05/2016 Yes, the work for the studies or assignments under the selection criterion A1 might have taken place in the states, which are not the EU Member States. Nevertheless, the content of the studies or assignments must be related to EU energy policy and / or EU mobility and transport policy.

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#	Submission date	Publication date	Question subject	Question	Answer
33	18/05/2016 16:11	18/05/2016 17:06	Section 5.2.4.1	In section 5.2.4.1 can you please clarify if two assignments of any kind (not necessarily a study: e.g. advisory/consulting services) delivered or completed in the last 3 years representing together a total budget of 200.000 EUR and relevant to the lot concerned, can fulfil the requirement referred to in "Evidence A1"?	<p>18/05/2016 Yes, given that the assignment referred to is a clear and distinguishable project with the fixed purpose(s), tasks, schedule and deliverables.</p> <p>In this context, ad hoc consulting services on day-to-day basis, e.g. replying to requests or questions from the clients, whenever they occur, might not be sufficient.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
34	18/05/2016 11:35	18/05/2016 17:42	Case study	Can you please clarify what is meant by: "... and to the specific EU legislation." in p. 20 (chapter 5.1) in Tender Specifications?	<p>18/05/2016</p> <p>For the lots 4-6, it relates to any legal act, regulation or measure, adopted or in preparation, concerning the common transport policy of the EU, or Trans-European Networks for transport, in accordance with articles (4) (2) (g) and (h) and Titles VI and XVI of the Treaty of the Functioning of the European Union.</p> <p>For lots 1-3, it relates to any legal act, regulation or measure, adopted or in preparation, concerning the common energy policy of the EU, in accordance with article 194 (i) and Titles XVI and XXI of the Treaty of the Functioning of the European Union.</p> <p>Please refer also to question and answer No 3.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
35	18/05/2016 16:09	18/05/2016 17:44	section 3.2 paragraph "Economic assistance in the field of energy or mobility and transport (lot 2 and lot 5)" the eleventh bullet point	<p>In section 3.2 paragraph "Economic assistance in the field of energy or mobility and transport (lot 2 and lot 5)" the eleventh bullet point states:</p> <p>"Design of projects relating to the security of energy supply and related questions, to the management of the demand for conventional energy sources, to the development and funding of the various renewable energy sectors; study of the relevant geopolitical, economic and commercial aspects of the international trade and energy trade between the EU and third countries;"</p> <p>Can you please clarify if the services required for the aforementioned bullet point refer only to Lot 2? Should the aforementioned bullet point be considered also by tenderers for Lot 5 in their consideration of the possible scope of work of the framework contract?</p>	<p>18/05/2016</p> <p>Indeed, the bullet point refers to lot 2, economic assistance in the field of energy.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
36	18/05/2016 17:53	18/05/2016 18:09	Evidence B1-B2	<p>In the note for B1-B2, it says "Each expert not employed by the tenderer (or, in the case of a joint tenderer, by any member of the consortia) will provide a declaration that he/she is willing to participate in the implementation of this framework contract in the team of the tenderer".</p> <p>Does this mean that each Expert from each subcontractor (identified under section 2.5 or not) has to provide such declaration? Does the declaration need to be signed? Can such declaration be part of the letter of intent to be provided by each subcontractor identified under section 2.5?</p>	<p>18/05/2016</p> <p>Indeed, the declaration must be provided by each expert, who is not employed by a tenderer, e.g. is employed by a sub-contractor or is a sub-contractor himself / herself.</p> <p>The declaration should be signed separately by each expert. In the case the expert is hired by a sub-contractor, the sub-contractor cannot sign in the name of the expert.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
37	16/05/2016 11:53	19/05/2016 11:48	Project references	<p>Will all project references submitted as part of the tender be treated as confidential by the European Commission?</p> <p>Should a specific mention be made to ensure confidentiality of the information contained in the submitted tender?</p>	<p>19/05/2016</p> <p>Yes.</p> <p>The provisions of the invitation to tender No MOVE/ENER/SRD/2016-498, point 11: "once the Commission has opened the tender, it becomes its property and it shall be treated confidentially".</p> <p>In addition, referring to the public access to Commission documents, the provisions of EC Regulation No. 1049/2011 are applicable. Thus, Article 4.2 states as an exception to the general rule allowing public access to Commission documents, that the institutions shall refuse access to a document where — disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure.</p> <p>Therefore, no specific mention should be made by the tenderer in order to ensure the confidentiality of the information contained in the submitted tender.</p>

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#	Submission date	Publication date	Question subject	Question	Answer

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#	Submission date	Publication date	Question subject	Question	Answer
38	19/05/2016 11:52	19/05/2016 12:36	Criteria A3 - Geographic coverage	<p>I understand we need to prove our ability to conduct studies or assignments in different EU member States by providing references to two projects delivered in the last three years, the combination of these two references have to cover at least 6 countries.</p> <p>Could you confirm that (a) each reference doesn't have to cover 6 countries as long as the combination of the two references does; and (b) that we are allowed to use a matter without disclosing the client's details when the matter is highly relevant but also highly confidential.</p> <p>Thank you.</p>	<p>19/05/2016</p> <p>To respond to part a) of the question: your understanding is correct. Only the cumulative coverage of the reference projects under selection criterion A3 must be minimum 6 countries.</p> <p>To respond to part b) of the question: your understanding is not correct. Please refer to Evidence A1 in Section 5.2 of the Tender Specifications, obliging the tenderers to provide information on the title / subject, price / sums, dates, and on the clients of their reference projects. The same obligation will apply to reference projects under selection criteria A2 and A3. Moreover, the minimum two reference projects under selection criterion must be accompanied by the statements of clients confirming the information provided by the tenderer, and, in addition, the assessment by the client that the project has been carried out in accordance with the contract between the tenderer and the client.</p> <p>For the obligation of the Contracting Authority to keep the tenders confidential, please refer to question and answer 37.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
39	18/05/2016 19:10	19/05/2016 12:45	Section 5.2.2. Legal and Regulatory Capacity	Does filling-in the Legal Entity Form count as fulfilling this criteria? The Legal Entity Form does not ask for specific additional document evidence so how does this count towards the requirement for legal persons on notice of appointment of persons authorised to represent the tenderer in dealings with third parties? Is additional document needed?	19/05/2016 Yes. In addition to the Legal Entity Form, the tenderers should present an official document, issued by their country of registration, which contains the list of persons who are authorised to legally represent the tenderers, including in the transactions with the third parties. The type of the document will depend on the relevant country, for example, certificate from a register where the tenderer is registered.
40	19/05/2016 12:43	19/05/2016 12:54	Criterion A1-3 - clients' statements	Following up on question 38, is it correct that we need to submit client's statements for each criteria i.e. a minimum of 6 statements per lot ? Or does this only apply to criteria A1?	19/05/2016 Your understanding is correct, the statements must be submitted only for the reference projects for the selection criterion A1. For the reference projects under the selection criteria A2 and A3, no statements must be submitted, unless the reference projects are the same as for selection criterion A1 (please refer to Note for A1 to A3). Nevertheless, the projects must be identified and the information given that would enable the Contracting Authority to find out that the relevant selection criterion are complied with.

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#	Submission date	Publication date	Question subject	Question	Answer
41	18/05/2016 16:15	19/05/2016 16:54	Section 5.1, the third bullet point "Organisation of the work and resources"	<p>In section 5.1, the third bullet point "Organisation of the work and resources" states:</p> <p>"The criterion will be used to evaluate the overall framework contract management and work organisation to deliver the work in time and with the required quality, namely:</p> <ul style="list-style-type: none"> - Rapid response, timely availability of the specific expertise required, - Appropriateness and composition of the teams of experts made available for the different type of tasks, e.g. adequacy and robustness of the project management (system)." <p>Can you please clarify if the third bullet point "Organisation of the work and resources" refer to the criterion that will be used by the tenderers at the occasion of reception of request for services related to the Framework Contract and to the overall framework contract management of the Framework Contract during its whole duration?</p> <p>Can you please clarify if this organisation of the work and resources should also be presented for the two case studies as per the second bullet "Quality of the</p>	<p>19/05/2016</p> <p>Indeed, for the sake of completeness, the tenderers should include the team composition and the allocation of man-days in their case studies. The team members can be presented as hypothetical profiles.</p> <p>Nevertheless, no information provided by the tenderers as a part of the case studies will be automatically taken into account for the purposes of evaluation of the actual organisation of work and resources under the Framework contract: the latter aspects of the tender will be evaluated under the award criterion Organisation of work and resources.</p> <p>The part of the tender to be evaluated under the award criterion Organisation of work and resources, should be, in accordance with the description of the award criterion, comprehensive, robust and clear enough to cover all future specific contracts.</p> <p>For each future specific contract, the aspects related to the organisation of work will be evaluated against the objectives and tasks under this specific contract. For the description of the specific award criterion, please refer to Section 6.1 of the Tender</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				second bullet "Quality of the proposed methodology"? If yes, in which section should tenderers present details of team composition and man-days allocation for the two fictive case studies?	refer to Section 6.1 of the Tender Specification, award criterion Project management and allocation of resources.
42	18/05/2016 16:10	20/05/2016 11:24	Section 3.1 among the indents referred to Mobility and Transport, the fifth indent	<p>In section 3.1 among the indents referred to Mobility and Transport, the fifth indent states:</p> <p>"Logistics, maritime and land transport including safety issues."</p> <p>Can you please clarify to what transport modes logistics issue would have to be considered among the areas that the services required and tasks related to the Framework Contract may cover?</p> <p>Can you please clarify if safety issues that would have to be considered among the areas that the services required and tasks related to the Framework Contract refer only to land transport issues?</p>	<p>20/05/2016</p> <p>Please refer to the introductory part of Section 3.2 of the Tender Specifications, stating, that the list of tasks is non-exhaustive, meaning, that the Contracting authority must not order all services listed, or can order additional, related services.</p> <p>Therefore, the relevant transport modes and safety issues can concern land transport, rail transport, maritime transport, aviation or the combination of these transport modes.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
43	18/05/2016 17:03	20/05/2016 11:28	Selection criteria specification	<p>Could you please clarify the "selection criteria" in terms of geographical coverage? More specifically, is the tenderer/consortium required to cover all 28 Member States (MS)? Is it for example possible to cover 27 MS "only"? If not, does the subcontractor for the 28th MS already need to be identified in the tender although its share is less than 20%?</p>	<p>20/05/2016</p> <p>Please refer to Section 4.2 of the Tender Specifications, Preparation and implementation of specific contracts: "The contractors should, as a rule, be able to provide the requested services in all EU Member States, in the EFTA/EEA countries (Switzerland, Iceland, Liechtenstein and Norway), in the Candidate Countries and any other country where energy/mobility and transport issues are likely to be of European Union's interest. The requirement does not imply an obligation of the tenderers to have a representation in all those countries mentioned: it is sufficient that the tenderers are able to demonstrate, in their tenders, how the necessary coverage and/or contacts can be achieved (please refer to award criterion 3 for the framework contract, "Organisation of the work")."</p> <p>The tasks under specific contracts may entail different geographical coverage, e.g. all EU Member States vs. one non-EU Member State, which the framework contractors should be able to respond to in a flexible and rapid manner.</p> <p>On the other hand, the Selection Criterion A3 is designed to ensure</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					Criterion A3 is designed to ensure that the chosen tenderers would have a certain proven degree of capacity to cover multiple countries.
44	18/05/2016 11:33	20/05/2016 12:06	Evidence	<p>Can you please clarify if we need to cover all the areas as described in chapter 3.1 (p.9) tender specifications.</p> <p>And how will this be evaluated (according to 5.1, p.19 tender specifications) if we do not meet all the criteria?</p>	<p>20/05/2016 Please refer also to the question and answer No 43.</p> <p>Section 3.1 of the Tender specifications gives a general scope of issues that the tenderers must indeed be able to cover. The specific tasks, within this scope, will be foreseen for each specific contract, to be evaluated and awarded separately, on the basis of re-opening of competition between the contractors chosen for the Framework contract.</p> <p>The readiness of the tenderers for the Framework contract to provide the necessary scope, in line with Section 3.1 of the Tender Specification, is evaluated under the award criteria under Section 5.1 of the Tender Specifications, please follow the description of each criterion.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
45	18/05/2016 16:11	20/05/2016 12:17	Section 5.2.4.1	In section 5.2.4.1 can you please clarify if for Criterion A1 tenderers for Lot 5 should prove experience in successfully delivering both studies or assignments of economic or financial nature and in mobility or transport policies?	20/05/2016 Please follow the wording of the criterion, for lot 5 the Selection criterion A1 requires: a) The projects that the tenderer refers to, can be studies or assignments. For the requirements on the projects, please refer also to Question and answer No 33. b) The minimum number of projects is 2 c) The projects must be of economic and / or financial nature, d) The projects must relate to the mobility and transport policies of the European Union, and e) The evidence must be submitted in accordance with Evidence A1.

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#	Submission date	Publication date	Question subject	Question	Answer
46	19/05/2016 18:07	20/05/2016 13:47	Tender submission formalities	<p>We understand that, in case of joint tenders, the leader must sign Annex 1 as proof of signature of the joint tender. This document is then considered as the original. Is this correct?</p> <p>For all other administrative documents (for joint tenderers and/or subcontractors) to be included such as Legal Entity Forms, Annexes 1, 2 and 3, we assume that a scanned copy of the document is sufficient. Is this correct?</p>	<p>20/05/2016 Your understanding is correct: please refer to Section 4 of the Invitation to tender, the 1st bullet point.</p>
47	19/05/2016 18:07	20/05/2016 13:54	Avoidance of conflict of interest (4.1)	<p>Our understanding is that the tenderers (including joint tenderers in the case of a consortium, but not subcontractors) will need to declare contractual relationships of work they have done for stakeholders/companies, during the last five years, directly on specific programmes, projects and legislative activities conducted or subcontracted by the Directorate General Energy (for Lot 2)? Is this correct?</p>	<p>20/05/2016 Your understanding is only partially correct. The obligation applies to the tenderers, including, in the case of consortia, the members of the consortium, but also to subcontractors identified in accordance with the Section 2.5 of the Tender Specifications.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
48	18/05/2016 16:08	20/05/2016 13:57	Section 3.2 paragraph "Economic assistance in the field of energy or mobility and transport (lot 2 and lot 5)" the tenth bullet	<p>In section 3.2 paragraph "Economic assistance in the field of energy or mobility and transport (lot 2 and lot 5)" the tenth bullet point states:</p> <p>"Assistance concerning the liberalisation of the energy market and related questions: elaboration of economic parameters such as the use of natural gas and charging, and liberalisation indicators;"</p> <p>Can you please clarify if the services required for the aforementioned bullet point refer only to Lot 2? Should the aforementioned bullet point be considered also by tenderers for Lot 5 in their consideration of the possible scope of work of the framework contract?</p>	<p>20/05/2016</p> <p>Indeed, the bullet point referred to in your question relates to lot 2 only.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
49	18/05/2016 16:07	20/05/2016 13:58	Section 3.2 paragraph "Economic assistance in the field of energy or mobility and transport (lot 2 and lot 5)" the sixth bullet point	<p>In section 3.2 paragraph "Economic assistance in the field of energy or mobility and transport (lot 2 and lot 5)" the sixth bullet point states:</p> <p>"Studies and analysis of policies related to technology development and deployment, economic performance and contribution to the key energy policy objectives of competitiveness, sustainability and security of supply;"</p> <p>Can you please clarify if the services required for the aforementioned bullet point refer only to Lot 2? Should the aforementioned bullet point be considered also by tenderers for Lot 5 in their consideration of the possible scope of work of the framework contract?</p>	<p>20/05/2016</p> <p>Indeed, the bullet point referred to in your question relates to lot 2 only.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
50	20/05/2016 11:10	20/05/2016 15:57	Submission deadline for the proposals	Considering the time allocated to prepare proposals in the previous editions of the Framework contracts (2012 and before) and requirement to prepare illustrative case studies and assemble some administrative requirements clarified recently, we believe that the deadline of 2 June too short to prepare proposals of good quality for several lots for which at least 7 can be considered for selection. We would therefore suggest the Commission to extend the deadline of submission by at least 3 weeks.	20/05/2016 The deadline for the submission of tenders will be extended to 10/06/2016. The respective corrigendum will be published in the Official Journal.

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#	Submission date	Publication date	Question subject	Question	Answer
51	17/05/2016 10:02	23/05/2016 12:44	SME declaration	<p>Relating to the documents declaring SMEs (Commission Recommendation 2003/361/EC):</p> <p>Are there any specific requirements as to the wording of this declaration?</p> <p>Is it necessary to submit supplementary evidence regarding to the number of staff members, the annual turnover etc?</p>	<p>23/05/2016</p> <p>SMEs are defined in Commission Recommendation 2003/361/EC as companies with fewer than 250 staff and a turnover not exceeding 50 million euros.</p> <p>There is no specific form of declaration, neither do the tenderers have to provide supplementary evidence related to the declaration on SMEs.</p> <p>The information must be submitted about the tenderer, and, in the case of a joint tender, about the members of the consortium.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
52	23/05/2016 14:11	23/05/2016 15:19	Criterion A3	<p>The Evidence for A3 indicates that references must be provided for 'two' projects that 'cumulatively' cover 'at least six EU countries'. Your response to question 12 indicates that 'each case study must cover, at least six EU Member States'. Your response to question 38 indicates that 'only the cumulative coverage of the reference projects ... must be minimum 6 countries'.</p> <p>In light of these statements, can you please confirm whether: a) there is a maximum number of projects that can be used; and b) whether each project must cover at least 6 EU countries? For example, would it be possible to: i) provide six projects each covering one EU country; or ii) provide one project covering two EU countries and four additional projects covering one EU country each?</p>	<p>23/05/2016 In order to comply with the Selection criterion A3, the tenderers must refer to two projects, carried out - or completed - in the last three years. These two projects must cumulatively cover at least 6 EU countries.</p> <p>This means, that the tenderer cannot refer to a larger - or smaller - number of projects, in order to comply with the criterion: there must be two projects, which, cumulatively, cover at least 6 EU countries. E.g. it would be possible to refer to one project that is related to one country only, given, that the other reference project covers five countries, but the examples (i) and (ii) in the question would not be sufficient.</p> <p>The previous Question and Answer 12 is divided into two parts, the first part being related to Selection criterion A3, while the second part refers to the case studies the tenderers must provide for the purposes of the evaluation criterion 2 for the Framework contract, Quality of the proposed methodology, where the coverage of each case study must be at least 6 (EU) countries.</p> <p>In order to comply with the selection criteria, the tenderers are entitled to rely on the capacity of consortium</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					rely on the capacity of consortium members in accordance with Section 2.4 of the Tender Specifications and / or of sub-contractors identified in accordance with Section 2.5 of the Tender Specifications.

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#	Submission date	Publication date	Question subject	Question	Answer
53	24/05/2016 12:50	24/05/2016 15:01	the specifications indicate as requirement of the project manager (page 23, section 5.2.4.2)	<p>Dear Sirs,</p> <p>In relation to the above tender, the specifications indicate as requirement of the project manager (page 23, section 5.2.4.2) the following:</p> <p>“At least 10 years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least EUR 100,000) and coverage (geographical scope at least five countries), and experience in management of team of at least five people.”</p> <p>Regarding the geographical coverage does this refer to 5 countries in any geographical area or 5 EU countries?</p> <p>Thanks in advance and best regards,</p>	<p>24/05/2016</p> <p>The experience, required from the project manager, as referred to in the question, can be acquired at any country, it does not have to be related to EU countries.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
54	24/05/2016 16:13	25/05/2016 11:15	Re Question 50 - Submission deadline	In your answer to question 50 you state that "The deadline for the submission of tenders will be extended to 10/06/2016". No Corrigendum has been published and the date on the e-tenders website remains the same. Can you please confirm that the 10th is the new deadline for submission.	<p>25/05/2016 The deadline for the submission of tenders has indeed been extended until 10/06/2016 (included).</p> <p>The opening of the tenders will take place at 17/06/2016.</p> <p>The relevant corrigendum has been published.</p>
55	25/05/2016 12:07	25/05/2016 16:07	Criteria A1 - Evidence	I understand from the Tender Specifications that we need to submit a statement issued by the client in order to prove the study/assignment has effectively been performed. Would a proof that the Report we produced for the client has been published be sufficient to attest that our work has been appreciated?	<p>25/05/2016 No, such a publication would not be sufficient.</p> <p>The requirement under Evidence A1, must be followed word for word, meaning, that at least two references (for each lot, if the tenderer applies for several lots) to the projects must be accompanied by the statements from the clients, as requested.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
56	26/05/2016 13:45	26/05/2016 17:02	Declaration of Honour, documentary evidence	Although it is not entirely clear from the ToR, it is our understanding that the proposal does not have to include the documentary evidence proving that the statements from the Declaration of Honour are true. These need to be provided only upon request. Can you please confirm/correct our understanding.	<p>26/05/2016</p> <p>The Declaration of honour - Annex II to the Tender Specifications refers to both selection criteria and non-exclusion criteria.</p> <p>For the selection criteria - Step 2 in the evaluation - the tenderers must submit all the required evidence with their tenders. Please refer to the Tender Specifications, Section 5.2.1, to the second paragraph thereof.</p> <p>To the contrary, for the non-exclusion criteria - Step 3 of the evaluation - only the successful tenderers to whom the Framework contract will be awarded, must submit the evidence on their compliance with the non-exclusion criteria. Please refer to Section 5.3 of the Tender Specifications, to the third paragraph thereof.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
57	25/05/2016 17:53	26/05/2016 17:17	Criteria regarding the tenderer and references required (subsection 5.2.4.1, pages 22-23 ToR); studies delivered or completed.	<p>Regarding Evidence 1, could you please elaborate on your understanding of studies/ assignments 'delivered' and 'completed'?</p> <p>Could, for example, a submitted final report, whilst pending final approval or whilst minor final changes are being undertaken, be considered as a study 'delivered' ?</p>	<p>26/05/2016 The studies or assignments must have received the final approval from the client, in order to be accepted under Selection criterion A1.</p> <p>For the two mandatory projects that tenderers must refer, in order to comply with this criterion, the references to the projects must be accompanied with the statements of the clients and include all the information requested in Evidence A1.</p>
58	25/05/2016 17:44	26/05/2016 17:25	Criteria regarding the tenderer and references required (subsection 5.2.4.1, pages 22-23 ToR); statements issued by the clients, public or private.	Regarding Evidence A1 (page 23), can an email from a client confirming the final acceptance / approval of a study / report be considered as a suitable 'statement issued by the client'?	<p>26/05/2016 No. The statements by the clients must be given in writing, and include all the information as required in Evidence A1.</p> <p>On the other hand, given, that the statements include all information required under Evidence A1, the statement must not be issued for the purposes for this call for tenders, e.g. can be issued earlier, after the work was completed, etc.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
59	26/05/2016 17:26	27/05/2016 14:28	CRITERION A1 - Experience	<p>provided that all members of the joint tender must "submit references, including the sums, dates and information on the client, to the studies or assignments relevant to the lot(s) concerned, with at least two studies delivered or completed in the last 3 years, representing together a total budget of at least 200,000€"</p> <p>does this imply that members of the Academia (university professors) cannot participate as members of the group, since they have no actual "clients" and are not rewarded for each research they conduct?</p>	<p>27/05/2016 There is no such implications.</p> <p>The Selection criterion A1 will apply to the cumulative, combined capacity of the tenderer, including to the capacity of the consortium members in the case of a joint tender in accordance with the Section 2.4 of the Tender Specifications and / or to the capacity of sub-contractors identified in accordance with the Section 2.5 of the Tender Specifications.</p> <p>Therefore, the criterion is not to be applied to every single member of the consortium and / or to every sub-contractor.</p>
60	25/05/2016 16:30	27/05/2016 14:38	Submission Clarification	<p>Could you please clarify what should be included on the USB stick as detailed in the Invitation Letter. Should it just include the Administrative and Technical parts and not the Financial part or should it contain both, in which case which envelope should the USB stick be included in?</p>	<p>27/05/2016 The tenderers can provide the technical / administrative and financial offers on two separate USB sticks, each of which will be put to the relevant envelope, i.e. "technical / administrative" or "financial".</p> <p>The crucial requirement in this context is to ensure the confidentiality of the tender, in accordance with the Section 2 of the Invitation to tender.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
61	27/05/2016 14:45	30/05/2016 11:55	Avoidance of conflicting interests	<p>In the response to question 23 you state that it is not possible to provide a full list of stakeholders and/ or companies which should be considered for the purposes of a Declaration of contractual relations.</p> <p>It will be materially impossible to provide a list of clients that could have been potentially involved in programmes, projects and legislative activities conducted or subcontracted by the Directorate-General Energy or the Directorate for Mobility and Transport.</p> <p>Can you please clarify the types of contractual relations that should be considered when making a declaration and how we can comply with the requirement. Should these include relations with clients that do not relate to their involvement with DG Energy (when bidding for lot 2)?</p> <p>For example if part of our firm audits a company's accounts or conducts non-audit work for a company that does not relate to the work of DG Energy we may not be aware that the client is separately directly involved in legislative activities or projects conducted by DG Energy. This is especially the case given that no list of companies that are covered</p>	<p>30/05/2016</p> <p>We confirm that there is no possibility to provide an exclusive list of all entities"/.../ involved in programmes, projects and legislative activities conducted or subcontracted by the Directorate-General Energy or the Directorate for Mobility and Transport. /.../".</p> <p>The tenderers must be able to provide their list of relevant contractual relations, if any, in good faith, based on their better understanding and expertise on the issue of conflicting interests. The tenderers should follow the purpose for requesting such an information, which is "/.../ to prevent any situation that could compromise the impartial and objective implementation of the framework contract. /.../".</p> <p>As for whether it would be sufficient to declare only the contractual relations with the clients, subject of which is to support the direct interactions of these clients with the relevant Directorate-General: it might not be sufficient for the cases, where the tenderer is well aware of the direct involvement of this client in the implementation of programmes, projects or legislative activities under Section 4.1. of the Tender Specifications. Even if these</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				<p>no list of companies that are covered within the scope of this requirement is to be made available.</p> <p>Would it be sufficient for us to declare where we have supported clients directly in relation to their direct interactions with DG Energy at the framework stage?</p>	<p>Tender Specifications. Even if these contractual relations, at the point of time of submitting the tender, are separate and not linked, it might not turn out to be the case later, during the implementation of the Framework contract. To take the most basic example: the tenderer, already as the contractor for the Framework contract, might be requested to submit an offer for specific contract, with the purpose to evaluate the work done by the client in question, for the relevant Directorate-General.</p> <p>On the other hand, the tenderers cannot be obliged to declare the involvements of their clients, of which they are unaware of.</p> <p>As for the type of the contractual relations to declare: the contracts on the main activities of the tenderer that might fall under the scope of the Framework contract (Chapter 3 of the Tender Specifications).</p>

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#	Submission date	Publication date	Question subject	Question	Answer
62	31/05/2016 11:33	31/05/2016 16:09	Resources of the group	<p>Dear Sirs,</p> <p>In case of a company that is part of a group, can we sue the resources of the group, namely in-house staff?</p>	<p>31/05/2016</p> <p>The Framework contract primarily regulates the mutual rights and obligations of the Parties to the contract, that is, of the Commission, and of the Contractor.</p> <p>Apart of a few clauses, notably art. II.4.3, art. II.4.7 - II.4.10 or art. II.7, the contract does not regulate the mutual rights or obligations of the contractors, i.e. the consortium members, of contractor(s) and sub-contractors, of contractor(s) and their employees, etc. These rights and obligations, including the grounds for a legal action, are based on the applicable law and on the agreements, like a consortium agreement, employment contracts, etc.</p> <p>On the other hand, it is the responsibility of the contractor(s) to ensure the implementation of the Framework contract with the requested quality, also by sub-contractors and / or employees. Please refer to the draft contract, in particular to art. II.4 and art. II.6.</p>

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#	Submission date	Publication date	Question subject	Question	Answer

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#	Submission date	Publication date	Question subject	Question	Answer
63	30/05/2016 15:11	31/05/2016 17:51	Financial Offer	<p>In Part E: financial Offer page 8 of the tender specifications, it is stated that one single maximum price per person-day will be given excluding travel, daily allowances and accommodation costs.</p> <p>In article 1.5.3 and article 3.2 of the Model Contract it is stated that 'Reimbursement of expenses is not applicable to this FWC'.</p> <p>Please explain.</p>	<p>31/05/2016</p> <p>Before the conclusion of the Framework contract, the following applies:</p> <p>The tenderers must submit their financial offer for the framework contract as one single person-day price, without any calculation for the travelling, accommodation or daily allowances - reimbursable costs - added. In the case of the award of the contract, this person-day price will serve as the price for the services of this contractor, to be included in the last sentence of art. 1.5.1 of the Framework contract.</p> <p>After the conclusion of the Framework contract, the following applies:</p> <p>While making an offer for a specific contract, the specific financial offer can be composed of two components:</p> <p>a) the total price for the services, calculated on the basis of the maximum person-day price in art. 1.5.1 of the Framework contract (although the contractor can decide to make a specific offer based on a lower person-day price), and</p> <p>b) on top of a), the budget of reimbursable costs, in the case the specific tasks necessitate it, e.g. depending on whether any meetings</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					<p>depending on whether any meetings or events are to be organised in different locations.</p> <p>However, even if a budget of reimbursable costs would be applicable for a specific contract, the reimbursable costs would not be paid separately by the Commission, but will make a part of the total financial offer of the contractor. This total financial offer will be taken into account for the purposes of evaluation, and, in the case of the award of the contract, will be included in art. 3 of the specific contract, as the total price of the contract.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
64	30/05/2016 15:13	31/05/2016 18:41	Evidence B1-B2	<p>Do we need to identify subcontractors (with a > 20% share) by means of a letter of intent + supporting doc's, and for the identified subcontractors, do we need to add individual declaration of all their staff as per "Evidence B1-B2", or does this only apply for associate experts, freelancers and/or subcontractors' staff with minor shares that do not need to be identified.</p> <p>Thank you.</p>	<p>31/05/2016</p> <p>To reply to the second part of the question, the evidence B1-B2 needs to be submitted for the minimum number of team members (11), needed in order to comply with the selection criteria B1-B3. The obligation to submit the evidence will apply regardless of whether these team members are employed by the tenderer, including by a consortium member, or by a sub-contractor. However, in the case some of these team members is not employed by the tenderer, including by a consortium member, this team member must additionally provide a declaration that he /she is willing to participate in the implementation of the Framework contract in the team of the tenderer.</p> <p>To reply to the first part of the question, on the information to be submitted on sub-contractors not to be identified in accordance with Section 2.5 of the Tender Specifications, please refer to Question and answer 22, of 13/05. In addition, the tenderers are not bound to submit any supporting documents on these sub-contractors.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					In the case the team of the tenderer includes members on top of the minimum number of requested profiles, it is not compulsory to submit the evidence B1 and B2
65	01/06/2016 11:09	02/06/2016 11:54	Documents supporting declaration on honour	Dear Madam or Sir, one of the members of our consortium is an association, thus, not a legal or natural person. Therefore, the partner will not be able to provide number of requested documents such as Judicial Record, TAX Certificate, Social Security Statement, Non Bankruptcy Certificate etc. which would support declaration on honour. Is that a problem? If so, could you please advice on how to proceed? Thank you.	02/06/2016 Please refer to Section 2.1 of the Tender specifications, on the participation in the call for tenders:" Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations. /.../" Therefore, it is not possible that a tenderer - the "tenderer" equally includes the members of consortium in the case of a joint tender - does not have a legal personality.

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#	Submission date	Publication date	Question subject	Question	Answer
66	01/06/2016 12:42	02/06/2016 12:02	Financial offer – additional costs	<p>You have clarified in question and answer 63 that while making an offer for a specific contract, the specific financial offer can be composed of the total price for the services (calculated on the basis of the maximum person-day price) and the budget of reimbursable costs. Could the additional costs cover potential licence fees for models and other software? Meaning that if needed, could the offer for a specific contract be based on the maximum person-day price of the Framework and on top of that any additional costs of potential licence fees?</p> <p>Many thanks</p>	<p>02/06/2016 No.</p> <p>Please refer to Section 2.6 of the Tender Specifications, Part E, Financial offer: "When tendering for a specific contract, the travel costs, daily allowances and accommodation costs may be, if the tasks under a specific request for services so require, e.g. due to a number of meetings to attend, added on top of the maximum flat rate person-day price, together forming the financial offer for the specific contract."</p> <p>The list is exhaustive, no other costs can be included in the financial offers for specific contracts on top of the price of service (to be calculated on the basis of the person-day price).</p>

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#	Submission date	Publication date	Question subject	Question	Answer
67	01/06/2016 16:44	02/06/2016 15:23	Submission time limit	<p>To comply with the time limit for receipt, it is our understanding that the tender can be handled by Post or Courier on June 10, until 23.59.</p> <p>a) Is this correct?</p> <p>b) Do we have to send a proof of submission?</p>	<p>02/06/2016</p> <p>Your understanding is basically correct: please refer to Section 2 of the Invitation to tender, to the contract notice, and to the corrigendum of the contract notice.</p> <p>In order to be eligible, the tenders must be submitted, following one of these options:</p> <ul style="list-style-type: none"> - posted in no later than 23.59 at 10/06/16: proof of the timely submission is the postmark, or - delivered to a courier company or other similar service provider in no later than 23.59 at 10/06/16: proof of the timely submission is the deposit slip issued by the courier or other service provider, signed and dated, or - delivered by hand / in person to the central mail department of the Commission in no later than 17.00 at 10/06/2016: proof of the timely submission is the receipt, signed and dated, issued by the employee of the Commission mail department. <p>It is crucial that the tenderers would provide proof that their tender has been submitted in one of the described manners.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
68	02/06/2016 11:36	02/06/2016 15:24	Section 5.2.4.2.	For Lot 6, Is a university degree in economics degree qualified as a university science or technology degree?	02/06/2016 No.
69	06/06/2016 10:51	06/06/2016 16:31	format of CVs	I undersatnd that the CVs should contain the information as listed in the Commission´s Recommendation on a common European format for curricula vitae from 2002. Regarding the format of the CV, do we have to use the latest version as published on europass.cedefop website or can we also use previous older versions?	06/06/2016 To use the latest published format of the CV would be recommendable, but the older formats will also be accepted.
70	04/06/2016 09:27	06/06/2016 16:51	Criterion A3: capacity to work in 6 countries	<p>A3 : capacity to work in 6 countries.</p> <p>The tender must provide references for 2 projects delivered in the last 3 years . The combination of projects must cover the required geographical area.</p> <p>Does it mean that we have to cover 6 countries only with 2 projects? Or can we submit more than 6 projects, for instance 6, each covering different EU Member states?</p>	<p>06/06/2016</p> <p>Please refer to the questions and answers 9, 12, 43 and 52 above.</p> <p>The tenderer must refer to no more than two projects that cumulatively cover at least 6 EU Member States.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
71	04/06/2016 09:36	06/06/2016 16:55	Criterion A1	Regarding projects of technical nature (in case of lot 3) reaching cumulative 200 000 euros, can we present projects outside the EU?	<p>06/06/2016 Indeed, it is possible for selection criterion A1.</p> <p>But the tenderers should also bear in mind the selection criterion A3, which requires the tenderers to refer to two projects with a minimum cumulative geographical coverage of 6 EU countries.</p>
72	07/06/2016 11:33	07/06/2016 11:40	Clarification of the Commission regarding selection criteria A1 to A3	The Commission would like to clarify the answer to question 38 as follows:	<p>07/06/2016 In the answer 38, please disregard the sentence: "The same obligation [to provide the statements] will apply to reference projects under selection criteria A2 and A3."</p> <p>Please follow instead the answer to the question 40: In accordance with the Tender Specifications - Evidence A2 and A3 - the tenderers must not provide the statements of clients in order to comply with the selection criterion A2 or A3, as opposed to the selection criterion A1, where the statements of clients are required.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
73	07/06/2016 11:34	07/06/2016 11:41	Number of reference projects for selection criterion A1	The Commission would like to clarify the answer to question 28 as follows:	07/06/2016 In the answer 28, please disregard the reference to three projects. In order to comply with the selection criterion A1, the tenderer must have completed two projects in accordance with the description of the selection criterion A1 and evidence A1 in Section 5.2.4.1 of the Tender Specifications. Please follow, e.g. the answer 4, answer 29 and answer 45.
74	07/06/2016 11:35	07/06/2016 11:42	Subject matter of reference projects for selection criterion A1	The Commission would like to clarify the answer to question 71 as follows:	07/06/2016 Regarding the answer 71, please refer additionally also to the answer 3, to the answer 34 and to the answer 32. The reference projects under selection criterion A1 can indeed have been carried out outside the EU, but their subject-matter must be related to the EU policies on energy or on mobility and transport.

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#	Submission date	Publication date	Question subject	Question	Answer
75	07/06/2016 11:43	07/06/2016 12:46	Reference to question 30 on case studies to be prepared	Based on your answer it is clear that the tenderers must clearly distinguish between their technical and financial offers. However, could we refer to the person-day price within the technical offer (case studies) when we provide the breakdown of the budget, or should this be kept confidential (in which case it only needs to be submitted within the financial offer)?	<p>07/06/2016 Please refer also to the answers 24 and 30.</p> <p>The case studies must include all elements as described under award criterion 2 for the Framework contract, "Quality of the proposed methodology" in Section 5.1 of the Tender Specifications. These elements include the budget breakdown for each case study, following the actual man-day price of the tenderer, and respecting the maximum budgets foreseen. These elements of the budget are required as a part of the case studies, in order to provide a framework and context for the case studies, presenting the methodology of the tenderers.</p> <p>Nevertheless, apart from and in addition to the breakdown of the budget for the purposes of the case studies, all tenderers must submit a financial offer in accordance with Section 2 of the Invitation to tender, in a closed envelope, separately from the administrative / technical offer. Only this financial offer presented in a sealed envelope will be taken into account in order to calculate the final rankings of the tenderers in accordance with the Section 5.1 of the Tender Specifications.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					<p>Tender Specifications.</p> <p>The obligation to present the breakdown of the budget for the purposes of the case studies, does not cancel the obligation to submit a financial offer.</p>
76	08/06/2016 15:27	08/06/2016 16:24	Criterion A1	Can we cover the criterion A1 (projects of a total amount of 200 000 euros) with more than 2 projects, or the 200 000 euros have to be reached with only 2 projects?	<p>08/06/2016 Please follow the wording of the Evidence A1: "The tenderer must submit references, including the sums, dates and information on the client, to the studies or assignments relevant to the lot(s) concerned, with at least two studies delivered or completed in the last 3 years, representing together a total budget of at least 200,000€, accompanied by the statements issued by the clients, public or private."</p> <p>The words "at least" refer to that the tenderers can refer to more than two projects in the context of the criterion A1.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
77	08/06/2016 15:29	08/06/2016 17:08	A1	Regarding the amount of 200 000 euros, does it refer to the total value of the project or the share of the tenderer in the project?	<p>08/06/2016 Please refer also to the answer 33.</p> <p>A reference project under the Selection criterion A1 can also be a part of a larger project, so that the whole project is not entirely carried out by the tenderer.</p> <p>Nevertheless, strictly speaking, the tenderers can only refer to the work done by themselves. Therefore, if a tenderer will refer to their part in a larger project, they must have had a clear and distinguishable share in this project, with the fixed purpose(s), tasks, schedule and deliverables. The share of the tenderer in the project must have been completed, so that the client(s) can issue the statement in accordance with Evidence A1.</p> <p>Please note that the "tenderer" in this context refers to the cumulative capacity of the tenderer, including, if applicable, of the members of the consortium and / or of identified subcontractors, whose projects the tenderers can refer to.</p>

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