

Call for tenders' details

Title: Integrated communication services to raise awareness in the EU on the value of intellectual property and the damages of IPR infringements (2 lots).

Start date: 15/04/2017

Time limit for receipt of tenders: 12/06/2017

Contracting authority: European Union Intellectual Property Office (EUIPO)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	18/04/2017 10:37	18/04/2017 10:51	case studies	Could you please indicate where we can find the case studies you refer to?	18/04/2017 The case studies are inserted in annex V - Standard Reply Form.
2	18/04/2017 19:21	19/04/2017 08:49	Electronic submission vs. hard copy	According to Annex I Tender Specifications, page 2, the submission should be carried out "exclusively through the electronic submission system". However, at page 3 in the document Case Studies, you mention the possibility of submitting creative proposals "in hard-copy format (up to A3 size) whenever possible". Could you please clarify?	19/04/2017 The case studies incorrectly indicate "hard-copy" and the proposals should be submitted only in electronic format.

Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
3	19/04/2017 11:12	19/04/2017 12:43	Technical and professional capacity - Lot 2	<p>In section "13.2.2 Technical and professional capacity" the tender specifications state: "The tenderer must prove at least three contracts delivered in English in fields related to this contract in the last three years with a minimum value of 150.000EUR each."</p> <p>In order to ensure a fair and open competition, can you please confirm that "fields related to this contract" refer to the respective communications services (page 16 of the technical specifications) and not the activities of the EUIPO?</p>	<p>19/04/2017</p> <p>Indeed, the fields to be covered by past projects of the tenderers should relate to the activities (as described in articles 6 and 7 of annex II) of this procedure and not to the activities of the EUIPO.</p>
4	20/04/2017 12:19	20/04/2017 12:40	Reference to similar contracts	<p>In Annex V –SRF the part "List of principal relevant contracts" includes the form "Reference to similar contracts". Is this the only format tenderers can use to present "certificates of satisfactory execution" as requested in Annex I (13.2.2) on page 10, or would other formats (letters) also be admissible?</p> <p>Furthermore, the above mentioned section also requests "location" which is not included in the form, so could you please let us know where/ how the location should be indicated?</p>	<p>20/04/2017</p> <p>The template in annex V is the preferred one to be used, but a previously obtained certificate is acceptable as long as the required information is provided, as indicated in the 3rd dash of article 13.2.2 of annex I.</p> <p>In the model from Annex V, the location is indicated in the box "Description and location of services".</p>

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#	Submission date	Publication date	Question subject	Question	Answer
5	21/04/2017 10:33	21/04/2017 11:06	Deadline	We have noted that the case studies and technical tenders are very demanding for a deadline of just 4 weeks. To allow more companies to be able to tender (especially SMEs), we kindly request a deadline extension of 2 weeks.	21/04/2017 The request for an extension cannot be accepted. The contract notice allows 32 calendar days to present a tender. It is therefore considered that this period to submit a tender is objective, transparent and ensures equal treatment of tenderers, in full compliance with the relevant provisions of the Financial Regulation.
6	21/04/2017 11:25	21/04/2017 11:39	Deadline	We do not agree that 32 days are available to tenderers. This calculation assumes that our employees were / are working the whole Easter weekend and bank holiday, all weekends from the publication date of Saturday 15/4 and bank holiday Monday 01.05.17. This is in contrary to employment law and means that there are only 21 working days to reply. We ask you to kindly reconsider our request.	21/04/2017 As indicated in the previous reply, the duration is expressed in calendar days, as usual in the financial regulations. And it complies with the procurement strategy of the Office.

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#	Submission date	Publication date	Question subject	Question	Answer
7	26/04/2017 16:26	02/05/2017 11:24	Eligibility for non-EU actors	<p>Dear Madam or Sir,</p> <p>Please specify if companies based in the USA are eligible for participation in this call.</p> <p>kind regards,</p>	<p>02/05/2017</p> <p>Unfortunately, companies based in the USA are not eligible for participation in this call. Participation in the Office's procurement procedures is only open to natural and legal persons coming within the scope of the Treaties and to natural and legal persons in a third country which has a special agreement in the field of public procurement, which is not the case of the USA. Third countries benefiting of such a special agreement include European Economic Area (EEA) countries (Lichtenstein, Norway, Iceland) and Stabilisation and Associations Agreements (SAA) countries (FYROM, Albania, Montenegro, Serbia and Bosnia and Herzegovina).</p>

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#	Submission date	Publication date	Question subject	Question	Answer
8	27/04/2017 12:36	02/05/2017 11:49	Subcontractors	<p>The declaration on honour on exclusion and selection criteria states that “in the case of joint tenders, one declaration per economic operator must be attached”. Are we right to assume that a joint tender refers to a consortium or grouping?</p> <p>Are we right to assume that subcontractors do not need to sign this declaration?</p> <p>In other EU tenders, this type of declaration only needs to be signed by subcontractors whose expected volume of work exceeds 20%.</p> <p>In case of negative answer to the above and in case of contract award, does subcontractors whose expected volume of work exceeds 20% will have to submit evidences related to the declaration?</p>	<p>02/05/2017</p> <p>Distinction between joint tenders and subcontracting is presented in points 4.1 and 4.2 of the “Guidebook for economic operators”. The different documents to be submitted by partners/sub-contractors are presented in point 4.3 thereof. It is stated that, in the case of sub-contractors, the declaration on honour shall be presented only “if requested”. It is therefore not compulsory to submit such declaration(s) at submission stage.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
9	27/04/2017 12:43	02/05/2017 15:55	Sucontractors	<p>The declaration on honour on exclusion and selection criteria states that “in the case of joint tenders, one declaration per economic operator must be attached”. Are we right to assume that a joint tender refers to a consortium or grouping?</p> <p>Are we right to assume that subcontractors do not need to sign this declaration?</p> <p>In other EU tenders, this type of declaration only needs to be signed by subcontractors whose expected volume of work exceeds 20% of the contract volume.</p> <p>In case of negative answer to the above and in case of contract award, does subcontractors whose expected volume of work is less than 20% will have to submit evidences related to the declaration?</p>	<p>02/05/2017 Please reply to question 8</p>

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#	Submission date	Publication date	Question subject	Question	Answer
10	27/04/2017 13:01	02/05/2017 15:57	Documents to be presented	In the SRF (annex V) some of the documents are indicated as not to be presented at the submission date but to be requested in a very short deadline. This applies for example to "The educational and professional qualifications.. of the Lead project manager", as well as financial statements and statement of overall turnover, presentation of the tenderer... Can you confirm that all these documents shall NOT be presented with the proposal?	02/05/2017 Documents which, in the SRF, are indicated as "document to be prepared as it may be requested in a very short deadline" do not need to be presented with the tender at submission stage. However, tenderers are free to include them if they wish to do so.
11	27/04/2017 14:22	02/05/2017 15:59	Third parties' file form	Based on the Standard Reply Form, could you please confirm that the third parties' form will be submitted only by the leader, in the case of a joint tender?	02/05/2017 Yes, the third party files only needs to be submitted by the leader of the tendering group.
12	27/04/2017 14:27	02/05/2017 16:01	Economic and financial capacity evidence/ SPF	Could you please confirm that the economic and financial capacity evidence that is presented in the Standard Reply Form will be submitted in a later stage if it is requested from the authority and NOT with the tender?	02/05/2017 Please see reply to question 10.

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#	Submission date	Publication date	Question subject	Question	Answer
13	19/04/2017 10:29	03/05/2017 09:37	General Communication Plan	<p>Could you please confirm that point 2. of the technical proposal, "General Communication Plan" is supposed to integrate all elements from Lot 1 and Lot 2 without any difference?</p> <p>Can you also confirm that if a tenderer submits proposals for Lot 1 and Lot 2 he shall present the very same Communication Plan for both lots?</p>	<p>03/05/2017 Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: "a general communication plan (...) setting out the strategic approach to achieve the objectives pursued by the EUIPO...". A general communication plan refers to the strategic approach specially illustrated for the lot (or lots) to which tenderers are responding. A communication plan should be present for each lot.</p> <p>Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria: "The criteria below are identical for both lots. However, tenderers must note that each lot will be evaluated separately."</p> <p>In the case of tenderer responding to the two lots, tenderers may well have the same communication plan covering the strategic approach of both lots.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
14	19/04/2017 16:37	03/05/2017 09:39	Award criteria and deliverables	<p>According to award criteria 2 the tenderer has to draft a Communication Plan (see page 12 of Annex 1). The EUIPO also states that the Communication Plan should not be longer than 25 pages. Can you please confirm that the tenderer has to integrate in the 25 pages:</p> <ul style="list-style-type: none"> - 'the overall methodology to identify major challenges ... (15points max)' -see page 12 of Annex 1? - 'the approach to optimize messages and evaluate the impact on target audiences' –see page 12 of Annex 1? 	<p>03/05/2017 Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: "Tenderers are requested to present a general communication plan (max. 25 pages)" AND "supported by 2 relevant and recent examples (...). Each presentation of example should consist in a report of maximum 5 pages". Communication Plan (max. 25 pages) + Relevant exemple 1 (max. 5 pages) + Relevant exemple 2 (max. 5 pages).</p>
15	19/04/2017 16:38	03/05/2017 09:41	Award criteria and deliverables	<p>Can you please confirm that criteria 3 (see page 12 of Annex 1) refers to the management, organisation and quality control measures of the work related to the management and implementation of the framework contract in general?</p>	<p>03/05/2017 Yes, it is confirmed. Criteria 3 should be understood as adequacy of the management, organisation and quality and control measures of the work related to the implementation of the framework contract in general.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
16	20/04/2017 09:38	03/05/2017 09:42	General Communication Plan	Both lots require submission of a general communication plan. Can you please clarify in how far these are different for the two lots? Do you expect tenderers to develop a general communication plan independent of the division of services into two lots or do you expect tenderers to develop communication plans that are limited to the range of services covered by each lot?	<p>03/05/2017 Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: “a general communication plan (...) setting out the strategic approach to achieve the objectives pursued by the EUIPO...”. A general communication plan refers to the strategic approach specially illustrated for the lot (or lots) to which tenderers are responding. A communication plan should be present for each lot.</p> <p>Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria: “The criteria below are identical for both lots. However, tenderers must note that each lot will be evaluated separately.”</p> <p>In the case of tenderer responding to the two lots, tenderers may well have the same communication plan covering the strategic approach of both lots.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
17	20/04/2017 09:44	03/05/2017 09:44	General Communication Plan - references of work	Tenderers are asked to include "2 relevant and recent examples", each consisting of up to 5 pages, in the general communication plan. Can you please clarify (a) if these examples count towards or are additional to the maximum allowed 25 pages of the communication plan, and (b) in how far these examples are considered in the evaluation of quality criterion 2?	<p>03/05/2017</p> <p>a) Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: "Tenderers are requested to present a general communication plan (max. 25 pages)" AND "supported by 2 relevant and recent examples (...). Each presentation of example should consist in a report of maximum 5 pages". (Communication Plan (max. 25 pages) + Relevant exemple 1 (max. 5 pages) + Relevant exemple 2 (max. 5 pages).</p> <p>b) it will be considered for evaluation</p> <p>It will be evaluated towards Criteria 2: Completeness and clarity of General Communication Plan (Annex I Tender Specifications point 13.3 Evaluation and Award Criteria).</p>
18	20/04/2017 12:56	03/05/2017 09:45	Lot 2: communication plan	According to Annex II page 4, the main narratives and messages will be based on the results of the research and studies carried out by the Office since 2013. In order to draft the communication plan, can you provide us with the exhaustive list of documents to be used?	<p>03/05/2017</p> <p>Please refer to Annex II point 1.3. "Background information for preparation of the bid" to have more information on outcomes and achievements from previous campaigns.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
19	20/04/2017 12:57	03/05/2017 09:46	Lot 2: Communication plan	In order to avoid repetitions, can you please provide us with the list and description of information campaigns implemented by the EUIPO in the past 10 years?	03/05/2017 Please see reply to question 18.
20	20/04/2017 15:03	03/05/2017 10:05	General Communication Plan and references	<p>You indicate a maximum of 25 pages for the communication plan; you also ask for “2 relevant and recent examples and reference of the tenderer’s project portfolio and references” with a maximum of 5 pages.</p> <p>a) Are these max. 10 pages included in the 25 page limit above or is it max. 25 pages for the communication plan plus 5+5 pages for the references?</p> <p>b) Do you expect specific services to be part of the references or shall the tenderer select the most representative ones related to communication services covered under the lot he applies for?</p>	<p>03/05/2017 a) Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: “Tenderers are requested to present a general communication plan (max. 25 pages)” AND “supported by 2 relevant and recent examples (...). Each presentation of example should consist in a report of maximum 5 pages”. (Communication Plan (max. 25 pages) + Relevant exemple 1 (max. 5 pages) + Relevant exemple 2 (max. 5 pages).</p> <p>b) Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: “In order to better assess the methodology, approach, creativity and performance, the general communication plan should be supported by 2 relevant and recent examples and reference of the tenderer’s project portfolio and references”.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
21	21/04/2017 12:47	03/05/2017 10:07	Links between lot1 and lot2	<p>What is the relation between the two future contractors ? Is it foreseen that they work together on campaigns to maximize the impact of and ensure coherence between all communications activities? If this is the case will each tenderer have to prepare a communication plan for both lots?</p> <p>If not can you please explain clearly the difference between the two lots allowing the tenderer to draft two lot-specific communication plans?</p>	<p>03/05/2017 Once the lots will be awarded it can be possible that two different contractors would work together in the same project with different tasks. However, definition of the respective tasks of each contractor will depend on the assignments of each contractor though a request for offer.</p> <p>Please find the difference between the two lots in point 3. General Description of the Project of Annex I Tender Specifications.</p>
22	21/04/2017 12:48	03/05/2017 10:09	Link between lot1 and lot2	<p>We observe an unusual overlap of activities in both lots. Both lots will be asked to design and carry out campaigns including media relations, media buying and social media. The task description Lot 1 (page 15) includes an important number of services that are exactly the same as for Lot 2 (page 19). Can you further clarify the difference between the two lots?</p>	<p>03/05/2017 Please find the difference between the two lots in point 3. General Description of the Project of Annex I Tender Specifications.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
23	21/04/2017 12:49	03/05/2017 10:29	Link between lot1 and lot2	The price grid of lot1 lists media relations specific profiles such as "media relations director", "press officer" and "press conference manager". These profiles are absent in the price grid of lot 2. However, media relations and press conferences are mentioned as a task that may be requested under lot 2 (page 19). We would kindly ask you to either update the financial proposal document or the technical specifications accordingly.	03/05/2017 The profiles of Lot 2 price list grid are sufficient and appropriate to cover activities mentioned in Lot 2, including managing media relations (page. 19 of Annex II Technical Specifications).

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#	Submission date	Publication date	Question subject	Question	Answer
24	21/04/2017 12:54	03/05/2017 10:32	Link between lot1 and lot2	<p>a) The price grid of lot 1 lists an "advertising space buyer" (estimated annual consumption: 10). The price grid of lot 2 lists a "media buyer" (estimated annual consumption: 50) under point C. Online Advertising and Communication activities. Does this imply that advertising activities under lot 2 are limited to digital?</p> <p>b) Page 19 states that the communication campaigns of lot 2 include "purchasing of print and web space". Which profile should we use to purchase print advertising space under lot 2?</p> <p>c) Does the different estimated annual consumption (5/1) further imply that there will be more media buying under lot 2 than under lot 1 which carries "media campaigns" in its title?</p>	<p>03/05/2017</p> <p>a) No, this does not imply that advertising activities under lot 2 are limited to digital.</p> <p>b) It is understood that the "Media Buyer" profile could cover these tasks.</p> <p>c) Annex I. Tender Specifications, point 16. Volume of the framework contract: "Please note that the volume indicated is an estimation only and that the value of the Contract depends on the quantities the Office will order."</p>

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#	Submission date	Publication date	Question subject	Question	Answer
25	21/04/2017 12:57	03/05/2017 10:34	Link between lot1 and lot2	<p>The case studies are very similar in their nature and could have been presented the other way around (youth campaign for lot 1, media campaign for lot 2).</p> <p>a) Can you please clarify the difference between the two lots?</p> <p>b) Can you please clarify whether media buying e.g. on social media is excluded for the youth campaign in lot 2?</p>	<p>03/05/2017</p> <p>a) Please refer to Annex I Tender Specifications, point 3 General Description of the Project.</p> <p>b) Media buying on social media is not to be considered excluded from Lot 2.</p>
26	21/04/2017 12:59	03/05/2017 10:35	Link between lot1 and lot2	<p>Given the strong similarities between the two lots, are you planning to let the contractors of both lots compete for specific assignments if the activities could be carried out under under both lots (e.g. online advertising campaigns)?</p>	<p>03/05/2017</p> <p>Once the lots will be awarded it can be possible that two different contractors would work together in the same project with different tasks. However, definition of the respective tasks of each contractor will depend on the assignments of each contractor though a request for offer.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
27	24/04/2017 14:31	03/05/2017 10:36	General Communication Plan	In describing the communication plan, the terms of reference indicate that "Special attentions should be given to the following: explanation of the concept and positioning; visual creations and art work; measurement and evaluation." Is our understanding correct that this refers to the 2 examples to be included in the communication plan and not to the communication plan itself?	03/05/2017 Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: "In order to better assess the methodology, approach, creativity and performance, the general communication plan should be supported by 2 relevant and recent examples and reference of the tenderer's project portfolio and references". BOTH (Communication Plan and recent examples) should give "special attention to explanation of the concept and positioning; visual creations and art work; measurement and evaluation".
28	24/04/2017 14:51	03/05/2017 10:37	Tender evaluation	Criterion 3 for the evaluation of tenders includes "relevant expertise to (of?) the team". Does this refer to the team as a whole or just the profiles that are listed in sections 4.2. and 4.3. of the technical specifications?	03/05/2017 Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria. Criteria 3. "...relevant expertise to the team as requested in the technical specifications..." is referred to Annex II Technical Specifications, Point 4.3. Team members and key position profiles.

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#	Submission date	Publication date	Question subject	Question	Answer
29	24/04/2017 14:55	03/05/2017 10:38	Tender evaluation	<p>Criterion 3 for the evaluation of tenders indicates that "the tenderer should provide details on the allocation of time and resources." Considering that the allocation of time and resources will differ for each specific request and campaign under this framework contract, could you please clarify what details tenderers are expected to provide in order to meet this quality criterion?</p>	<p>03/05/2017 Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria. Criteria 3. "...global allocation of time and resources, included whether this allocation is adequate for the implementation of the general communication plan. The tender should provide details on the allocation of time and resources and the reasons behind the choice of this allocation".</p> <p>Criteria 3 should be understood as adequacy of the management, organisation and quality and control measures of the work related to the implementation of the framework contract in general.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
30	24/04/2017 15:00	03/05/2017 10:40	Technical and professional capacity	As per section 13.2.2. of the tender specifications, tenderers are requested to provide the CV of the Lead project manager. However, section 4.3 of the technical specifications indicates that tenderers are expected to provide CVs for three additional profiles. Can you please clarify which CVs and what number of team CVs tenderers are required to submit?	<p>03/05/2017</p> <p>Annex I. Tender Specifications, point 13.2.2. Technical and professional capacity assess the “educational and professional qualifications, skills, experience and expertise of the Lead project manager (...) demonstrating the capacity in conformity with article 4.2 of Annex II Technical Specifications”.</p> <p>Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria. Criteria 3. “...relevant expertise to the team as requested in the technical specifications...” is referred to Annex II Technical Specifications, point 4.3. Team members and key position profiles.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
31	24/04/2017 15:35	03/05/2017 10:41	Communication Plan	Does the page limit (25 pages) for the communication plan include the max. 10 pages for previous references?	03/05/2017 Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: "Tenderers are requested to present a general communication plan (max. 25 pages)" AND "supported by 2 relevant and recent examples (...). Each presentation of example should consist in a report of maximum 5 pages". Communication Plan (max. 25 pages) + Relevant exemple 1 (max. 5 pages) + Relevant exemple 2 (max. 5 pages).
32	24/04/2017 15:36	03/05/2017 10:41	Communication plan	Is there a character limit per page?	03/05/2017 No. It is not established in the procurement documents.
33	24/04/2017 15:37	03/05/2017 10:42	Communication plan	Are we right to assume that the communication plan only includes campaigns and no on-going activities (e.g. drafting of web news or social media contents that are not related to campaigns)?	03/05/2017 On the basis of the technical specifications, tenderers have no grounds to assume that the communication plan should only include campaigns.

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#	Submission date	Publication date	Question subject	Question	Answer
34	24/04/2017 16:31	03/05/2017 10:43	Lot 2 Communication campaigns	How many communication campaigns are you willing to design and implement for years 1&4 as well as for years 2&3?	03/05/2017 The volume of the framework contract is established in point 16 of the Annex I Tender Specifications. The volume indicated is an estimation only and the number of communication campaigns is not defined yet.
35	24/04/2017 18:39	03/05/2017 10:46	Deadline	Good evening, We believe that the EUIPO should receive high quality proposals for the two LOTs. Companies put a lot of effort and resources into each proposal of this type but, 21 working days/32 calendar days are way too few to prepare a quality proposal. Therefore, we would kindly request to consider, as other agency also did, the possibility to postpone the deadline for submission of the tender. Regarding the Financial Regulation you are referring to, the Article 152 states that: "When fixing time limits, the contracting authority shall take account of the complexity of the contract and the time required for drawing up tenders." Thank you very much in advance!	03/05/2017 In view of the large number of questions received, of the delay in publishing the answers and taking into consideration the time needed for tenderers to prepare quality offers, the EUIPO decided to extend the deadline for submission of offers until the 12th of June. A corrigendum to the contract notice is to be published accordingly with also a new date for the opening session.

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#	Submission date	Publication date	Question subject	Question	Answer
36	25/04/2017 10:25	03/05/2017 10:47	Communication Plan	<p>Would you be so kind to answer the following question: Can you confirm that point 2. of the technical proposal, "General Communication Plan" is supposed to integrate all elements from Lot 1 and Lot 2 without any difference?</p> <p>Can you also confirm that if a tenderer submits proposals for Lot 1 and Lot 2 he shall present the very same Communication Plan for both lots?</p>	<p>03/05/2017 Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: "a general communication plan (...) setting out the strategic approach to achieve the objectives pursued by the EUIPO...". A general communication plan refers to the strategic approach specially illustrated for the lot (or lots) to which tenderers are responding. A communication plan should be present for each lot.</p> <p>Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria: "The criteria below are identical for both lots. However, tenderers must note that each lot will be evaluated separately."</p> <p>In the case of tenderer responding to the two lots, tenderers may well have the same communication plan covering the strategic approach of both lots.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
37	25/04/2017 10:27	03/05/2017 10:49	Financial proposal	<p>We understand from the specifications (namely, the pricelist) that:</p> <p>a. the first part of the financial evaluation corresponds to the total estimated annual amount, in other words to the estimation of total volume of the framework contract per year as defined and set on pages 13 and 14 of Annex 1;</p> <p>b. the total volume of the framework varies from one year to another, namely €0.5 million for year 1, €1 million for year 2 year and 3 and €0.5 million for year 4;</p> <p>c. EUIOP has determined the 'estimated annual consumption' (man/days) of the pricelist based on the total volume of the framework contract of years 2 and 3 (namely € 1 million)</p> <p>Could you confirm our understanding is correct?</p>	<p>03/05/2017</p> <p>The "estimated annual consumption" figures provided in the price list are indicative and are the basis to obtain a price list for the financial evaluation.</p> <p>As established in the point 16 of the Annex I Tender Specifications, "the total volume of the Framework Contract, for four (4) years, is estimated at 3,000,000.00€ per lot. (...) Please note that the volume indicated is estimation only and that the value of the Contract depends on the quantities the Office will order. "</p>

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#	Submission date	Publication date	Question subject	Question	Answer
38	25/04/2017 10:27	03/05/2017 10:51	General Communication Plan and references	<p>Could you please answer to the following question: You indicate a maximum of 25 pages for the communication plan; you also ask for “2 relevant and recent examples and reference of the tenderer’s project portfolio and references” with a maximum of 5 pages.</p> <p>a) Are these max. 10 pages included in the 25 page limit above or is it max. 25 pages for the communication plan plus 5+5 pages for the references?</p> <p>b) Do you expect specific services to be part of the references or shall the tenderer select the most representative ones related to communication services covered under the lot he applies for?</p>	<p>03/05/2017</p> <p>a) Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: “Tenderers are requested to present a general communication plan (max. 25 pages)” AND “supported by 2 relevant and recent examples (...). Each presentation of example should consist in a report of maximum 5 pages”. Communication Plan (max. 25 pages) + Relevant exemple 1 (max. 5 pages) + Relevant exemple 2 (max. 5 pages).</p> <p>b) Annex V. SFR. Strategy paper / technical proposal. Point 2. General Communication Plan: “In order to better assess the methodology, approach, creativity and performance, the general communication plan should be supported by 2 relevant and recent examples and reference of the tenderer’s project portfolio and references”.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
39	25/04/2017 10:29	03/05/2017 10:53	Lot 2 communication plan	<p>The tenderers are required to present a general communication plan. We understand that this communication plan should only focus on communication campaigns (defined as sets of actions designed and carried out in a determined period of time aimed for fulfilling specific objectives, as opposed to a general approach to a permanent corporate or brand building strategy), which are the subject of the call for tenders.</p> <p>Could you confirm our understanding is correct?</p>	<p>03/05/2017 Please see reply to question 36.</p>
40	25/04/2017 10:30	03/05/2017 10:56	Communication Plans	<p>Could you provide the tenderers with the EUIPO's current or previous communication plans?</p>	<p>03/05/2017 Please see reply to question 18.</p>
41	25/04/2017 11:51	03/05/2017 10:57	About Lot 1	<p>Could you please clarify if total budget is inclusive of payment needed for media buying for advertisement?</p>	<p>03/05/2017 Yes. Prices should be fixed for the services/supplies/works described in the technical specifications.</p>

Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
42	25/04/2017 11:56	03/05/2017 10:59	Technical and professional capacity	The tenderer must prove at least three contracts delivered in English in fields related to this contract in the last three years with a minimum value of 150.000EUR each." Can the technical solvency be justified by a single project that triples the requested amount of € 150,000, which is more than € 450,000?	03/05/2017 No, the capacity criterion is clear and self-explanatory: Annex I. Tender Specifications, point 13.2.2. Technical and professional capacity: "The tenderer must prove at least three contracts delivered in English in fields related to this contract in the last three years with a minimum value of 150.000EUR each."

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#	Submission date	Publication date	Question subject	Question	Answer
43	25/04/2017 11:57	03/05/2017 11:01	Professional profiles	Should the professional profiles requested in the proposal be incorporated into the tenderer?	<p>03/05/2017 Yes, the profiles should be incorporated as follows:</p> <p>Annex I. Tender Specifications, point 13.2.2. Technical and professional capacity assess the “educational and professional qualifications, skills, experience and expertise of the Lead project manager (...) demonstrating the capacity in conformity with article 4.2 of Annex II Technical Specifications”.</p> <p>Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria. Criteria 3. “...relevant expertise to the team as requested in the technical specifications...” is referred to Annex II Technical Specifications, point 4.3. Team members and key position profiles.</p>

Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
44	25/04/2017 12:05	03/05/2017 11:03	Communication plans	<p>In case we decide to go for the two lots, it is our understanding that we need to submit two different full proposals (beyond the 2 case studies).</p> <p>Therefore, 2 separate communication plans and 2 separate texts on management, even if these texts will be very similar if not identical among them (since many guiding principles will be the same for the 2 lots) should be submitted. Is this correct?</p> <p>Thank you.</p>	<p>03/05/2017</p> <p>Yes, as indicated in Annex I. Tender Specifications, point 13.3. Technical Evaluation and Award Criteria: "The criteria below are identical for both lots. However, tenderers must note that each lot will be evaluated separately."</p>

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#	Submission date	Publication date	Question subject	Question	Answer
45	25/04/2017 12:10	03/05/2017 11:08	Examples supporting the communication plan (page limit)	<p>Concerning the communication plan, it is said that "In order to better assess the methodology, approach, creativity and performance, the general communication plan should be supported by 2 relevant and recent examples and reference of the tenderer's project portfolio and references. Each presentation of example should consist in a report of maximum 5 pages".</p> <p>Since the communication plan has an extension limit of 25 pages, we understand that these two examples (up to 10 pages) are an annex and do not count for the total 25 pages. Is this correct?</p> <p>Thank you.</p>	<p>03/05/2017 Please see reply to question 31.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
46	26/04/2017 13:52	03/05/2017 11:10	Award Criteria 3	One of the award criteria covers the following: 'Relevant expertise to the team as requested in the technical specifications'. Can you clarify your expectations? Which type of information are you expecting? Expertise of the team is already evaluated during the selection phase (presentation of cv's). It is not allowed by European public procurement law to judge twice the same elements at different stages of the tender.	<p>03/05/2017</p> <p>One of the profile refers to a selection criterion while the others are linked to the technical evaluation:</p> <p>Annex I. Tender Specifications, point 13.2.2. Technical and professional capacity assess the “educational and professional qualifications, skills, experience and expertise of the Lead project manager (...) demonstrating the capacity in conformity with article 4.2 of Annex II Technical Specifications”.</p> <p>Annex I. Tender Specifications. 13.3. Technical Evaluation and Award Criteria. Criteria 3. “...relevant expertise to the team as requested in the technical specifications...” is referred to Annex II Technical Specifications, point 4.3. Team members and key position profiles.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
47	27/04/2017 10:00	03/05/2017 11:13	Case Study Lot 2	Can you please further clarify whether the six month duration of the campaign covers the whole project duration (including planning and production) or only the implementation of the campaign activities.	03/05/2017 The case study clearly distinguishes the implementation from the other activities: Annex V. SFR. Strategy paper / technical proposal, point 1. Case Study: "The expected campaign would (...) have a duration of 6 months maximum." (implementation of the campaign will last 6 months maximum). However, the case study itself and notably the budget should include as well planning and production.
48	27/04/2017 13:00	03/05/2017 11:15	Proof of manpower	On page 10 of the tender specifications you require to "demonstrate that at least 30% of all ... permanent contract staff is working in fields related to this contract" Could you please indicate how preferably this proof should look like in a straight-forward way?	03/05/2017 At that stage, it is clearly indicated in Annex I. Tender Specifications, point 13.2.2 Technical and professional capacity: "A statement of the average annual manpower of the economic operator for the past three years".

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#	Submission date	Publication date	Question subject	Question	Answer
49	27/04/2017 13:01	03/05/2017 11:16	Profiles - Lot 2	<p>When describing the different profiles on page 12 of annex II, under a) Strategy, campaign design and approach, you start Lot 2 with "Media Strategist: Head of the PR and communication strategy, the position is the main responsible for the coordination and successful execution of communication campaigns. This senior position will provide the direction to each project team to achieve the stated goals of the campaigns and the overall long-term objectives. "</p> <p>We do not clearly understand this positioning: Lot 2 is not only about PR campaigns, and we therefore don't understand why the area "Strategy, campaign design and approach" should be led by the Head of PR instead of a "general" communication strategist. Especially if this person is expected to "provide the direction to each project team..." Furthermore, we understand that this profile is covered later on under "Public Relations Director". Could you please explain the reasoning and also let us know if we can present a ""general communication strategist" instead?</p>	<p>03/05/2017 The price list cannot be modified. The profile of communication strategist is fit for purpose.</p> <p>Once the contract will be awarded, it will be up to the contractor to propose the specific profiles to answer to the request for offer.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
50	27/04/2017 13:02	03/05/2017 11:20	History and activities	Regarding the presentation of the tenderer: "history, activities,.." could you please indicate what you refer to "history and activities" and how you expect them to be presented?	03/05/2017 There is no formal model requested and tenderers are free to present their history and previous activities relevant to the call for tender, in a format that suits them best.
51	27/04/2017 14:41	03/05/2017 11:22	Technical and professional capacity evidence/ SPF	Could you please confirm that the Technical and professional capacity evidence (presentation of the tenderer, statement of average annual manpower, the educational and professional qualifications, skills, experience and expertise of the Lead project manager) that is presented in the Standard Reply Form will be submitted in a later stage if it is requested from the authority and NOT with the tender?	03/05/2017 Please see reply to question 10.

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#	Submission date	Publication date	Question subject	Question	Answer
52	27/04/2017 14:47	03/05/2017 11:23	Evaluation criteria 3	<p>In the evaluation criteria you write "Criteria 3: Adequacy of the management, Organisation, Quality and Control Measures of the work: Distribution of the roles and responsibilities (balance of profiles), planning of the use of the proposed team, relevant expertise to the team as requested in the technical specifications and global allocation of time and resources, included whether this allocation is adequate for the implementation of the general communication plan. The tender should provide details on the allocation of time and resources and the reasons behind the choice of this allocation."</p> <p>Is this criteria supposed to be related to the case study and/ or the communication plan? Otherwise, could you please indicate how you expect tenderers to allocate resources in a framework contract as it depends on specific orders?</p>	<p>03/05/2017</p> <p>Criteria 3 should be understood as adequacy of the management, organisation and quality and control measures of the work related to the implementation of the framework contract in general.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
53	28/04/2017 12:58	03/05/2017 11:25	eTendering system – presentation to 1 lot	We are not able to set up a tender for a call of several lots only applying for one lot; the system doesn't allow to click/ unclick the tick-fields of the lots. Could you please indicate how to proceed?	03/05/2017 Please refer to the Help page of the application at: https://webgate.ec.europa.eu/supplier_portal_toolbox/spotsHelpPage.jsp?LANGUAGE=en You may also contact the dedicated helpdesk either by phone: +32 229 71063 or by e-mail: DIGIT-ESUBMISSION-SUPPORT@ec.europa.eu.
54	28/04/2017 12:59	03/05/2017 11:28	Presentation of list to principal related contracts	Could you please confirm that the reference list to principal related contracts is one common list for all consortium partners and has to be presented under the lead partners documentation only?	03/05/2017 Yes, the list might be common but should clearly indicate who did what. Guidebook for economic operators. Point 4. Collaboration with other economic operators "In any case, tenders must specify very clearly whether each company involved in the tender is acting as a partner in a joint tender or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others)."

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#	Submission date	Publication date	Question subject	Question	Answer
55	28/04/2017 13:01	03/05/2017 11:34	Presentation of CVs	<p>Could you please specify if the team CVs shall we presented altogether or per consortium partner and subcontractor?</p> <p>Furthermore, in the guidebook you indicate that tenderers shall include in Part 4 of the tender “the list of names together with a table showing the correspondence between the numbers indicated on the CVs and the actual names”. Could you please specify what “Part 4 of the tender” is and where the list shall be presented? We cannot find the tab/field in the eTendering system.</p>	<p>03/05/2017 Yes, the CVs shall be presented together but must indicate to which member they relate to. Guidebook for economic operators. Point 4. Collaboration with other economic operators “In any case, tenders must specify very clearly whether each company involved in the tender is acting as a partner in a joint tender or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others).”</p> <p>“Part 4 of the tender” refers more specifically to procurement procedures with submission of ‘paper’ tenders. In case of e-submission, you may simply provide the list in a separate document to be submitted together with the other files related to selection criteria.</p>
56	28/04/2017 15:18	03/05/2017 11:35	Profiles Lot 2	<p>Is the media strategist mentioned in the Tor the equivalent of the communication strategist mentioned in the price grid? If not can you modify the price grid accordingly?</p>	<p>03/05/2017 Yes, the Media strategist should be understood similar as communication strategist.</p>

Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
57	28/04/2017 16:25	03/05/2017 11:37	Equal treatment of tenderers	We are concerned that the conditions and execution of the above mentioned tender lend an undue advantage to the incumbent contractor. The incumbent - after four years of implementing communication campaigns on behalf of EUIPO (formerly OHIM) - necessarily benefits from insights that other tenderers will not have readily available. Given that the tender was published during the Easter weekend and that the tendering period was limited to 32 calendar days, the time available to other tenderers was severely limited so as to compensate for the incumbent's insights and elaborate EUIPO-specific, effective communication plans. Under these circumstances, we are all the more surprised that our questions for clarification, which refer to important aspects of the content and structure of the technical proposal, have so far been left unanswered. These questions were submitted via the etendering website already more than a week ago. Obviously, the longer these questions are left unanswered, the less likely will we be able to meet the deadline of submission. Any delays in receiving clarifications therefore work in favour of the incumbent, whether	03/05/2017 Please see reply to question 35.

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#	Submission date	Publication date	Question subject	Question	Answer
				of the incumbent, whether intentionally or unintentionally. Can you please clarify how under these circumstances you see the equal treatment of tenderers being assured?	

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#	Submission date	Publication date	Question subject	Question	Answer
58	03/05/2017 12:29	03/05/2017 14:40	Technical offer	<p>Can you please confirm that we have to introduce cv's (or similar) in the technical offer?</p> <p>In recital 23 of Commission Delegated Regulation (EU) 2015/2462 it is mentioned that if cv's (or similar) are provided and evaluated in the technical offer any change in the staff assigned to perform the contract, even where justified through illness or a change in position, would call into question the conditions under which the contract was awarded and thereby create legal uncertainty.</p> <p>By legal uncertainty we fear that the award decision could be questioned. This would introduce a major change in the successful contractor's initial offer. In case of departure of one the team members or key position profile could EUIPO or competitors ask to stop the implementation of the framework contract? Can you please clarify what is EUIPO's position? Do we still have to provide cv's in the technical offer?</p>	<p>03/05/2017</p> <p>In accordance with article 13.2.2, second dash of annex I, tender specifications, and in relation with article 4.2 of annex II, technical specifications, only the CV of the Lead Project Manager is required.</p> <p>For the other team members (article 4.3 of annex II, technical specifications), only CVs as EXAMPLES of the staff to be mobilised are requested in order for the tenderer to demonstrate its ability to present suitable personnel.</p> <p>In any case, potential replacement of staff may not call into question the conditions under which the contract is awarded. Indeed, the procurement documents foresee such replacement, which is governed by the General Conditions of contract, and in particular articles 7.4 and 7.7. It cannot be sustained that the application of conditions published with the call for tenders and part of the contract as from its signature may be leading to legal uncertainty.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
59	10/05/2017 16:04	11/05/2017 11:37	eTendering system - presentation to 1 lot - unsolved	<p>With reference to question 53, please find below the answer we received from the helpdesk you refer us to; could you please help us to solve this issue or indicate how to proceed?</p> <p>-----</p> <p>From: <DIGIT-EC-SMT@ec.europa.eu> Date: 2017-05-10 15:46 GMT+02:00 Subject: IM0015647197 is on hold and waiting for your input - Tender AO/004/17 (EUIPO, technical problem) To: xxx</p> <p>Status</p> <p>On hold On hold. Waiting for your input.</p> <p>Subject</p> <p>Tender AO/004/17 (EUIPO, technical problem)</p> <p>Reference</p> <p>IM0015647197</p>	<p>11/05/2017</p> <p>There is no mistake, but there is nonetheless a technical inconsistency between the published notice and the eSubmission platform. We therefore recommend applying the solution proposed by the Helpdesk, i.e. uploading dummy information for the lot the tenderer is not interested in.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				<p>Message</p> <p>Dear user,</p> <p>Hello xxx,</p> <p>Indeed, call for tender requires that you for both lots, but in our opinion this is mistake from the Contracting organization. You need to ask to EUIPO if it's not a mistake, in case it's a mistake, you could eventually submit for both and put dummy information for the lot they don't want to submit. But first pleaseo confirm this with EUIPO.</p> <p>Kind regards,</p> <p>Yulia SEROVA E-PROCUREMENT SUPPORT</p> <p>Thank you for your cooperation.</p> <p>More Information</p> <p>Click here to follow the history and details of your request.</p> <p>IT SERVICE DESK</p>	

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#	Submission date	Publication date	Question subject	Question	Answer
60	04/05/2017 20:40	12/05/2017 11:25	creative proposals within Communication plan	<p>From your answer to question 27 ("Communication Plan and recent examples should give special attention to explanation of the concept and positioning; visual creations and art work; measurement and evaluation"), we understand that you expect the tenderers to provide you with their approach and methodology for designing and producing creations and art work and that you do not expect the tenderers to provide you with genuine creative proposals, knowing that the latest do not belong to the design of a communication plan but to its implementation. Could you confirm that our understanding is correct?</p> <p>Thank you.</p>	<p>12/05/2017 Tenderers are expected to provide all relevant information to support their bid, including creative proposals if they consider this appropriate.</p>
61	04/05/2017 20:41	12/05/2017 11:29	Pricelist - value FC	<p>From your answer to question 37, we understand that the total of the pricelist for lot 2 can exceed the highest value of the estimated total volume of the framework contract per year (i.e. € 1 million). Could you confirm that our understanding is correct?</p> <p>With thanks.</p>	<p>12/05/2017 The estimated volume of the FWC and respective lots is determined, i.e. 3 million euros for lot 2. The Price list is indicative and the final consumption over the years will depend on requests for services.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
62	04/05/2017 20:39	12/05/2017 15:10	Communication plan	<p>When asked to “provide the tenderers with the EUIPO’s current or previous communication plans?” (question 40), the contracting authority referred to question 18. However, question (and answer) 18 is about research and studies on intellectual property, not about any communication plan(s). Is it the case then, that during the past four years, both the EUIPO and the Observatory on Infringements of Intellectual Property Rights have been designing and carrying out communication activities – with the help of external contractors [namely P.A.U. Education S.L.] – without any communication plan? Should it be the contrary (i.e. there is indeed a plan or plans), could you please provide all such documents to all tenderers and, by doing so, ensure that all tenderers are treated on an equal foot (and that the incumbent contractor does not benefit from undue advantage)? If there truly isn’t such a plan, in the name of transparency and equality of treatment, could you provide all tenderers with the detailed list of specific contracts (with subject, duration, amounts and if possible short description of the services provided) signed between the contracting authority and P.A.U</p>	<p>12/05/2017 The EUIPO and Observatory do not have a communication plan labelled as such. However communication and awareness activities have been carried out on the basis of the EUIPO strategic plans https://euiipo.europa.eu/ohimportal/en/strategic-plan (the one from 2011-2016 and the one 2016-2020, especially line of action 6) as well as Observatory Multi-annual plan 2014-2018 https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/about_us/observatory_multiannual_plan_en.pdf completed by annual work programmes https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/about_us/observatory_work_programme_2017_en.pdf . Observatory Annual reports as well as minutes of working groups and plenary meetings are also useful background https://euiipo.europa.eu/ohimportal/en/web/observatory/about-us strategic and operational information.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				contracting authority and P.A.U Education S.L during the past four years. With thanks.	
63	15/05/2017 08:33	16/05/2017 08:01	Technical and Professional Capacity	<p>To prove the technical and professional capacity, Annex I Point 13.2.2. (1) Three contracts in fields related to this contract in the last three years with minimum value of 150.000 € (2) Experience of working on one project in five different EU countries in the last three years.</p> <p>Are digital and technological development projects also considered (webs, platforms, portals, digital applications, CRM, ERPS, ...) or should they be strictly advertising campaigns?</p> <p>Thank you</p>	<p>16/05/2017</p> <p>It is the responsibility of tenderers to select the most appropriate references in order to allow the evaluation committee to assess their technical and professional capacity in relation to the specifications of this tender.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
64	30/05/2017 16:55	05/06/2017 10:01	Lot 2	<p>When asked (see Q&A 45) about the sources of information available for designing the communication plan you replied "Observatory Annual reports as well as minutes of working groups and plenary meetings are also useful background strategic and operational information. We understand that an important meeting of the Observatory's Public Awareness Working Group took place between 3 and 5 May 2017. We understand that this information is crucial for designing a state-of-the-art and up-to-date communication plan. We understand that this information is not yet available on the website. We understand that the incumbent contractor (P.A.U. Education S.L.) attended that meeting (as it did all previous meetings) and has had access to that information. We are very concerned that this situation gives the incumbent contractor an unfair advantage over other companies and that this breaks the rule of equal treatment between all tenderers. Could you confirm that the minutes of that meeting will be published before the submission deadline for offers and that it will be published far enough in advance of the deadline so that tenderers will have enough time to adapt their</p>	<p>05/06/2017</p> <p>In order to ensure transparency and equal treatment towards prospective tenderers, the Office agrees on disclosing the draft minutes of the working groups, for information purposes. These are published in the document library on the eTendering platform.</p> <p>It must be noted, however, that the Contracting Authority considers that the tender documentation, together with the online material, provides an exhaustive set of all information needed for the preparation of the tender; therefore the incumbent contractor does not have any competitive advantage.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				have enough time to adapt their communication plan accordingly?	
65	30/05/2017 16:56	05/06/2017 11:43	Lot 2	<p>From the 15 to 17 June 2016, EUIPO organised a 'Ideas Powered Youth Workshop'. Surprisingly the outcome, results and findings of that meeting have not been published. However, we know that discussions were held as regards the future of the 'Ideas Powered' initiative during that workshop. Given the importance of this initiative to the EUIPO communication strategy towards youth, we understand that this information is crucial to designing a tailor-made communication plan. We also understand that the current incumbent attended that workshop and has had access to that crucial information. We are very concerned that this situation gives the incumbent contractor an unfair advantage over other tenderers and that that breaks the rule of equal treatment between all tenderers. Could you confirm that the outcome, results, findings of that meeting will be published before the submission deadline for offers and that it will be published far enough in advance of the deadline so that tenderers will have enough time to adapt their communication plan accordingly?</p>	<p>05/06/2017 In order to ensure transparency and equal treatment towards prospective tenderers, the Office makes available the Event Summary, for information purposes. The document is published in the below link under the tab for "meetings" and by selecting 2016: https://euiipo.europa.eu/ohimportal/en/web/observatory/about-us</p> <p>It must be noted, however, that the tender documentation, together with the online material, provides an exhaustive set of information needed for the preparation of the tender and the incumbent contractor does not have any competitive advantage.</p>

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