

Call for tenders' details

Title: Technical expertise to support the Commission on issues relating to an antitrust case in the IT sector.

Start date: 28/06/2017

Time limit for receipt of tenders: 25/08/2017

Contracting authority: European Commission, DG Competition (COMP)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	02/07/2017 00:16	03/07/2017 11:05	Request to participate. Inner envelope question	The original and three (3) copies for the request to participate. Should this be in the inner envelope or the outer (it's not clear)?	03/07/2017 The original and the three (3) copies should be put in the inner envelope.
2	05/07/2017 01:07	06/07/2017 16:04	Annex with "Request to Participate"	Is there a specific Annex with details on the "Request to Participate"	06/07/2017 There is no specific annex with details on the request to participate. Information on how to present the request to participate can be found in section 8.6 of the tender specifications.

Call for tenders questions summary

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3	04/07/2017 18:43	06/07/2017 18:10	Applications from academic institutions	<p>How can an academic institution / university fulfil Evidence A1 (p.19)? We obviously do not have revenues in SEO/SEA, although we have been doing research in these areas for about ten years now. We do not have timesheets or equivalents, either.</p>	<p>06/07/2017 An academic institution / university may submit any other evidence that it deems relevant in order to prove that it meets the requirements under criteria A1. For example relevant research contracts with professors and/or research staff assigned to the project(s) as well as budget allocation and/or external funding received for the project(s) could be means of proving the value of the project(s) undertaken.</p> <p>Please note that the team of experts may be constituted by a group of entities (consortium), which may include also subcontractors, where the capacity of the group as a whole fulfil the criteria for the performance of the tasks under this framework contract (see section 7.1.3, 8.4 and 8.5 of the tender specifications).</p>

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4	05/07/2017 18:25	10/07/2017 12:06	Request for clarification on declaration of non-conflict	<p>Our network has a joint business relationship with Google Inc, our alliance aims to bring new and innovative services to companies around the world using our business insights and Google technology. Our alliance with Google provides our network with a framework to discuss and identify possible joint projects with respect to the co--development of enterprise solutions. Furthermore, many of our network firms have introduced Google for Work products (ie gmail, google cloud etc)</p> <p>Having studied the tender specifications, we believe our network has the relevant expertise required to respond to this accelerated restricted invitation to tender. However, in order to proceed, we require clearance from DG Competition that our alliance with Google Inc does not preclude us from bidding under the articles sited in Annex IV (Declaration of non-conflict of Interest) of the tender specifications.</p> <p>Thank you in advance for your clarification of this matter."</p>	<p>10/07/2017</p> <p>Pursuant to Article I.14.1. of the draft framework contract and section 3.6. of the tender specifications, a business relationship of a potential tenderer concluded with Google in the three years prior to the submission of the tender would qualify as conflict of interest either if it entails that the tenderer executed work for Google in the field of SEO and SEM or if the business relationship, even if not directly concerning the fields of SEO and SEM, is of such nature that the tenderer has personal or financial interests in Google or gains from Google that may be regarded as influencing or impairing its objectivity and impartiality in advising the Commission in relation to the monitoring of Google's compliance with the Commission Decision in the Google Search (Shopping) case. For the latter situation, it is for the tenderer to explain the specifics of the business relationship and how the financial interests in or gains from the partnership with Google cannot be regarded as influencing objectivity and impartiality in relation to the foreseen tasks within this framework contract. As regards the mere use of Google products by a company, this would not automatically fall within the restrictions mentioned above. Please</p>

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					<p>restrictions mentioned above. Please note that the evaluation of the requests to participate, including the evaluation of the compliance with the requirements concerning conflicts of interest, will only be conducted by the Commission after the expiry of the deadline for submission of requests to participate and the opening of the submissions, in line with the provisions of section 7 of the tender specifications.</p>
5	13/07/2017 21:12	17/07/2017 14:24	<p>Clarification of the sentence: as a member of the Board or as a member of other management bodies of Google, of complainants³</p>	<p>What is considered "other management bodies" is this intended to exclude all former employees of the companies in question or is it intended to exclude executive aka board level representatives?</p>	<p>17/07/2017 Pursuant to Article I.14.1 of the draft framework contract and section 3.6 of the tender specifications, a tenderer who in the past three years have been employed by Google or any of the other companies defined in Article I.14.1 a) and footnotes 3, 4, 5 of the draft framework contract, as well as section 3.6, paragraph 2, (a) and footnotes 11, 12 and 13 of the tender specifications, or who have been a member of the Board or a member of any other management bodies (for example: board of Directors, Directors General or other executives) of these same companies would be considered to be in conflict of interest.</p>

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6	13/07/2017 16:25	17/07/2017 16:31	Template	Is a template available for the requests to participate?	17/07/2017 No, there is no template for the request to participate. The published documents contain all the information, which the request has to include.
7	13/07/2017 15:45	17/07/2017 17:00	Technical and Professional Capacity Criteria and Evidence	Under point 7.1.3 "Technical and Professional Capacity Criteria and Evidence", Evidence A2 section (2) (page 20 of the tender specifications) it is requested that the tenderer provides "employment contracts and/or other appointment or cooperation contract signed between the tenderer and each of the foreseen members of the team". In case all the team members that will work in the project are in-house staff of the tenderer, could you please confirm that a certificate issued by the HR department of the tenderer, certifying that those team members are currently full time employees, would be sufficient proof to fulfill Evidence A2 section (2)? Thank you in advance for your answer	17/07/2017 I can confirm that in a situation described above, the mentioned certificate issued by the HR department of the tenderer, certifying that those team members are currently full time employees, together with the report, mentioned in the Tender Specification under point 7.1.3 "Technical and Professional Capacity Criteria and Evidence", Evidence A2 section (1) (page 20 of the tender specifications), would be sufficient proof to fulfil Evidence A2 section. In case of joint tender or sub-contracting, Evidence A2 (3) is also necessary.

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8	13/07/2017 21:27	17/07/2017 18:08	Tender Specification issues	There are a number of notable defects in the Tender Specification for example there are two section "7.1.1" and "7.1.3" is there a plan to update this as the section numbering is contractually important?	17/07/2017 Thank you for the remark. We uploaded the corrected Tender Specifications. If tenderers have already prepared their tenders and they refer to the wrong numbering, we will either ask for clarification or -if the situation is clear- we will proceed without asking clarification, but no tender will experience any disadvantage due to the wrong numbering of the original Tender Specifications.
9	14/07/2017 01:07	17/07/2017 18:11	Confusing cross references, please clarify:	Section 8.6 has the following: Part D: Selection (see section 7.2.1) However section 7.2.1 relates to Step II Award Criteria, should this actually be pointing to paragraph on page 16, 7.1.3 Step I - Selection Criteria?	17/07/2017 Thank you for the remark. I can confirm that in the Tender Specifications in section 8.6. (p28) the correct text is "Part D: Selection (see section 7.1.3)". We uploaded the corrected Tender Specifications.

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