

## Call for tenders' details

Title: Study on Blockchains: Legal, Governance and Interoperability Aspects — Smart 2018/0038

Start date: 05/12/2018

Time limit for receipt of tenders: 17/01/2019

Contracting authority: European Commission, DG for Communications Networks, Content and Technology (CONNECT)

Status: Closed

## Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	10/12/2018 14:32	12/12/2018 08:19	Tender Specifications. Criterion 1	As concerns the above mentioned Criterion, the tender specifications (page 32) specify: "Tenderers should provide a description of the methodologies and multidisciplinary approaches proposed for undertaking the tasks. They should list in particular the tools and methods envisaged. This description must be as precise as possible. Methods and tools should relate particularly to [please develop further]." We understand that there is a clerical mistake in the last phrase. Could you please provide us with an updated version of the Tender Specifications?	<b>12/12/2018</b> Thank you for pointing this out. New version of the tender specifications is now available.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
2	10/12/2018 12:22	12/12/2018 11:53	Team	We are a legal entity established in Germany with a sister legal entity in the UK, part of the same economic group. In the event of a no-deal Brexit, would we be able to staff the project with people employed in the UK?	<b>12/12/2018</b> For the Access to Market of UK Legal Entities, please see the information for Tenderers from the UK provided on page 4 of the Tender Specifications . We are not in the position to comment on the specific labour law conditions applying to the economical operators linked to no-deal Brexit.
3	12/12/2018 11:37	17/12/2018 11:50	Section 4.2.4 Technical and professional capacity criteria and evidence	Criterion 1 seems to require experience in the following fields: 1. Blockchain technology 2. International legal and regulatory frameworks for technology related fields 3. Capacity in drafting reports and recommendations. Evidence 1 talks about 3 contracts/relevant services of a minimum of 100 000 euro. A) Please, explain whether each of the 3 fields shall be evidenced by 1 contract or not. B) Please, explain whether "experience in Blockchain technology" could be interpreted as technical (e.g. engineering) experience in Blockchain technology.	<b>17/12/2018</b> A) Yes. One contract of final report linked to that contract. B) Yes, but also knowledge on legal issues with blockchain is needed.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
4	21/12/2018 10:15	21/12/2018 11:08	Provision of time sheets on person/days, consumption, travel details, use of consumables etc	Provision of time sheets on person/days, consumption, travel details, use of consumables etc has been added as a minimum requirement for the preparation of interim and final progress reports (which are not to be in excess of 1000 words in length). In the explanation of Part E of the structure and content of the tender, it is stated that the quoted price must be a fixed amount which includes all charges. In section I.4.3 (Price) of the Draft Service Contract (Service contract conditions of January 2016) it is again stated that reimbursement of expenses (consumption, travel details, use of consumables etc.) is not applicable to this contract. Could the Commission please confirm that the conditions relating to the final payment are as expressed in "Payment of the balance" (Section I.5.3. of the draft service contract) and that payment is not dependent on the receipt, approval, acceptance and or audit of additional documentary evidence relating to time sheets on person/days, consumption, travel details, use of consumables etc.	<b>21/12/2018</b> The deliverables required for payment of balance are indicated in the model service contract under the article I.5.3 part 1(a) and (2). No other documentation is required. The information on audits can be found in the general conditions of the model service contract Article II.24 "Checks and Audits"

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
5	18/12/2018 13:44	21/12/2018 11:16	Impact of deploying a EU Blockchain Infrastructure in 2020	The tender specification requests that “the tenderer should consider the work already carried out by other actors”. We are aware that the Commission issued an invitation to tender - SMART 2017/0044 - Study on opportunity and feasibility of an EU blockchain infrastructure in January 2018. In view of the very short timescale for the completion of the current legal study, could the Commission indicate if prospective tenderers will be given access to the “work already carried out” by the EU blockchain infrastructure study to support the provision of meaningful inputs for the “socio-economic and legal impacts of deploying of a EU Blockchain Infrastructure in 2020” (Specification Page 11).	<b>21/12/2018</b> The successful tenderer who will carry out the performance of this procurement procedure will have access to the final report of the “Study on the socio-economic and legal impacts of deploying of a EU Blockchain Infrastructure in 2020” – SMART 2017/0044.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
6	02/01/2019 06:16	04/01/2019 15:28	Extension to the timeframe for response to this tender	<p>This tender was published on 05/12/2018 for submission on 17/01/2019.</p> <p>Our experience has shown that the Commission generally attempts to provide a period of 60 days for the preparation and submission of tender responses. This tender formally provided 42 days, however this included a year end holiday period. Tenderers therefore only have a effective period of 35 days to prepare responses. In this time frame, it is proving difficult for tenderers to both develop professional responses and obtain letters of intent from external experts to participate in this tender. Could the Commission consider extending the period for responses to this tender until February 05, 2019.</p>	<p><b>04/01/2019</b></p> <p>The tender SMART 2018/0038 was published on 05/12/2018 for submission on 17/01/2019. Although the Commission in some cases may provide up to 60 days for the preparation and submission of a tender, the minimum requirement for a tender of this type is 35 calendar days. The tender provides 42 days for tenderers to prepare and submit their offers. For the above reasons, the deadline for the call will not be extended.</p>

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
7	02/01/2019 14:36	04/01/2019 17:39	Progress Reports, interim progress report, final progress report (p.19 of ToR)	<p>The Terms of Reference mention progress reports in a general sense, noting that they must be "up to 1000 words, supplied in electronic format and sent by e-mail". However, the terms of reference do not state the degree of frequency with which these progress reports should be submitted. It is also stated that "a progress report is a short document explaining what has been executed so far to justify the payment", but the table at p17 indicates that the only deliverables linked to payment are the final study report (including the final progress report) and the Final Data. The description of the final progress report at p.19 clearly suggests that it is intended to be longer than 1000 words. Furthermore, no other progress reports are listed in the table of deliverables. Can you confirm whether the paragraph referring to progress reports in p.19 refers only to the interim progress report and final progress report? If so, can you confirm that the 1000 word limit can be disregarded in respect of those two reports? If not, can you confirm the degree of frequency with which such progress reports are expected?</p>	<p><b>04/01/2019</b></p> <p>The Terms of Reference mention progress reports in a general sense, noting that they must be "up to 1000 words, supplied in electronic format and sent by e-mail". However, given the length of the study (6 months) there will be only one interim progress report at month 3 and a final progress report as part of the final study report - as stated in the table on page 17. The 1000 word limit is to be respected for the interim progress report; since the final progress report is part of the final study report it may be longer than 1000 words. Only the final progress report is linked to a payment as it is part of the final study report</p>

---

### Call for tenders questions summary

---

#	Submission date	Publication date	Question subject	Question	Answer
				such progress reports are expected? Further, can you confirm whether such progress reports are to be linked to a payment?	

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
8	03/01/2019 14:28	07/01/2019 15:46	Evidence for Criteria 1	Evidence: the tenderer must provide references for 3 contracts or relevant services with sums, dates and recipients, public or private, accompanied upon request by statements issued by the clients in the fields listed above performed in the past three years with a minimum value for each contract of EUR 100,000. With regards the requested evidence, does this have to be directly related to blockchain? Can it be evidence regarding legal or regulatory consultancy for other technical areas?	<b>07/01/2019</b> The text on criteria relating to tenderers on page 30 states at Criterion A1 that "the tenderer must prove experience in the field of blockchain technology, knowledge of international legal and regulatory frameworks for technology related fields, proven capacity in drafting reports and recommendations." "The tenderer must provide references for 3 contracts or relevant services with sums, dates and recipients, public or private, accompanied upon request by statements issued by the clients in the fields listed above performed in the past three years with a minimum value for each contract of EUR 100000." The text mentions the requested evidence has to address the fields listed under criteria A1, which include blockchain technology and knowledge of international legal and regulatory frameworks for technology related fields. That means contracts that show experience in international legal and regulatory frameworks for technology related fields. It would be however relevant that at least one contract addresses blockchain technology or that previous knowledge on blockchain is shown.



## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
9	07/01/2019 18:44	08/01/2019 11:37	Page 21 of the ToR mentions that the workshop will be organised by the Commission's services at the Commission's premises in Brussels and will last one day.	Can you confirm what the capacity of the venue which the Commission will make available will be?	<b>08/01/2019</b> There are several meeting rooms available with capacities ranging from 30 to about 150 attendees.
10	08/01/2019 16:44	09/01/2019 08:24	Selection criteria - legal capacity and financial activity	It is our understanding based on Section 4.2.1, that evidence of legal and regulatory capacity and financial and economic activity are not required to be provided at the initial stage of the procurement procedure but can be submitted once the contract is awarded. Please confirm.	<b>09/01/2019</b> We confirm that the evaluation of legal and regulatory capacity as well as economic and financial capacity, will be based on the Declaration on Honour. The evidence will need to be provided by the successful tenderer after the contract award.
11	08/01/2019 17:16	09/01/2019 08:31	Selection criteria - team members	In case a team member is not a direct employee of a subcontractor (e.g. lawyers in some jurisdictions are not allowed to be employed by a law firm but they have service contracts with their law firms), do these team members, individuals, have to be listed as subcontractors - experts or can the law firm that these team members work with be identified as a subcontractor.	<b>09/01/2019</b> A team member who is not a direct employee of a subcontractor will need to be identified and sign Annex 6B - Letter of Intent for external experts. The law firm needs to provide Annex 6A - Letter of Intent for sub-contractors.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
12	08/01/2019 16:43	09/01/2019 13:40	Task 2 - RegTech	In description of Task 2 (p. 13), it says that "The study should propose policy options by addressing the developments and implications of relevant use cases in non-financial services ....., such as RegTech...." would it be possible to specify which area of RegTech (if not related to financial services) should be covered by the study. In our understanding, RegTech relates to compliance with regulatory obligations of the companies in the financial sector (by using e.g. cloud computing or blockchain technology) so it is really difficult to separate use cases for RegTech from the financial services sector.	<b>09/01/2019</b> The study should, indeed, propose policy options by addressing the developments and implications of relevant use cases in non-financial services. It is up to the tenderer to identify and propose non-financial services and verticals where a regulatory framework for blockchain is relevant.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
13	08/01/2019 13:51	09/01/2019 13:49	Order of performance of Task 2 and Task 3 and delivery date for the "policy options" component of the interim report	The selection of valid policy options (Task 2) will be dependent on the outcomes of Task 1 (assessing developments, trends etc.) and of Task 3 (analysing and assessing the impact of blockchain on the economy and on society). Would the Commission consider delaying the element of the interim report relating to "outline policy options" to permit Task 3 to be launched immediately on the completion of Task 1 and prior to the launch of Task 3.	<b>09/01/2019</b> The tenderer may assume that proposing policy options (under Task 2) would be dependent on the outcomes of Task 1 (assessing developments, trends etc.) and of Task 3 (analysing and assessing the impact of blockchain on the economy and on society). In this case, the proposer may consider to justify the inclusion or exclusion of sensitive elements in the interim report relating to "outline policy options" to permit Task 3 to be launched immediately on the completion of Task 1.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
14	08/01/2019 16:41	10/01/2019 20:31	Selection criteria-references	On page 29 of the Tender Specification, it says that: “.... in case of participation of group members, e.g. local affiliates of international companies, documentary evidence of the entire group (e.g. list of contracts, etc.) will only be taken into account if a specific written endorsement of the participation by the local affiliate and/or mother company is provided.” Does it mean that if a tenderer belongs to an international group, the tenderer can include also the project references of its affiliate company (a local entity from different jurisdiction that was in charge of the project) without listing such affiliate as its subcontractor but only if the tenderer submits a confirmation/endorsement issued by its affiliate from another jurisdiction confirming that the affiliate will participate in the blockchain study? Or does it mean that such reference of tenderer’s affiliate will be accepted but only if the affiliate confirms that the tenderer participated in the project that is listed as a reference?	<b>10/01/2019</b> We confirm that in accordance with Section 4.2.4 of the Tender Specifications, the tenderer can include also the project references of its affiliate company if the tenderer submits a confirmation/endorsement issued by its affiliate from another jurisdiction confirming that the affiliate will participate in the blockchain study.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
15	10/01/2019 12:16	10/01/2019 20:38	Annex 5 Power of Attorney mandating one of the partners in a joint tender as lead partner and lead contractor	Should Annex 5 be completed by each sub-contractor (in addition to Annex 6A - Letter of intent for sub-contractor) in case of joint offer submitted by one tenderer with subcontractors (Option 3 of the Cover letter)?	<b>10/01/2019</b> A sub-contractor needs to complete Annex 6A, Letter of Intent. In addition a sub-contractor whose share of the contract is above 15 % of the price of the tender or whose capacity is necessary to fulfil the selection criteria needs to complete Annex 4, Declaration on Honour. Annex 5, Power of Attorney, needs to be completed only by partners.
16	10/01/2019 21:33	11/01/2019 09:53	Related section 2.5. After reception of each study report, the Commission will have 10 days to approve or reject and request a new report	Could the Commission provide more detailed information about how the reports will be evaluated and what approval criteria will be used?	<b>11/01/2019</b> The Commission will assess and accept the reports based on the quality of the information and the recommendations provided, as well as its pertinence with the stated objective of the study.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
17	10/01/2019 21:31	11/01/2019 09:56	Related to 2.2.4.team to address the tasks flexible, allowing possible changes in focus, iterations of findings and nurture the work of EC in light of evolving understanding of legal framew and economic impacts, emerging trends and needs	Can the EC confirm that the possible changes in focus and iterations will not cause a increase of workload and required resources?	<b>11/01/2019</b> The blockchain scenario (technology and its legislation) is a fast evolving scenario worldwide which may entail fast redressing and quick reaction, notably when dealing with regulatory frameworks and industrial choices. That is the rationale for § 2.2.4. which states "the awarded team will address the tasks in a flexible way, allowing possible changes in focus and iterations on findings and nurturing the work of the Commission in light of the evolving understanding of the legal framework and of the economic impacts, emerging trends and needs." The Commission cannot know nor confirm in advance that the possible changes in focus and iterations may cause an increase or decrease in workload and required resources. The Commission will, however, do its utmost to keep the work within the agreed budget.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
18	11/01/2019 13:29	11/01/2019 14:14	Duration of the Study	Section 2.3 reads: "Duration of the contract, including the period of approval of the deliverables if applicable, must not exceed the period indicated in Article 1.3.3 of the model service contract in line with section II.2.7 of the contract notice". Both article 1.3.3 of the model service contract and section II.2.7 refer to a duration of eight months. However, section 2.4.1 reads "The study including the carrying out of the tasks, the periods of approval of the Inception and interim reports, deliverables and Final report, must not exceed 6 months, starting from the data the contract is awarded". May you specify which duration is correct: six or eight months?	<b>11/01/2019</b> Thank you for pointing this out; there is a typo in section 2.4.1 of the Tender Specifications. In accordance with section 2.4.2, the task execution duration is 6 months. The contract duration of 8 months includes the task execution and 60 days for approval of final deliverables and payment.
19	11/01/2019 12:36	11/01/2019 14:19	Question regarding: 'Legible photocopy of the notice of appointment of the persons authorised to represent the tenderer'	Can you please clarify what documentation is needed in this regard?	<b>11/01/2019</b> The document can be e.g. an extract of company registration or the statutes of the company where the person(s) authorised to represent the company in view of signing contracts are clearly indicated.

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
20	15/01/2019 10:44	15/01/2019 11:10	Requirement: Legible photocopy of the notice of appointment	With regards to: Legible photocopy of the notice of appointment of the persons authorised to represent tenderer. Is a copy of the contract of employment considered sufficient?	<b>15/01/2019</b> There should be a document provided where it is stated that the person holding a certain position, e.g. a Director, is authorised to represent the tenderer. In addition, some proof of the appointment of the person in question in the position giving authorisation to represent the tenderer, needs to be provided. A copy of the contract of employment alone is not sufficient. It is not necessary either if the link to the position having the authorisation is otherwise clearly proved.
21	16/01/2019 09:51	16/01/2019 10:01	Annex 6 A (sub-contractors) / Annex 6B (external experts)	In case of a law firm acting as tenderer, should its lawyer who are self-employed and performing their services under a service agreement with the law firm sign Annex 6 A (sub-contractors) or Annex 6B (external experts)?	<b>16/01/2019</b> Please see Question11

Generated on the 17/04/2024 11:58:03 - Generation time 17 ms