

## Call for tenders' details

Title: An evaluation study of national procedural laws and practices in terms of their impact on the free circulation of judgments and on the equivalence and effectiveness of the procedural protection of consumers under EU consumer law.

Start date: 02/06/2015

Time limit for receipt of tenders: 01/09/2015

Contracting authority: European Commission, DG Justice and Consumers (JUST)

Status: Closed

## Call for tenders question list

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
1	17/07/2015 16:22	22/07/2015 14:53	"Conduct a survey"	<p>On page 23 of the tender specifications, it says under 'Conduct a survey': 'The contractor will conduct a questionnaire survey throughout the EU covering all 28 Member States.' In the next paragraph, it says: 'in order to guarantee that the survey is representative, at least 10 interviews in person or by telephone should be conducted in each Member State for each of the two parts of the study which must sufficiently cover each individual aspect addressed by the questionnaire.' Yet in the next paragraph, it says: 'Already in the tender, the contractor should submit a list of the Member States and preliminary list of entities to be interviewed with an appropriate justification. The final choice of Member States and entities will be discussed with the Commission.'</p> <p>At first, the tender mentions all Member States, and then it speaks of a choice of Member States. Since this is important for the number of interviews, could you please confirm whether the interviews (at least 10 of them) must cover all Member States, or whether a choice of only some Member States to be covered will be made?</p>	<p><b>22/07/2015</b></p> <p>We confirm that at least 10 interviews in person or by telephone should be conducted in each Member State and that all 28 Member States need to be covered. The tenderer should provide in their bid a comprehensive list of entities by MS that they propose to interview. The final selection of 10 entities per Member State to be consulted shall be finalised at the kick off meeting.</p>

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2	17/07/2015 14:08	24/07/2015 09:59	Authors of the study	<p>Under point II.10.6 of the draft service Contract (Annex 5) it says: "By delivering the results the contractor warrants that the creators undertake not to oppose that their names be recalled when the results are presented to the public and confirms that the results can be divulged. Names of authors shall be recalled on request in the manner communicated by the contractor to the contracting authority."</p> <p>Is it compatible with the terms of the contract that the contractor, which is a legal entity or a consortium of legal entities, guarantees to the principal creators that they will figure as authors and be named as such in the publication?</p>	<p><b>24/07/2015</b> From your question, we do not see an incompatibility with art. II.10.6. The status of the contractor has no bearing on the obligation to recognise and publish, if so required, the names of any authors whose work is used in the activities and results presented under the study. And the word "recall" needs to be understood as 'divulged'/'mentioned'. To assist you please find the French translation of the section of the respective article to which this question refers: "Les noms des auteurs sont mentionnés sur demande selon les modalités communiquées par le contractant au pouvoir adjudicateur".</p>
3	07/08/2015 17:50	10/08/2015 08:08	e-Submission	Can the legal representatives (from his ECAS account) of one of the organisations of a consortium send the tender from e-submission or has it to be the legal representative of the organisation that is the consortium leader?	<p><b>10/08/2015</b> It has to be the legal representative of the organisation nominated as consortium leader who signs off and submits the actual tender.</p>

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4	13/08/2015 13:04	13/08/2015 13:37	Financial proposal	In Annex 4 it is not necessary to indicate the taxes while in the e-submission portal one of the required fields (when adding the tender offer) is tax total. Taking into account that the European Union is exempt of VAT, which is the tax total that has to be shown here? If VAT is excluded the only applicable taxes may be those related to staff costs (taxes on income, social security, etc). As these taxes depend on the country of each organization in a consortium and on the personal situation of every employee (married, children, etc), should an average amount be calculated (eg: 50% of the total staff costs)?	<b>13/08/2015</b> The prices to be quoted are, as indicated, exclusive of VAT. For staff costs the taxes are in fact the employers statutory payments. These employers cost actually form part of the total cost which are constituted by the gross salary plus the statutory employers cost per person employed. Thus these would be an integral part of the unit cost of that employee.
5	14/08/2015 12:20	14/08/2015 12:41	Financial proposal	Does your previous question mean that in the e-submission portal the statutory employers cost per person have to be shown under the heading "tax total"? In annex 4 there is not such division of costs while in the e-submission portal it is necessary to fill 3 fields: tax exclusive amount, tax total and total payable. Therefore, the question is whether under "tax total" the statutory employers cost have to be included or not. If not, which kind of costs are supposed to be showed there (since EU is VAT exempted)	<b>14/08/2015</b> No as we explained the statutory costs, which are collectively the employers social costs attributed to the employment of a person, are an inehral part of the actual cost of employing a person. Therefore the unit cost is defined as sum of the gross salary of the employee plus the statutory employer social costs (i.e.those charges that an employer is obliged to pay under that countries employment laws)

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6	18/08/2015 10:54	19/08/2015 14:28	Meeting of experts p.25 of the Tender Specifications	<p>Page 25 of the Tender Specifications states:</p> <p>"The contractor shall after 9 months provide a second interim report to:</p> <ul style="list-style-type: none"><li>- a meeting of private experts (quality assessment)</li><li>- a meeting of national experts on national procedures in the field"</li></ul> <p>What is meant by "private" experts, and is it intended that these meetings are separate?</p>	<p><b>19/08/2015</b></p> <p>As indicated under point 8 in the technical specifications, the contractor may be required to attend a meeting to present and discuss the second interim report with the groups of experts. It would therefore be sufficient to hold a single meeting with the groups of expert referred to under point 7 to discuss the second interim report.</p>

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