

Call for tenders' details

Title: Study on the Feasibility, Minimum Standards and Transparency Requirements of an EU ESG Benchmark Label

Start date: 26/07/2021

Time limit for receipt of tenders: 06/10/2021

Contracting authority: European Commission, DG Financial Stability, Financial Services and Capital Markets Union (FISMA)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	03/09/2021 10:25	08/09/2021 10:28	Conflict of interest	In Section 3.4 of the tender specifications it is stated that specific attention will be paid to the issue of conflict of interest for tenderers "that provide advice on ESG benchmarks to issuers". Could you please clarify how do you define "issuers" for the purpose of the clause on conflict of interest?	08/09/2021 We refer to the definition of issuer stipulated under article 2(h) of the Prospectus Regulation (Regulation (EU) 2017/1129): "issuer means a legal entity which issues or proposes to issue securities".

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2	03/09/2021 10:43	08/09/2021 11:20	Conflict of interest	Tenderers are asked to "declare elements that could give rise to a risk of a conflicting interest in their offer." What is the form through which tenderers should provide this declaration? Should it be provided as part of the administrative offer or the technical one?	08/09/2021 Tenderers are required to declare conflicting interests in the "Declaration on honour on exclusion criteria and selection criteria" and, where applicable, the Commitment letters by identified subcontractors and/or Commitment letters by entities on whose capacity is being relied (Annex 5.1 and Annex 5.2). These documents should be provided following the instructions specified in Annex 1 of the Tender Specifications.
3	06/09/2021 10:28	08/09/2021 11:46	participation in multiple bids	Can you confirm that it is allowed for two separate legal entities that are linked (i.e. one is the majority shareholder of the other) to participate in two separate bids under this procurement procedure ?	08/09/2021 There is no clause in the Tender Specifications that prevents two separate legal entities that are linked to participate in two separate bids under this procurement procedure.

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4	03/09/2021 10:49	08/09/2021 18:42	Conflict of interest	1) Do the situations described lead to an automatic disqualification from the procedure? Based on which criteria will the Commission make the assessment of conflict of interest?	<p>08/09/2021 Financial Regulation (FR) provides that candidates or tenderers shall not be subject to conflicts of interest that may negatively affect the performance of the contract (Article 167 and Point 20.6 of Annex I FR). Where the contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard and reject it. The presence of a potential conflicting interests will be examined during the tender evaluation phase based on the statements made through the declarations on honour and/or commitment letters and, where applicable, other elements received from the tenderers during the contradictory procedure.</p>

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5	03/09/2021 10:49	08/09/2021 18:49	Conflict of interest	2)Will you take into account in your assessment of these situations measures proposed by the tenderers which limit the potential for conflict of interest in the delivery of services under this contract?	08/09/2021 In case that the contracting authority observes that a potential professional conflicting interest might negatively affect the performance of the contract, a contradictory procedure, as referred to in the Commission Notice No 2021/C 121/01, with the concerned tenderer would be conducted. The contracting authority's decision would take into consideration mitigating measures proposed by the tenderer as well as the nature of the tasks to be performed under the contract.

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6	03/09/2021 10:49	08/09/2021 18:55	Conflict of interest	3) In case of tenderers who are part of a network of separate legal entities, whereby only one or few of the network entities may be in the situations described, will the entire network be considered to be subject to conflict of interest for the delivery of the services?	<p>08/09/2021</p> <p>As stated in Article II.6.5 of the draft contract: "If the contractor is composed of two or more economic operators (i.e. who submitted a joint tender), they are all jointly and severally liable to the contracting authority for the performance of the contract." In light of this, in case that a joint tender is submitted and the contracting authority observes that any of the economic operators might fall within a situation of professional conflicting interest, the contracting authority would assess the potential negative impact on the performance of the contract for each of the economic operators involved in the same terms as defined in the answers to the questions above, and it might decide that the joint tender does not possess the required professional capacity as a whole. However, in the event that the tenderer is a single economic operator who in turn belongs to a group of entities in which one or several of them are potentially subject to a professional conflicting interest, the fact that the economic operator concerned belongs to the same group does not automatically evidence that it falls within a situation of professional conflicting interest. In this case, if the contracting authority considers it necessary, an</p>

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					considers it necessary, an assessment would be conducted in order to determine if the tenderer might be affected by a professional conflicting interest.
7	09/09/2021 08:44	14/09/2021 10:53	Forms in annex in editable format	Dear, could you please publish the commitment letters and financial offer forms in editable format, or point out where I can find those? Thank you	14/09/2021 All annexes are now available in editable format.
8	13/09/2021 17:51	15/09/2021 17:42	Joint tenders	Within the framework of this study would it be possible to have a consortium between a consulting firm and an academic research center? Are Academic/Non-profit institutions eligible or excluded/not expected to participate in the delivery of this study?	15/09/2021 Under conditions specified in Sections 2.2. - 2.4. of the Tender Specification: a) a consulting firm and an academic research center is allowed to form a consortium; b) academic/non-profit institutions are allowed to participate in the present call for tenders.

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9	14/09/2021 09:06	17/09/2021 09:04	Technical and professional capacity	Criteria T3 and T4 state that the team members shall have 5 years experience in sustainable finance and benchmarks / benchmarks regulations respectively. Does that mean that both conditions (experience in sustainable finance AND benchmarks) need to fulfil the 5 year criterion, or can these be interpreted cumulatively (for example 5 years experience with benchmarks, of which 3 in sustainable finance area)?	17/09/2021 5 years is the minimum level of capacity and, it is cumulative.
10	14/09/2021 09:10	17/09/2021 10:10	Technical and professional capacity	Criterion T1 requires experience in the field of sustainable finance and benchmarks related topics, proved by credentials with similar scope and complexity. In terms of geographic scope, does that mean the work performed needs to cover a similar number of territories (12 Member States) in sustainable finance? Can experience with multi-country projects be shown through other types of projects as well?	17/09/2021 The tenderers' team must demonstrate experience in multi-country projects related to sustainable finance and benchmarks. Experience in other types of multi-country projects or projects that reflect a similar research strategy could be considered valid by the Evaluation Committee.