



**European Committee
of the Regions**

**FREQUENTLY ASKED QUESTIONS
ON PUBLIC PROCUREMENT UNDER THE OPEN PROCEDURE**

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FREQUENTLY ASKED QUESTIONS ON PUBLIC PROCUREMENT UNDER THE OPEN PROCEDURE

1. Is it necessary to send the supporting evidence for the exclusion and selection criteria at the time of submitting the tender?

No. When submitting their tender, tenderers are requested to provide a declaration on honour (valid for both the exclusion and selection criteria) signed and dated by an authorised representative. The supporting evidence will be requested by the Contracting Authority after the award of the contract.

2. Is it necessary to send all the CVs of the tender's staff members?

No. As CVs are one of the supporting evidence to prove the fulfilment of certain selection criteria, they will be requested by the Contracting Authority after the award of the contract. Tenderers are invited to note that the examination of CVs pertains only to the selection criteria and not to the award criteria.

3. Can one single person apply for a tender?

Yes. All economic operators can participate in the tendering process. The term «economic operators» covers «contractors», «suppliers» and «service providers». These terms respectively refer to "any natural or legal person or public entity or consortium of such persons and/or bodies which offers to execute works, supply products and provide services". Economic operators who have submitted a tender are referred to as «tenderers».

4. If we intend to include in the tender an external expert (a natural person engaged specifically for the tender) should he/she be considered as a subcontractor?

An external expert (with respect to the tenderer) can participate in the tender either by jointly presenting the offer with the tenderer, by setting up a consortium or a group or by being appointed as a subcontractor. It is up to the tenderer to decide in which form to present the offer.

5. Is it possible to buy the tender documents or obtain them by e-mail?

The documents for the call for tenders of the Committee of the Regions are not subject to payment. All these documents are available online on the following website, as mentioned in the contract notice: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2166>

6. Do tenders always have to be submitted by letter?

Yes. Tenderers may **only** submit their offers by letter. The Contracting Authority has chosen this exclusive method of tender submission. Therefore, tenders sent by other means, such as by e-mail or fax, are not accepted. As stated in the letter of invitation to tender, tenderers have the possibility of either sending their bids by post (or courier), or delivering them by hand at the Committee of the Regions.

7. Is it necessary to complete the tender documents using a certain lay-out?

It depends on the concrete call for tenders. This indication will be specified in the invitation to tender. As regards **framework contracts**, for example, there are model reply forms attached to the Tender Specifications that tenderers must compulsorily use. This is the case of the form for presenting the price bid. Under no circumstances should these forms be altered.

As regards **study contracts**, such templates are not applicable. Tenderers are free to choose whichever style they consider appropriate as lay-out for the bids. Tenderers should, however, respect the rules

laid down both in the letter of invitation to tender and in the Tender Specifications (separating each section clearly, having a table of content, indications of technical and financial proposal, number of copies, indication of call for tenders reference, etc.).

It is also to be noted that Tender Specifications generally include a section titled "lay out rules" which relates to the reports to be submitted to the CoR by contractors; i.e. once the contract has been signed.

8. Is it necessary to submit a formal letter to express our intention to participate in the tender procedure?

The invitation to tender stipulates that "the tenders must be signed by the tenderer or his duly authorised representative". Tenderers are invited to use the identification form provided in the tender specifications.

The invitation to tender also provides the rules governing the lodging and presentation of tenders, including in particular the closing date and time for submission, any requirement as to the use of a standard reply form, the documents to be attached, including those in evidence of financial, economic, technical and professional capacity, and the address to which they must be sent.

9. Where can I find more information on the type of documents that need to be submitted to participate in a public procurement procedure?

The eCertis service provides information that helps identify the different certificates and attestations frequently requested in procurement procedures across the 28 Member States. Tenderers may refer to eCertis to look up the documents produced by the Member State in which they are based that satisfy the criteria set out in the Tender Specification.

The eCertis information service is available at:

<http://ec.europa.eu/markt/ecertis/searchDocument.do>

10. What should be included in the "Financial proposal" envelope?

The "Financial proposal" envelope should exclusively contain the tenderer's financial bid for implementing the contract. In this regard, please pay attention to the sections "Form and content of the tender" and "Financial evaluation of the tenders" of the Tender Specifications. This document may specify that the total tender price must include a separate estimate of possible travel, subsistence and translation expenses.

11. What should be included in the "Technical proposal" envelope?

The "Technical proposal" must include all the documents required by the Contracting Authority for the appraisal of the exclusion, selection and award criteria mentioned in the Tender Specifications.

In this regard, please pay attention to the section "Form and content of the tender" (and the related sections mentioned within) of the Tender Specifications.

12. If we want to submit bids for several lots, do we need to submit all supporting documents for each lot?

Where a contract is to be awarded in the form of separate lots, tenders shall be evaluated separately for each lot. Consequently, for each lot, all the relevant documents will have to be submitted. Every individual proposal must be complete and correspond to the entire lot, not part of it. Variants are, on the contrary, not authorised.

13. Should we provide original documents? What about the documents concerning partners in a joint tender?

All the documents requested by the Tender Specifications for participating in a call for tender should be originals or certified copies of originals. The tender should be submitted in triplicate; i.e. the original tender should be copied twice and be included in the corresponding envelope. (See the relevant points of both the Tender Specifications and the letter of invitation to tender).

In the event of a joint tender, tenderers are advised to read carefully the relevant point of the Tender Specifications. Members of an existing or a potential consortium or group do not need to have a given legal form in order to be allowed to submit a tender. However, in the event of the award of the contract, the selected consortium or group may be required to adopt a legal form if this change is necessary for proper performance of the contract. In any case, the Contracting Authority will be in a position to sign the contract with the successful tenderer only upon receipt of a document signed by him/her and the subcontractor(s), setting out the basis of the co-operation between both entities and proving that the contractor will have the resources of the subcontractor(s) at his/her disposal.

14. Can we send the tender on the day of the deadline?

Absolutely. Tenderers should be aware of the fact that additional information may be published online. When the offer is sent by post or by courier service, the opening board decides upon the respect of the deadline according to the postmark or the date of the deposit slip on the envelope/parcel. Tenderers should always make sure a visible stamp is put on the envelope/parcel. In case this is not the practice followed by the post or the express delivery service, the tenderer should ensure that the Contracting Authority is provided with the necessary proof. The latter should include references to both the dispatch date and the recipient, and the barcodes appearing on it should correspond with those appearing on the envelope.

15. Can the deadline for submitting tenders be extended?

The deadline for submitting tenders is the one stated in the contract notice. This deadline is also mentioned in the letter of invitation to tender. If exceptional circumstances occur, an extension of the deadline may be decided. In such case, a corrigendum will be duly published both in the Official Journal of the European Union and on the CoR's tenders website.

16. Is there any pre-bid meeting foreseen?

All information on specifications, provisions, pricing, etc. is available online on the CoR's tenders website mentioned in the contract notice. There are no pre-bid meetings, the information provided online intends to help all interested economic operators to prepare their bids.

Tenderers who have specific questions about the documents of a call for tenders, may send their questions in writing only through the eTendering website at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2166> in the "questions and answers" tab, by clicking "create a question". With due respect to the principle of equal treatment, the replies will be published on the website as soon as possible so they are accessible by all interested tenderers.

17. When will the contract enter into force? Is the anticipated date already known?

The day the contract will enter into force cannot be specified. The only deadline indicated in the tender documents concerns the submission of tenders. Once the mentioned deadline has elapsed, an opening board will sit and validate which bids are eligible for evaluation and then an evaluation board will review the tenders received and make a proposal to the authorising officer, who will award the contract to the tenderer having made the best-value-for-money proposal assessed on the basis of the price and quality criteria. (please see the Tender Specifications). Tenderers will be informed at the end of the process of the final results. An open call for tenders process lasts for approximately four months between the deadline for submitting an offer and the signature of the contract. This estimation may vary depending on holidays, number of offers, availability of staff, etc.

18. In which languages should the tender be submitted?

The tender may be drafted in any of the official languages of the European Union.

19. In which languages will the service provider / framework contractor have to provide the documents once the contract will enter into force?

The documents must be in English (EN). If, in implementing a framework contract, information from several Member States is needed for implementing a specific contract, which is only available in a language other than EN, the framework contractor will need to translate this information, as the final document to be delivered to the Contracting Authority should be in EN.

20. Where can we find general information about tendering procedures?

There are very interesting websites on public procurement such as

http://simap.europa.eu/index_en.html and

http://ec.europa.eu/growth/single-market/public-procurement/index_en.htm

Further information may be obtained by reading chapter V of Title II of "Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts". (please see second abovementioned link).

The Contracting Authority carries out public procurement according to the Regulation on the financial rules applicable to the general budget of the Union and its Rules of Application, as well as to internal rules and other documents based on the abovementioned Directive.

21. If we have specific questions about the documents of the call for tender, what should we do?

You may send your questions in writing only through the eTendering website at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2166> in the "questions and answers" tab, by clicking "create a question". With due respect to the principle of equal treatment, the replies will be published on the CoR's tenders website as soon as possible so they are accessible by all interested tenderers.

22. Is there a deadline for sending our questions?

Requests for additional information received less than six working days before the closing date for submission of tenders will not be processed.