



EUROPEAN COMMISSION

DG Energy

Directorate B – Internal Energy Market

**Invitation to tender ENER/B1/2014-728 for a service contract regarding a  
"Study on comparative review of investment conditions for electricity and  
gas Transmission System Operators (TSOs) in the European Union"**

**Contract notice in OJEU S 182-320367 of 23/09/2014**

**QUESTIONS & ANSWERS**

**Latest update 23/10/2014**

**Question 1:** The Tender Specifications, Chapter 3, ‘Reporting and deliverables’ (page 12), both point 5) and 6) mention “28 country-specific presentations”. Can you explain how these 28 relate to the “at least 14 Member States” mentioned in ‘Description of the tasks’, task 1 (page 10) and further reference to the “pre-identified Member States”?

**Answer:** The number of presentations should indeed be 14, in line with the pre-identified MS.

**Question 2:** Both gas and electricity infrastructure investments and TSOs should be covered in the study. To what extent can or should we account for synergies between gas and electricity when identifying countries and TSOs. Do you expect that all electricity and gas TSOs in each pre-identified Member State shall be looked at?

**Answer:** Synergies shall be looked at only in case they are certain to arise. All TSOs shall be looked at.

**Question 3:** Both task 5 and task 6 (page 11) refer to qualitative assessment and analysis. How strict can we interpret ‘qualitative’ here? Would this be in terms of increase/decrease, higher/lower, no/minor/large impact, etc. Or do you require relative (percentage) changes?

**Answer:** While the qualitative assessment and analysis should be well substantiated, percentage changes will suffice.

**Question 4:** On p12, the text on deliverable 5 talks about presenting on “infrastructure financing”. To confirm, this is intended to focus on transmission infrastructure financing, in line with the rest of the project?

**Answer:** Yes.

**Question 5:** Can the person-days estimated by the tenderer exceed the assessed 220 person-days?

**Answer:** Yes, but the overall costs must not exceed €250,000.

**Question 6:** Is the contractor expected to cover travel / accommodation costs just for its own staff or also for all persons attending events that are organised as part of the project?

**Answer:** The contractor shall only cover own expenses regarding the event. The European Commission can provide meeting facilities in Brussels.

**Question 7:** The Tender Specifications, Chapter 3, 'Description of the tasks' (page 10) mention for Task1: "The analysis should include at least 14 Member States [...]". Kindly, could you please specify why the number of 14 was chosen?

**Answer:** The contractor should pre-identify the countries which will require significant energy (gas and electricity) infrastructure investments until 2025. The 14 countries are supposed to represent the vast amount of investments needed.

**Question 8:** From our experience we expect that TSOs – especially capital market orientated – will be reluctant to provide with future oriented financial data which is not available publicly available (due to insider trading regulation). Especially with regard to task 2 that is from our point of view a problem. How should we deal with that limitation?

**Answer:** Information gathering is one of the most crucial elements of this study. The successful tenderer will have to gather publicly available data. The Commission will support the successful tenderer by contacting the NRAs, the ENTSOs and chosen project promoters/TSOs in order to obtain sufficient data to carry out the study. Nevertheless, there is no obligation for the named stakeholders to provide data, especially data that contains business secrets.

**Question 9:** Our understanding is that task 6 is limited to the pre-identified countries. Is that correct?

**Answer:** Yes.

**Question 10:** What is meant by the expression 'all projects' referring to description of task 6?

**Answer:** All envisaged projects with a critical mass within all TSOs of the selected Member States.

**Question 11:** Should the analysis in task 6 really be qualitative (last sentence of the description)?

**Answer:** If a quantitative assessment is reasonable within the study, it is preferred, but a sophisticated qualitative approach is at least expected (e.g. percentage changes).

**Question 12:** We understand that country-selection in task 1 is based on "significant energy (gas and electricity) infrastructure investments" that is a wider category than PCIs only. On the other hand in task 4 "contractor should assess which external factors improve or lower the

ability of TSOs to attract sufficient investment in PCIs in the respective Member States”.  
Could you please clarify whether the analysis should cover all significant TSO investments or transmission PCIs “only”?

**Answer:** While it is important to get a thorough overview on all investments, the focus can be narrowed down during the course of the study to the PCIs only.

**Question 13:** Based on tender specifications, only EU Member States (and TSOs) have to be analysed, but ENTSOs’ 10YNDPs predict significant investments in Norway and Switzerland as well. Should we cover the investments related to these countries as well?

**Answer:** The 14 countries should be EU Member States.

**Question 14:** Can we use one reference for both categories (TSO-related and economic analysis) supposing that project scope covers both areas?

**Answer:** Yes.

**Question 15:** Do the tenders submitted by post or courier have to be postmarked (or have a deposit slip) by or on the 29th of October, and do the tenders then have until 16:00 on the 3rd of November (opening of tenders) to arrive?

**Answer:** Yes.

**Question 16:** Could you please clarify the interpretation of the clause regarding indemnity for third party claims under Article II.3.4 of the contract. Is this indemnity included in the 3x contract value limit or would the contractor be exposed to unlimited liability for third party claims?

**Answer:** In Article II.3.4, the contractor's liability is limited to 3 times the contract value.