

FREQUENTLY ASKED QUESTIONS

Invitation to tenders No. ENER/C3/2015-619 for single framework service contracts:

Lot 1: Preparatory studies and related technical assistance on specific product groups listed in the Ecodesign Working Plans adopted under the Ecodesign Directive,

Lot 2: Review studies and related technical assistance on ecodesign and energy labelling implementing measures,

Lot 3: Technical assistance to support the regulatory process

Contract notice in OJEU 2015/S 248-450627 of 23.12.2015

Last update: 22/01/2016

In order to be as transparent as possible, all questions and replies will be assembled and published via this FAQ document.

Question n°1:

Regarding the estimate of the amount of work involved:

According Terms of Reference section 4.1 (p. 17) the indicative maximum amount for Lot 3 is EUR 2.000.000 (up to 4 years).

According Contract notice section II.2.1) Total quantity or scope, the indicative maximum amount for Lot 3 is EUR 1.500.000 (up to 4 years).

Which value for Lot 3 is correct?

Answer n°1:

The correct value for Lot 3 is 2.000.000 EUR. A corrigendum will be published in the Official Journal.

Question n°2:

Regarding the identification of subcontractors whose share of the contract is above 20%: According Terms of Reference section 1.4 (p. 4) "subcontractors whose share of the contract is above 20% need to be identified" (this share of contract is repeated in section 2.2. p. 6, and Annex 1).

According Terms of Reference section 1.6 (p. 4) "subcontractor(s) whose share of the work is expected to represent more than 20% for some specific contracts" need to fill in/sign Annex 1 (this share of specific contract is repeated in section 2.2, p. 5). Does subcontractor 'share' relate to the overall contract or a specific contract? If it relates to a specific contract, how should the tenderer take this into account, knowing that the maximum amount of work of specific contracts is not known beforehand?

Answer n°2:

Please refer to sections 1.4-1.6 of the Tender Specifications.

In the case of a framework contract, the subcontractor(s) whose share of the work **is expected to represent equal or more than 20% of any specific contract**, shall be identified and shall complete annex I and II. The latter subcontractors will then be part of the offer for the framework contract.

During contract execution:

- the change of any subcontractor identified in the tender will be subject to prior written approval of the Contracting Authority.
- subcontractors who are not identified in the framework contract and whose share of the work will represent equal or more than 20% of a specific contract – as identified in the future offer for this specific contract - will have to complete annex I and II and will be subject to the approval of the Contracting Authority.

Question n°3:

Regarding the list of relevant services to be provided:

According the Terms of Reference, section 2.3.2. (p. 7) "*A list of relevant services provided in the past three years, with sums, dates and recipients, public or private*" should be provided. Does 'public or private' refer to the 'relevant service' (e.g. a public study or undisclosed study) or to the nature of the 'recipient' (e.g. government or private client)?

Answer n°3:

This relates to the nature of the "recipient", e.g. a government / municipality or a private entity.

Question n°4:

Regarding the information to be included in CV's:
According the Terms of Reference, section 2.3.2 (p. 8) "Each CV should indicate the intended function in the delivery of service".

Is it sufficient to declare in the CV the qualification of the person according qualifications on page 7 (being either 'senior staff / project management', 'senior staff / engineering-technical ', or 'junior (qualified) expert'). If not, please elaborate what is meant with 'intended function' (examples?).

Answer n°4:

It is indeed sufficient to indicate the intended function following the three categories as specified in section 2.3.2. b) of the tender specifications.

Question n°5:

Regarding the scope of Lot 2 - review studies and Lot 3 - technical assistance, the product groups (Lots) involved:

- Are the review studies and/or assistance limited to product group lots developed under DG ENER only? (knowing that DG ENER is the contracting authority).
- Or can studies for product group lots developed under DG GROW (former DG ENTR) be part of the contracted tasks as well? (like review of prof.refrigeration, transformers, etc.).

The latter seems logical as the Terms of Reference only refer to 'Ecodesign and Energy labelling studies' in general, not limited to those developed under a single DG.

Answer n°5:

In principle the call for Tender covers all product groups under the ecodesign and energy labelling framework, independent of which DG is the lead service for developing implementing measures.

Question N°6:

On page 7, section c, 'Evidence' it says:

"Each expert not employed by the tenderer has to provide a declaration that she/he is willing to participate in the execution of tasks defined in this Framework Contract in the team of the tenderer".

Our question is:

What is the difference between an '*expert not employed by the tenderer*' and a *subcontractor* (who is also not employed by the tenderer by definition)? And, if they are the same, does an '*expert not employed by the tenderer*' also need to complete Annex 1 + 2 if its share > 20% of specific contract? And/or vice versa: does a subcontractor need to provide a declaration that she/he is willing to participate?

Answer N°6:

"The tenderer" must be interpreted as the sole tenderer, or, in the case of a joint tender, any tenderer that is a part of the consortium.

An expert is a natural person who can be directly employed by the tenderer or work for his own account or for a sub-contractor. The tenderers are requested to constitute a team of minimum 10 experts and provide the CVs of the latter experts.

If the proposed experts are not employed by the tenderer, as interpreted above, but act on their own account or are employed by a sub-contractor, they are requested to provide a declaration that she/he is willing to participate.

A proposed expert who works for his own account is considered as a separate subcontractor and therefore if his expected share in specific contracts is equal or represents equal or more than 20% of the work, he shall complete annex I and II.

As for the obligations of the contractor(s) in relation to the sub-contractors, please refer to article II.10 of the draft framework contract.