Questions and answers

on

Invitation to tender ENER/A4/2014-37

"Collection of Data and Services for the Energy Market Observatory"

Contract notice OJ 2014/S 117-205794

Version 24/07/2014

Before submitting written question to the Commission, tenderers should consult this frequently asked questions section relating to the invitation to tender. Questions and answers are published here with full respect to anonymity of the enquiring tenderers.

1. **Section 2.3.2 – The CVs of all relevant staff who would be associated with the collection, assimilation and delivery of this data are to be submitted. Is this strictly necessary or would a simpler table of the staff, their time active in the markets (and with contractor), and relevant qualifications be acceptable? The reason we ask is that a large number of staff globally are associated with some of the lots we will be tendering for and this will constitute a huge amount of CVs**

   Answer: The tenderers must provide the CVs of all the staff ***responsible*** *for carrying out the work. As a minimum, this must include the (project) managers, staff responsible for the quality control, contact persons responsible for the communication with the Contracting Authority and all the other key staff depending on tenderer's concept of the allocation of tasks.*

   CVs of the rest of staff can be submitted in a shortened format, e.g. using tables.

2. **Section 2.6 – Financial Offer. The tenderer is requested to provide a quote for each licensing option for each of the relevant lots. Would it be possible simply to provide one 'enterprise' (i.e. open) licensing charge on the lots we wish to tender for, or are you looking for a list of pricing options from us from which to select the best one?**

   Answer: Paragraph 2.6 of the Tender Specifications foresees that tenderers must provide, for ***each lot****,* ***each of*** *the following licencing options: named license, enterprise license and web mapping license. Please read carefully this paragraph.*

3. **Do you have employees who would be based in countries other than Belgium? If so, could you provide details?**

   Answer: All employees who will be using the services as described in the Tender specifications will be based in Brussels.

4. **Within each Lot you list a requirement as being ‘Peer-review and advisory service’. Please could you elaborate further on what you expect to receive from this?**

   Answer: Peer-review and advisory services are asked for Lot 1, 2, 3 and 4. These services should include analytical publications (newsletters, daily market reports); a restricted number of ad hoc reports on specific topics (not more than 4 per year); energy maps, presentations at DG ENER and so on. Regarding Lot 4 additionally take note of section 3.2.4.B

   The number of licences for analytical publications has to correspond to the number of licenses as described in section 2.6 on Financial Offer.

5. **Lot 3 – Section E & F – how often would you require the flow data for Natural Gas and Electricity to be updated? Would a one-off data dump suffice?**

   Answer: We are not looking for acquiring close to real time (live) update on Gas and Electricity flows. Depending on the system capacity of the contractor, the data can be uploaded to our system with some delay and less frequently – once per day, once per week.

6. **When do you anticipate making the final decision regarding successful bidders of the various lots?**

   Answer: Based on our tentative calendar it will be between mid-September and mid-October 2014

7. **We have completed financial statements of our last three full financial years, however we operate a July – June year and so were wondering if you would also require any provisional information from 2013/14?**

   Answer: The balance sheets have to be submitted for the last two financial years, for which accounts have been closed. The turnover statements have to be submitted for the last three years for which accounts have been closed. It is not of importance, whether the financial years of the tenderer is January-December or July-June

8. **When you request “a statement of overall turnover and turnover relating to the relevant services for the last three financial years”, would a report summarising the last three years’ revenue suffice and, if so, what information/format would you like to see?**

   Answer: The documents submitted must enable us to clearly verify the turnover for ***each*** *of the last three financial years. Any format not enabling to distinguish between the years would not be sufficient.*

9. **Can the following three forms be submitted handwritten?**
- Tenderer 'identification form
- Legal Entity Form
- Financial Identification Form

Answer: Yes, bearing in mind that the documents must be perfectly legible.

10. **Could you please specify if there is a required turnover amount for a company/consortium within the economic and financial capacity criteria?**

Answer: No, but the tenderer or joint tenderers must have economic and financial capacity to perform the tasks in order to be considered compliant with this selection criterion.

As the financial turnover statements relating to overall turnover and to turnover of the ***relevant services*** *for the last three financial years are required, this implies that complying with the criterion preconditions the tenderer having been acting at least three years in the field of services subject of the invitation to tender.*

Please bear in mind also the technical and professional capacity related selection criteria as foreseen in paragraph 2.3.2 of the Tender Specifications.

11. **Is the estimated value of €491,000 of the tender equally split amongst the 6 lots? If not, could you provide a guide on your weighting for each?**

Answer: No. This is the maximum indicative total value of all 6 lots for the whole duration of the contract.

12. **Are the lots rigid in terms of the requirements?**

Answer: DG ENER intends to purchase the services indicated in the tender specifications as a whole, separated in 6 different lots. We do not foresee to split up the lots and re-tender any parts that might be missing at a later stage. Completeness of the data covered will be one of the criteria to assess the quality of the bids. As described in the tender specifications chapter "2.4 Award criteria". Potential tenderers can group in a consortium to cover the required data as described in the lots.

13. **Lot 2: Coal and Biomass Freight Rates – we cover the usually traded routes but would you require the more unusual, less traded routes as well? Would it be possible to provide us with a list of the requirements?**

Answer: With regards to this item in Lot 1 (and not Lot 2), our intention is to get as detailed as possible data on the cargo market with a focus on Europe (including in-land water navigation) and the major global trading routes. We realize that there is a trade-off between completeness (and the associated extra costs) and competitiveness of the offer; still we leave it to the appreciation of the potential tenderers to find the right balance.

14. Lot 2: Natural Gas price and volume assessments – what benchmarks would you be looking for in South America? Would you require North East Asia as well as South East Asia?

Answer: With regards to this item in Lot 1 (and not Lot 2), we would like to get access to benchmarks that describe the major trading and consumer centres in South America and that are used by market participants (for example, LNG prices and assessments, including landed prices, netbacks etc.). Data on North-East Asia is not specifically required but will be considered if offered by one or several bidders.

15. Both lots: Would you require historical data and, if so, how far back in time would you want?

Answer: Analysis of long term and cyclical trends is one of the many applications for which data will be used. In that sense, backward looking data is important and we will appreciate historical information on the main benchmarks going as far back as possible. Specifying a precise time period might be difficult indeed as some of the energy products and services are relatively recent whereas others are traded for at least several decades.

16. What do you mean by 'Trade Flows'? (first Lot, under Oil & Refined Products).

Answer: We are following the Eurostat definition, international trade statistics. This is basically imports and exports, reported (if possible) both in monetary and supplementary units (energy weight, volume – wherever applicable).

17. How often would you require delivery of volume assessments and other such data?

Answer: Ideally, this should match the frequency of the other categories; for certain products a daily / weekly / monthly schedule can be envisaged.

18. **On the tender specifications, p5,**
"Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence".
->Does this mean that if we have a PIC, we don't have to provide the "supporting evidence"?

Answer: The tenderer is not obliged to provide the supporting documentary evidence in the cases where he has already provided the same evidence for the purposes of another procurement procedure, given that these two conditions are met:

1) The issuing date of the documents does not exceed one years, and

2) The documents are still valid, meaning, that the circumstances related to the tenderer have not changed

19. **and for the following part:**
"If it has not been included with the Legal Entity Form, tenderers must provide the following information
- For legal persons, a legible copy of the notice of appointment of the <u>persons authorised to represent the tenderer</u> in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced."
->what is the notice of appointement?
Would the Kbis be fine?

Answer: The requirements to and format of the appointment decision depend on the Member State in question.

In most general terms, it means the appointment of members of management board or any other body authorized to represent the entity – private or public – in transactions with third parties.

The Kbis of France is sufficient given that it contains "a copy of the publication of such appointment/…/"

20. **In lot 6 DG ENER wants to purchase energy-related data covering trading and statistical indicators. We would like to know if the access to monthly import export data on a country to country basis is part of the information which could be interesting for the DG ENER?**

Answer: Yes, this is part of the data requested – along with the other elements mentioned in lot 6 as there are macroeconomic and industrial indicators that are relevant for the energy systems and markets of the major trading partners of the EU and including all G20 countries.
The data should be delivered at the highest possible frequency. It should complement the UN, OCDE-IEA and other world energy balances (already available in DGENER) and focus on competitiveness-related aspects such as: disaggregated energy prices by type of consumers, structure of production costs and expenditure by industrial branches, fuel subsidies, etc.

We would like to remind that potential tenderers can group in a consortium to cover the required data as described in the lots. (see tender specifications chapter "1.3 Joint tenders").

21. I have been regularly on the website to check if I could see a reply to my question. However, I still cannot find the answer.

Answer: Please be informed that according to the article 153 (2) of the Implementing Regulation of Financial Regulation, the contracting authority is obliged to respond to the questions as soon as possible but no later than six calendar days before the deadline of the receipt of tenders.

This rule applies to the questions sent eight calendar days before the deadline of the receipt of tenders, or earlier.

We are making our best effort to respond all questions as soon as possible, but sometimes the nature of the questions requires additional time to give a comprehensive answer that would be useful to all potential tenderers.

We will update the Questions and Answers regularly, once or twice in a week.

22. For what purpose(s) will the non-EMOS data be used? If for simple cross-checking of the EMOS data file would PDF reports suffice?

Answer: The data and information acquired by the current tender will be used by the Market Observatory for Energy and other colleagues in DG ENER for the purposes described in Section 3.1: "pooling information, analysing energy markets and energy system issues, and by helping to evaluate, adjust and formulate new policies in the field of energy".

Access to the raw data in the usual industrial standard format is essential and delivering the data as a pdf file is not good. The separation of the data into EMOS and non-EMOS data is for internal purposes only: the EMOS data will be integrated into the Energy Market Observation System which is our own data warehouse whereas the non-EMOS data can be accessed directly on the platforms of the data providers. We would advise the potential bidders to read carefully the technical specifications for EMOS and non-EMOS data (Sections 3.3 and 3.4)

23. In Lot 2, what actual exchange data would be required?

Answer: With regards to energy exchanges, this would be the organized trading platforms proposing standard instruments and clearing services for electricity and natural gas. Ideally, DG ENER would like to get a coverage of the European markets that is as large as possible: including mature, liquid markets with active trade but also exchanges that were set up more recently where trading is less developed for the time being.

With regards to the actual data, it is the "daily price and traded volume related to the wholesale markets of each Member State or region covering spot markets and all contracts and products from the forward curve", as explained in Section 3.2.2.

24. Please can you confirm what is meant by "assessments" with regards to CO2/electricity/gas forward markets in the second lot here: http://ted.europa.eu/udl?uri=TED:NOTICE:205794-2014:TEXT:EN:HTML. Is this taking a view & giving commentary on forward price curves, AND supplying forecasts ourselves for power, gas and CO2?

Answer: An "assessment" is defined as an estimation of the current market conditions for a given energy product, based on a robust and transparent methodology, underpinned by a representative amount of transactions, and prepared by a publisher / price reporting agency that is well-known and recognizable by market participants (regularity of reporting). In that sense, a price assessment is not a forecast. Also, commenting on assessments is not providing an assessment: this can rather be associated to the provision of peer review and advisory services.

25. Can we send a proposal only for the supply of trade data for different lots even if we are not able to provide the other macroeconomic and industrial indicators?

Answer: Each proposal must comply with the requirements of the lot it is targeted to.

Please read carefully the answers of questions 12 (on the stand-alone and no-further-splitting of the lots) and 20 (on international trade and coverage). Proposals covering separate lots must be tendered separately and each tender be evaluated on a number of criteria, including completeness of coverage (see Section 2, especially section 2.4 award criteria).
We would like to remind that potential tenderers can group in a consortium and involve sub-contractors to cover the required data as described in the lots. (Please see tender specifications chapter "1.3 Joint tenders and I.4 subcontracting").

26. **Do you have a version of Annex 1 and II that can be filled out ie we are unable to edit the versions found in the draft contract.**

    Answer: Yes. We will publish these annexes in word format shortly.

27. **Under Section 1.6 of the tender specifications of the above mentioned call for tenders, the following is stated: *"Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence."* Please provide clarification as to which specific pieces of supporting evidence are exempted under this clause.**

    Answer: This relates to the documentary evidence related to the ***exclusion*** *criteria foreseen in article 106 (1) (points a to f) of the Regulation No 966/2012 (Financial Regulation) - the evidence of the tenderer (in some cases also the authorized representatives of the tenderer) not being bankrupt, guilty of professional misconduct, etc.*

    Please see also Annex II of the Tender specifications.

    The tenderer is not completely exempted from the obligation to provide any evidence. The exemption means that the evidence has already been provided by the tenderer for the purposes of another procurement procedure, that the documents are issued less than one year ago and that the documents are still valid.

28. **We have a question around Lot 3 of the Tender. Can you please provide more detail on the type of plant you are looking for when you state: Olefin Plants. We assume you mean the primary production units of Olefins, i.e. stream crackers or something else? Can you please clarify your meaning?**

    Answer: Yes, we are requesting data and information about the primary production units in olefins (steam crackers and fluid catalytic crackers) and other primary petrochemicals (catalytic reformer units for producing BTX hydrocarbons, etc).

29. **I am preparing paperwork for the Tender ENER/A4/37/2014. One of the requirements is to submit a balance sheet as prove of financial criteria. Since we are a private company we need to make sure that this information is treated with confidentiality and will not become publicly available upon disclosure with the tender materials. Please send me the appropriate documentation of prove to submit to our CFO and the Finance Department.**

    Answer: On behalf of the contracting authority, the information is treated by the members of the opening and evaluation committee. Members of both committees will sign the declaration on the absence of conflicts of interests and on confidentiality.

The declaration imposes the following obligation to each member of any of the committees:

"*I also confirm that I will keep all matters entrusted to me confidential. I will not communicate outside the [board] [committee] any confidential information that is revealed to me or that I have discovered [or any information relating to the views expressed during the* ***evaluation].*** *I will not make any adverse use of information given to me."*

30. Pricing – you ask for pricing broken down for named, enterprise and web license. Is it possible to split out the Advisory part of the lot to provide a separate price for this?

Answer: The number of licences for analytical publications has to correspond to the number of licenses as described in section 2.6 on Financial Offer.

31. Under Peer Review and Advisory Service – please could you explain further what content may be covered under "ad hoc reports on specific topics`"?

Answer: The content of the request will not differ from what is already covered in the regular market intelligence reports; it will ask to present/synthetize the analysis in a different way. Whereas it is difficult to cover all potential areas of requests, here are some examples. There might be a request for an in-depth analysis of market conditions in a specific market area and for a given market product; or a request analyzing the impact of specific geopolitical event / policy measure over a given market.

32. Regarding the lot 4 on Renewable Energy Sources and Energy Efficiency in Europe, Energy efficiency data are mentioned in the title but nothing is said in the description about these data.
Do you expect that we include data relating to energy efficiency in the proposal?

Answer: Yes, a detailed description of energy efficiency data will be most welcome. It will help us by comparing it with our available sources.

33. In lot 1, 4 and 6 you would like to purchase monthly imports and exports statistics:
In lot 1, you are requesting trade data on steam and coking coal, biomass and natural gas.
In lot 4, you are requesting trade data on biofuels, bio liquids and biomass.
In lot 6, you are requesting trade data relevant for energy systems and markets.
Could you clarify this list of products by giving a list of HS codes?

Answer: Proposals covering separate lots must be tendered separately and each tender will be evaluated on a number of criteria, including completeness of coverage (see

Section 2, especially section 2.4 award criteria).
We would like to remind that potential tenderers can group in a consortium and involve sub-contractors to cover the required data as described in the lots. (Please see tender specifications chapter "1.3 Joint tenders and I.4 subcontracting").

With regards to the description of the products, it is up to the potential bidders to compile and offer the most relevant information and products as requested by each information lot; using the harmonised system code to describe the products that are offered will be most informative.

34. You ask for a "description of the IT team" - can you provide more detail on what you need to know in order to qualify for technical and professional capacity?

Answer: CVs of the proposed team members in Europass format must be provided as a part of the offer.

35. Do tenderers submitting offers for more than one lot have to submit two different tenders (one per lot)? Or can the tenderer submit a single tender for all the lots, while detailing offers per lot in the part D (technical offer) and part E (financial offer)?

Answer: In the cases as described in your question, two different tenders must be submitted, each tender clearly indicating the lot it is targeted to.