



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate B - Internal Energy Market
B.1 - Networks & Regional Initiatives

**Invitation to tender ENER/B1/2016-477 for a service contract
regarding a financial screening of projects in the
framework of the Central and South-Eastern Gas
Connectivity (CESEC) initiative**

Contract notice in OJEU 2016/S 049-080767 of 10/03/2016

QUESTIONS & ANSWERS

Latest update 11/04/2016

Question 1: Readiness to cooperate by the respective project promoters, incl. to provide the necessary documents, is key to successful completion of the tasks specified in the tender. Are the project promoters aware of the plan to conduct the screening and have they preliminarily agreed to provide the necessary assistance to the Contractor? Will the Commission and/or the respective Member States of the CESEC High Level Group facilitate the dialogue with the promoters by e.g. sending them a letter requesting such assistance?

Answer: The CESEC Action Plan which in particular calls for a financial screening of CESEC projects have been developed together with project promoters hence the promoters should indeed be aware of the plan to conduct the screening. The Commission services intend to facilitate the necessary dialogue with the promoters and in particular letters inviting project promoters to cooperate closely with the contractor may be sent to the promoters.

Question 2: Should the project promoters decline to provide all the necessary documents such as a feasibility study, a Cross-Border Cost Allocation or similar (or such documents have not been prepared yet), what does the Commission expect to be content of financial screening of such projects? Is it expected to be more qualitative description of the project with an indicative financial analysis (including limited future projections) or is it expected that the Contractor make assumptions on the parameters and their values in order to be able to prepare full financial model as for the projects where such documents were provided?

Answer: The nine projects are at various stages of development (as specified in the Tender Specifications) and it is indeed the case that some documents may not yet be available for some of them. The early stage of project development may restrict the scope

of the screening and therefore, as part of Task 1, the Contractor is expected to determine the scope of financial screening that can be done for each of the selected projects.

Specifically for the less advanced projects when certain data is not available it will be expected that the Contractor runs additional project specific modelling/projections to get statistics which are needed for a financial model.

Question 3: The deadline of submission is 12 April 2016. In the Invitation to tender is stated that the tender must be received no later than 12 April 2016. But in the case of sending the bid via post, the evidence of dispatch is a postmark with time limit of 12 April 2016, 24:00 CET. Therefore the bid cannot be physically received 12 April 2016. Do we understand correctly, that hard copy of the bid can be delivered after 12 April 2016 but it has to be sent before deadline (according to relevant mean of submission and evidence of dispatch)? Hence, opening of bids will be 19 April 2016. Could you please confirm that proposals for the tender mentioned in objective can be sent to the EC by post up until the 12.04.2016 with a postmark with that date? This will mean that the proposal will only reach the EC a few days after the 12/04.

Answer: We confirm that proposals for the tender can be sent by post up until 24.00 the 12.04.2016 with a postmark with that date.

The invitation to tender has been clarified accordingly: please refer to the corrigendum published.

Question 4: We understand that the contractor cannot be subject to conflict of interest and shall be independent from all the projects to be screened. May we kindly ask you to indicate what does it mean? Can the contractor provide other financial advisory services to individual projects such as tax advisory, debt fundraising, other services related to financial advisory services. In the case the contractor win this project, would it mean that he would be prohibited to provide such advisory services? Different team would be used for the additional financial advisory services.

Answer: We understand that the question refers to the professional conflicting interests of the contractor, which negatively impacts its capacity to perform the contract (article 148 (6) of the Regulation Implementing Financial Regulation. The purpose of this article is to avoid cases where an economic operator is awarded a contract in order to, e.g. evaluate a project in which it has participated or to audit accounts which it has previously certified. Such an earlier involvement may potentially lead to biased or less objective result. These cases often arise in evaluation or audit framework contracts, where the contractor can have a professional conflicting interest for a specific contract.

If an economic operator is in such a situation, the corresponding tender should be rejected in the selection phase.

However, in no case would the article impose a tenderer (or a contractor) refrain from economic or professional activities other than contract with the Commission. Nevertheless, it imposes on all tenderers an obligation to declare in their tenders earlier or existing contracts on the subject-matter of the tender (if any). In the case of the risk of professional conflict interest, the tenderer must also declare the measures he has taken to avoid the conflict actually occur, i.e. a clear segregation of duties, an independent quality control of the deliverables by another entity or an independent expert, etc. It is then up to the Commission to take the decision on the basis of the information received, whether or

not to exclude the tender, taking into account the gravity of the potential conflict of interest and the adequacy of measures taken.

Question 5: This e-mail is aimed to clarify our uncertainty regarding the financial criterion F1 under section 4.3 in the tender referenced ENER/B1/2016-447. The mentioned criterion states that the 'turnover of the last two financial years must be above EUR 500,000'. In this regard, could you please let us know if the amount stands for the period of two years altogether or for each of the years, taken individually?

Answer: The annual turnover of the last two financial years should be above 500.000 € for each of the previous financial years.

Question 6: In case of a joint tender with more than one legal entities, do all the entities involved have to have a turnover above EUR 500 000 for each one of the financial years?

Answer: The tenderer, as referred to Section 4.3 of the Tender Specifications, is to be understood as including all consortium members (joint tenderers, Section I.4 of the Tender Specifications) and / or sub-contractors (Section I.5 of the Tender Specifications), if any.

In other words, the cumulative turnover of all these entities together must be at least EUR 500 000 for each of the two years.

Question 7: *The ToR of the tender reads as follows: Page 14-15, Section 4.3.1. Technical and professional capacity criteria and evidence, List of relevant services provided in the past three years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed.*

Could you please clarify whether a tenderer could include ongoing projects? In that case could a tenderer use a declaration defining the proportion that have been carried out instead of a certificate?

In addition, for completed projects where a certificate is not available, could you please confirm that a tenderer may submit a solemn declaration or a sworn statement?

Answer: As a rule, ongoing projects are not to be taken into account under the selection criteria. The exceptions are the projects making a clearly distinguishable part of a larger project, and the tenderer has completed their part.

On the other hand, a declaration by the tenderer is not sufficient in order to take the project into account under the selection criteria. The certificate must, in all cases, be issued by other party or parties to the contract.