

Question	Answer
We are intending to bid for COMP/2016/014: Multiple Framework Contract for the provision of consultancy services on technical, economic and legal matters in the context of ICT and media competition cases and were wondering if this was a previously existing framework which is being re-tendered? If so, would it be possible to know who the previous members of the framework were?	The relevant information regarding the procedure "COMP/2012/001 — provision of consultancy services on technical, economic and legal matters in the context of ICT and media competition cases" can be found here on DG Competition's website: http://ec.europa.eu/competition/calls/tenders_closed.html .
On page 5 of the tender specifications it refers to a 15 page limit for the technical part – is this page limit per scenario, or for both scenarios together?	Please note that the technical part <u>per</u> case scenario should preferably not exceed 15 pages in total (CVs excluded).
Please may I confirm that we do not need to provide declarations on honour for sub-contractors on whom we won't be relying to fulfil the selection criteria? They will only need to provide a letter of intent? (We are planning to put together a panel of individual experts to provide input, but are able to fulfil the selection criterial ourselves with a joint collaborator.)	All the subcontractors must declare that they are not in one of the situations of exclusion listed in the declaration of honour and sign the declaration as indicated in the tender specifications in point 7.1., page 11. The subcontractor(s) on whom the tenderer will not be relying to fulfil the selection criteria do not have to fill in the parts of the declaration which refer to the selection criteria.
We wish to understand in a little more detail the nature of the conflict of interest terms as set out in the 'Contract for Services', section II.7, in regards to the	Conflicts of interest have to be assessed on a case-by-case basis for each specific contract. They could arise in any situation that could compromise the impartial and objective performance of the specific contracts. For each specific contract, the contractor, any subcontractors and experts involved will have to sign a declaration

<p>ITT for the Multiple Framework Contract (COMP/2016/014).</p> <p>Specifically we wish to understand how different cases would be considered by the commission in terms of potential conflict issues.</p>	<p>on the absence of a conflict of interest.</p> <p>The assessment of a possible conflict of interest shall be made in view of the services where the contractor would for example be involved in business relationships with parties concerned by a specific contract. If the contractor wishes to undertake business relationships with parties concerned by a specific contract within one year after the termination of that specific contract, the contractor might be asked to seek prior approval of the Commission.</p>
<p>We have a query from one of our sub-contractors. He would like to know that if we work on a project under this framework which involves a firm, would he subsequently be able to act as an advisor to this firm once our project has been completed or would he be conflicted out of working with them?</p>	<p>Conflicts of interest have to be assessed on a case-by-case basis for each specific contract. They could arise in any situation that could compromise the impartial and objective performance of the specific contracts. For each specific contract, the contractor, any subcontractors and experts involved will have to sign a declaration on the absence of a conflict of interest.</p> <p>The assessment of a possible conflict of interest shall be made in view of the services where the contractor would for example be involved in business relationships with parties concerned by a specific contract. If the contractor wishes to undertake business relationships with parties concerned by a specific contract within one year after the termination of that specific contract, the contractor might be asked to seek prior approval of the Commission.</p>
<p>We would like to confirm that a sub-contractor can join more than one bidding consortium in relation to the invitation to tender COMP/2016/014. Could you please confirm that the sub-contracting agreement does not need to be exclusive to one single bidding contractor?</p>	<p>We can confirm that a subcontractor can join more than one bidding consortium. It is up to the tenderer and its subcontractor to decide if there is an exclusive relationship or not and to manage the related risks (e.g. commercial secrets, incapability of delivery).</p>
<p>We have a question as regards the declaration of honour, in particular the exclusion and selection criteria section. Do you require us to submit any document in response to Section VI – EVIDENCE UPON</p>	<p>Evidence relating to paragraph 7.2.4. A. of the tender specifications (page 13) must be submitted with the tender. As to the rest of the selection criteria, after the contract award, the successful tenderer will be required to provide the evidence mentioned before signature of the contract and within a deadline given by the contracting authority (see page 12 of the tender specifications). As to the exclusion criteria, the successful tenderer must provide the documents mentioned as supporting evidence in the declaration of</p>

<p>REQUEST or Section VII – EVIDENCE FOR SELECTION even if the answer is NO to all questions in Section I, II, III and IV and YES to all questions in Section VII, or should we provide such document(s) only upon request?</p>	<p>honour before signature of the contract and within a deadline given by the contracting authority (see page 11 of the tender specifications). For the rest, indeed, the tenderers have to provide any supporting documents upon request.</p>
<p>In the declaration of honour form provided on the website, section VII – SELECTION CRITERIA refers to sections 6.2.2, 6.2.3 and 6.2.4 in the tender specifications but we think this should actually refer to sections 7.2.2, 7.2.3 and 7.2.4.</p> <p>Could you please confirm that this is correct and whether it is acceptable to change the form ourselves to reflect this?</p>	<p>You are right and the declaration of honour, section VII – SELECTION CRITERIA, referring to sections 6.2.2, 6.2.3 and 6.2.4 of the tender specifications, should actually refer to sections 7.2.2, 7.2.3 and 7.2.4 of the latter.</p> <p>Tenderers can update the form if they wish. If they choose not to do so, the Commission will consider that sections 6.2.2, 6.2.3 and 6.2.4 actually refer to sections 7.2.2, 7.2.3 and 7.2.4 of the tender specifications.</p>
<p>We are planning on implementing the expertise of partners, sub-contractors and external independent experts for this project. In this regard, please confirm the official administrative requirements which would need to be provided by the external independent experts.</p>	<p>All the subcontractors including external independent experts have to sign the declaration of honour because of the exclusion criteria (point 7.1. of the tender specifications) and all of them have to provide a letter of intent as well.</p> <p>The subcontractors on whom the tenderer will not rely to fulfil the selection criteria do not have to fill in the parts of the declaration referring to the selection criteria. The subcontractors on whom the tenderer will rely to fulfil the selection criteria have to fill in the parts of the declaration referring to the selection criteria and they also have to provide the related evidence.</p> <p>According to point 7.2.4. of the tender specifications, CVs of all experts must be provided with the tender. As to the rest of the selection criteria, evidence must be provided only by the winning tenderer's subcontractors and/or upon request.</p>
<p>Herewith some questions in</p>	<p>Evidence A.2 refers to the requirements as to the teams of experts</p>

<p>regards to Section 7.2.4 Technical & Professional Capacity Criteria & Evidence, Para. A Criteria relating to Tenderers, Evidence A.2 (average annual manpower statement).</p> <p>1. For which members of the consortium do we need to provide the manpower report. Is it partners only? Should the report be separate for each partner or together?</p> <p>2. How does the Commission expect manpower to be broken down by sector, especially when people cover multiple sectors?</p> <p>3. Can you please provide a template to indicate exactly what you are looking for?</p>	<p>delivering the Services in connection with the case scenarios mentioned under 2.2.1. and 2.2.2. of the tender specifications, so the manpower report should be for the experts per scenario per team.</p> <p>As to questions 2. and 3, a table which can be completed for all experts involved in the two case scenarios has been published under the tender documents on DG Competition's website.</p>
<p>We want to confirm a number of things about the Technical and Professional Capacity Criteria and Evidence described under 7.2.4 and the award criteria under 7.3.</p> <p>As we read the tender, the ranking of tenderers will be calculated based on two elements each weighted 50%:</p> <p>1) the financial offer of the tenderer in relation to the cheapest offer and</p> <p>2) the total score out of 100 for all award criteria. The 100 points in the award criteria</p>	<p>As to question 1: The tenders will be evaluated according to the award criteria mentioned under 7.3. of the tender specifications, relating to scenarios 1 and 2. As described in section 7.4. of the tender specifications, the ranking will be determined by the final scores according to the formula mentioned.</p> <p>As to question 2: Section 7.2.4. refers to the selection criteria to which no ranking or scores apply. Criteria A1, A2, A3 and A4 must be fulfilled in order to continue with the evaluation of the tender according to the award criteria.</p> <p>As to question 3: In A4 we ask the tenderer to describe measures in general which will be used to ensure the quality of the Services. Furthermore in the award criteria, we ask the tenderer to describe the organisation of the work and the quality control measures, which refer directly and specifically to the challenges of the scenarios. The determination of the length of evidence A4 is up to the tenderer.</p> <p>As to question 4: Presentations of the management team or procedures the tenderer would undertake following a Request for Services are not required.</p>

<p>relate to scenario 1 and scenario 2 only.</p> <p>1. Thus, is it correct the final ranking (score) is reliant solely on the financial offer and the two, max 15 page, scenarios?</p> <p>2. There is also criteria and evidence required as explained under 7.2.4. Could you please describe how this evidence is assessed? Is it for example, met criteria vs not met criteria, or are there rankings or scores used to compare the different tenderers?</p> <p>3. Related to the above question, Criteria A4 appears the only place in the TOR where the tenderer needs to describe management of the FWC as a whole, covering issues such as quality of services, confidentiality and conflict of interest. Could you please indicate how long you expect the evidence A4 to be?</p> <p>4. There appear to be no points allocated or criteria required relating to presenting a management team of the FWC, or describing the procedures we would undertake following a Request for Services under the FWC. Could you please advise if these are expected under Criteria A4, or if they are not required at all?</p>	
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<p>Just to confirm:</p> <p>1) the “manpower report” requested under evidence A2 is the template as per what you provided in your email</p> <p>2) there should be one of these tables (manpower report) per scenario in order to meet evidence A2</p> <p>Thus in summary, the first part of what is asked for in Evidence A2 i.e. “A report of the average annual manpower in the last three years and of the number of experts/consultants who have worked for the tenderers (by means of employment or otherwise) in the last three years” is not required, instead the table you provided is sufficient to meet the Evidence A2 requirements and this relates to the second part of what is described under Evidence A2 “...number of experts/consultants...broken down by categories (as defined above), area of expertise (technical, economic and legal) and Sector; an indication of the proportion or areas of the Multiple FWC, which the service provider intends to subcontract”.</p>	<p>Please provide a short presentation of the experts who worked for you in the past three years and who will be involved in the case scenarios, in addition to the breakdown by categories, area of expertise and sector, for which you can use the table provided in our previous reply and published on DG Competition's website.</p>
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