



Administration – FRA, A-1040 Vienna,
Schwarzenbergplatz 11

Vienna, 22/09/10
Reg.
1487

Subject: F/SE/10/03- Data collection and research services on fundamental rights issues

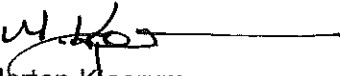
Contract notice: 2010/S 134-205087 of 14/07/2010, as amended

Ref.: Additional information regarding the specifications of the tender.

Dear Sir / Madam,

We received questions of general interest from the tenderers. Please find herewith the answers to these questions.

Yours faithfully,


Morten Kjaerum
Director

QUESTIONS & ANSWERS (V)

Data collection and research services on fundamental rights issues Open Call for tender No F/SE/10/03 (OJ/S 134- 2010/S 134-205087, 14/07/2010)

Question 58:

Regarding Criterion C of the Award Criteria (point 18.3 of Tender Specifications) could you please clarify what kind of cooperation is requested with relevant organizations and key actors? What are the proofs needed to demonstrate the future collaboration with these organizations?

Answer 58:

The tenderer in his technical offer should describe in detail how he will ensure that all possible sources are explored in data and information collection. It stays with the tenderer to describe in detail the ways and the methodology used in order to ensure the co-operation of relevant organisation(s) and key actors in this respect. No proofs are needed for the tenderer to demonstrate the future collaboration with the relevant organizations.

Question 59:

Concerning the scientific publications the experts should provide in order to apply for the call for tender "data collection and research services on fundamental rights issues", we would like to know if it is possible to send them in cd rom or if it is imperative to print them. In the eventuality you accept the documents in cd rom, we would like to know if they can be sent in their file "word" or you prefer the original version (that is to say, the publisher's one).

Answer 59:

The examples of team member's publications and samples of tenderer reports in fundamental rights areas can be provided in hard copy and/or in electronic format (e.g. cd-rom).

Question 60:

For tenderers applying as a group or consortium, what is the different between using form C.1.1 and C.1.2?

Answer 60:

Tenderers applying as a group/consortium will have to provide Annex C.1.1 giving one member of the group authority to sign and act on behalf of the whole group. Annex C.1.2 has to be provided if the partners created the group as a separate legal entity.

Question 61:

C.6.2 asks for 'A list of the principal services provided over the last three years, with the sums, dates and recipients, public or private' – what does 'sums' refer to?

Answer 61:

"Sum" refers to the volume of the contract (amount) for which the services have been delivered.

Question 62:

Assessing the 'price offer' – for the deliverables that are paid on the basis of 'man-days', how do tenderers include accompanying costs, eg travel and accommodation for the Social fieldwork expert, office overheads, payment for data or subscriptions to publications needed to inform the work such as legal journals?

Answer 62:

Tenderers must provide the prices including all fees and project related costs (project management, quality control, back-up resources, etc) directly connected with the provision of the service.

Question 63:

Does 'cascade' system mean may not be offered any specific contracts even if have Framework Service Contract?

Answer 63:

Please see answer 46 of "Questions & Answers IV".

Question 64:

Could you please tell us:

- can the administrative documents be provided in scanned version (received from partners) or only originals should be submitted?

Answer 64:

The documents can also be submitted in scan version.

Question 65:

The document of establishment of the entity is in other language than English (e.g. Polish), should FRA need a translation?

Answer 65:

Tenders can be submitted in one of the official languages of the European Union.

Question 66:

Tenders must be written in one of the official languages of the European Union". Does this mean that also the requested information (e.g.: CVs) should be written in one of the EU official languages, or in English?

Answer 66:

Please see answer 65. However, CVs should be provided in English.

Question 67:

According to Annex A, par. 25.1 (administrative details), we can choose between two different types of bid. In case we choose the first type (a joint bid), should we provide the Agency with annexes C.1.4 and C.1.5. of all the providers joining the bid?

Answer 67:

Joint tenders submitted by several economic operators (a consortium or a group of companies) are allowed. In such cases, one of members must be designated as the group leader or group manager.

All members of a consortium (i.e. the leader and all other members) are jointly and severally liable to the Contracting Authority.

Each member of the consortium or group of companies must provide Annex C.1.4 – Legal Entity, but only the group leader must provide Annex C.1.5 – Financial Identification Form.

Question 68:

Regarding the publications to be attached to the tenders and, more in general, all the annexes, we would like to know if one copy can be sufficient even if tenders must be submitted in triplicate. Please consider that some of them include more than hundred pages.

Answer 68:

Please note that the examples of team member's publications and samples of tenderer reports in fundamental rights areas can be provided in hard copy and/or in electronic format (e.g. cd-rom)

Question 69:

We plan to collaborate with 2 other organizations to submit a bid. The lead organization will be ours. In this case that 3 organizations will collaborate and form a consortium, do you require the financial statements and balance sheets of all partners, or only those of the Leader organization?

Answer 69:

Each of the partners has to provide the proof of economic and financial capacity. However, the consortium as a whole has to satisfy the minimum overall turnover.

Question 70:

How important are the financial statements of the partner organizations in the evaluation process?

Answer 70:

Please see answer 69.

Question 71:

For each of the Team profiles (e.g. project manager, senior expert, legal expert, etc.), we will list 1 person who fulfills all criteria listed in the tender. To demonstrate that we can have 3 teams work in parallel, we will also include a list of additional experts who will collaborate and support the "lead" experts (e.g. legal expert, social expert, etc.). Some of the additional experts have scientific publications some not. Do all supporting staff and additional experts need to meet the minimum requirements listed (e.g. 2 scientific publications)? Or this requirement is for at least 1 person listed under each profile?

Answer 71:

The requirements of each profile are defined in the technical specifications. All the project team members proposed by the tenderer need to meet the minimum education qualifications as defined in the relevant profile of the technical specifications in order to be eligible. Supporting staff and additional experts do not represent the key experts (profiles) required for the assessment of the technical capacity of the tenderers to deliver the services (See Selection criteria specified in Annex A-Tender Specifications, paragraph 18.2). Only individuals who meet the minimum requirements as defined in the profiles can be considered as members of the project team for the purposes of this call for tender.

Question 72:

Will the supporting and additional experts be considered during the evaluation? OR is best to only list 1 expert under each "Profile" and demonstrate our capacity via other means (e.g. organization profiles, portfolio of projects completed, etc.).

Answer 72:

Supporting and additional experts who do not meet the requirements as defined in the profiles in the technical specifications will not be considered during the evaluation. Only experts who qualify according to the profiles will be considered. However, under award criterion B the composition of the entire project team proposed will be evaluated and taken into account for assessing the overall technical quality of the offer (Paragraph 18.3 of Annex A – Tender Specifications, award criterion B). Under this criterion B, the professional skill mix of the team as a whole, but including only those experts who meet the requirements of one of the profiles defined in the technical specifications will be evaluated.

Question 73:

The new deadline to submit the tender is 28 Sep. 2010?

Answer 73:

With corrigendum (OJ 2010/S 147-226434 of 31/07/2010 the deadline for submission has been extended to 28/09/2010.

Question 74:

My question concerns whether all participants are required to sign the 'Power of Attorney' document. Our team will be composed of a Project Manager / Coordinator (the University of Barcelona) in addition to Partners / Tenderers as well as Subcontractors.

Answer 74:

Only the economic operators, having formed a consortium or a group of companies must designate one of the members as the group leader or group manager. Therefore these partners have to sign the "Power of Attorney".

Question 75:

Can you kindly confirm that the only element which needs to be removed from the CV on the above tender, is the name itself? Thank you very much in advance.

Answer 75:

Please proceed as outlined in paragraph 18.2.2 of Annex A – Tender Specifications: Concerning the CVs requested: Tenderers need to make sure that names of any individual are not indicated on the CV forms. Instead, please use numbers and provide an extra table for staff in attachment to make the connection between numbers and names. In order to protect confidential personal data, CVs will be circulated without the corresponding table.

Question 76:

Should the documents mentioned in points 18.1.3 and 18.1.4 be attached to tender or delivered after awarding the contract?

Answer 76:

At the stage of submission of the tender it is sufficient to provide Annex C.2.1 (Exclusion Criteria Form) and Annex C.2.2 (Solemn Declaration) regarding the exclusion criteria mentioned in paragraph 18.1 of Annex A – Tender Specifications. Only after the award of the contract the tenderer must provide documentary proof regarding the exclusion criteria.

Question 77:

In the case that 3 organizations will collaborate and form a consortium, do you require the financial statements and balance sheets of all partners, or only those of the Leader organization?

Answer 77:

Please see answer 69.

Question 78:

The price per man-day at the FRA or EIGE premises in euro (Annex C.3. of Standard submission form) should include accommodation and/or travel costs?

Answer 78:

Yes. Tenderers must provide the prices including all fees and project related costs (project management, quality control, back-up resources, etc) directly connected with the provision of the service.

Question 79:

Where in the submission form shall the lot number be indicated? Should be the lot number of the offer indicated on financial offer and technical offer as well?

Answer 79:

The Lot for which you apply should be clearly indicated on the technical offer and on the financial offer.

Question 80:

In case if tender offer involves several service providers is it necessary to enclose the Agreement / Power of Attorney (Annex C.1.1 or C.1 to the tender submission or will be ask by FRA later?

Answer 80:

Annex C.1.1 or Annex C.1.2 Agreement / Power of Attorney should be provided together with the other tender documents.

Question 81:

In case if tender offer involves several service providers the proof of economic and financial capacity shall be furnished by all members of the group or only by the group leader?

Answer 81:

Please see answer 77.

Question 82:

How - in technical terms - should be provided examples of team member's publications and samples of tenderer reports in fundamental rights areas (printed copies, electronic copies etc.)?

Answer 82:

Please see answer 59.

Question 83:

Would you pls confirm that the deadline for submitting our offer for the aforesaid call has now been extended to 28th September 2010.

Answer 83:

See answer 73.

Question 84:

Also, could you please clarify whether a written decision of the board of directors appointing one director amongst their ranks to sign on behalf of the institution will satisfy the requirement contained in the specifications: "A legible copy of the notice of appointment of the persons authorized to represent the tenderer 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."

Answer 84:

The answer to your question is yes.

Question 85:

Finally, if indeed the deadline for submission is extended, what is the final date for submitting to you enquiries for clarification?

Answer 85:

Please see answer 73. The deadline for requesting clarifications has been extended to 23/09/2010 (17:00 h).

Question 86:

According to Annex A, par. 25.1 (administrative details), we can choose between two different types of bid. In case we chose the first type (a joint bid), should we provide the Agency with annexes C.1.4 and C.1.5. of all the providers joining the bid?

Answer 87:

Annex C.1.4 – Legal Entity has to be provided by all partners, Annex C.1.5 – Financial Identification Form has to be provided only by the leader of the consortium.

Question 88:

Considering the division in various lots, would it be possible for only one country to apply - for ex., Romania, lot no....(de trecut nr. din call, eu nu-l am la indemana)? Or does it mean that each country must have at least one partner from another EU country?

Answer 88:

Please see paragraph 1 of Annex A – Tender Specifications: Tenderers may apply for one or several lots but may submit only one offer per Lot.

Question 89:

The mentioned duration of the project is of "maximum 48 months". In this respect, is it established a minimal duration? For ex., 12 months? or it is upon the tenderer to establish the duration?

Answer 89:

The framework contract per Lot resulting from this call for tenders shall not exceed four (4) years. Framework contracts involve no direct commitment and, in particular, do not constitute orders *per se*. Instead, they lay down the legal, financial, technical and administrative provisions governing the relations between the Contracting Authority and the contractor during the period of its validity. Specific contracts or Order Forms will be issued throughout the validity of the Framework contract. Such specific contracts or orders will be attached to the framework contract. The draft Framework Contract (Annex B) specifies the basic conditions applicable to any assignment placed under its terms. Signature of a Framework Contract does not place the Contracting Authority under any obligation to place an assignment.

Question 90:

What exactly means the allocation in "cascade" of the project? (de citat exact din oferta tehnica

Answer 90:

Please see answer 25 of "Questions & Answers III" and answer 46 of "Questions and Answers IV" Both documents are available under the following website address:
http://fra.europa.eu/fraWebsite/about_fra/procurement/procurement_en.htm

Question 91:

Regarding the content in itself: if we correctly understood, the project should refer to the implementation and good practices (in all details mentioned in the Annexes) regarding the fundamental rights with a special view/focused on gender issues and equal opportunities aspects. If so, should we produce two types of Bulletins, Reports, studies etc., if winning the project, one referring to fundamental rights aspects in all and the other focusing on gender issues and equal opportunities? Or should we imagine only one type of deliverable (bulletin, study, report etc.) integrating the gender issues and equal opportunities aspects into the larger panel of fundamental rights implementation in Romania?

Answer 91:

Please see answer 21 and 29 of "Questions & Answers III".

Question 92:

Can we submit the tender, even though we are an NGO that does not need to pay VAT concerning our legislation, so we do not pay VAT?

Answer 92:

Please see answer 24 of "Questions & Answers III".

Question 93:

If we write the tender submission in our language, does it give less credit to our tender than if we would submitting it in English?

Answer 93:

Please see answer 65 and 66.

Question 94:

...concerning the scientific publications the experts should provide in order to apply for the call for tender "data collection and research services on fundamental rights issues", we would like to know if it is possible to send them in cd rom or if it is imperative to print them. In the eventuality you accept the documents in cd rom, we would like to know if they can be sent in their file "word" or you prefer the original version (that is to say, the publisher's one).

Answer 94:

Please see answer 59.

Question 95:

The table in Standard Submission Form/ Annex C.3. which is related to bidders' financial proposal does not include separate space for offers related to the social fieldwork research, a deliverable specified in Tender and Technical Specifications. Could you please explain whether, for example, a financial offer related to the social thematic study also applies to the social fieldwork research or we should add an extra space in order to also specify the price of social fieldwork research?

Answer 95:

The price for social fieldwork research will be calculated per man-day. Please see Annex C.3 Standard Submission Form, table "Quoted time and means", Social Expert on qualitative fieldwork research.

Question 96:

Does the same price per man-day at the contractor's premises in euro apply both to reports of various sizes and to review services?

Answer 96:

The answer to your question is yes.

Question 97:

Does the cascade system for allocating specific contracts mean that the lowest ranked of the 3-5 awarded contracts might be offered no specific contract if those at the top ranking accept all the contracts they are offered.

Answer 97:

The answer to your question is yes.

Question 98:

Section 18.2.2 (a) of the Tender Specifications document requests the removal of names from the CVs provided. Should such names also be removed from the list of publications that are identified at the end of each respective CVs (i.e. at the back)?

Answer 98:

The answer to your question is no.

Question 99:

Moreover, should such names also be removed from the abstracts and copies of any publications provided with the proposal? If these are not removed, the name of key expert will be shown. Or can these abstracts/copies of publications be provided in a separate envelope?

Answer 99:

The answer to your question is no, the names should not be removed from the abstracts, copies etc.

Question 100:

Are three copies of all the identified publications and (with or without names of authors/key experts) required, or will one copy (in a separate envelope due to above confidentiality) of these publications suffice?

Answer 100:

Please see answer 63.

Question 101:

Are abstracts required even for publications which are provided in full and which is in English?

Answer 101:

The answer to your question is no.

Question 102:

Will the names of the key experts also need to be removed from the technical proposal?

Answer 102:

Please see answer 49 of "Questions & Answers IV".

Question 103:

According to the tender specifications "A pre-financing guarantee for the total amount of pre-financing payment exceeding €150,000.00 is required." Do we understand it correctly, that it means that the tenderer has to submit a pre-financing guarantee that in case it receives a pre-financing that exceeds 150,000 EUR, it can guarantee that should the pre-financing amount be repaid by the tenderer to the Contractor (e.g. as it fails to submit the required delivery set in the contract), it is able to do so? If we understand it right, we have a bit of a problem. The planned tenderer organisations are public budgetary organisations and their financial headquarter informed us that due to their public budgetary status they can issue no such guarantee. Otherwise, as we do not plan to submit our offer for more lots, or for Lot 30 (comparative level), the liness of having so large specific contracts is basically zero. What should we do in such a situation?

Answer 103:

The pre-financing guarantee is only due if the pre-financing exceeds 150,000.00 EUR and if the contractor wishes/requests the pre-financing payment. If the contractor does not provide the pre-financing guarantee then no pre-financing payment will be issued.

Question 104:

The tender specifications state that "A given CV may only be used for one lot and one profile." In our case the planned project manager also acted as one of the experts in the previous years, which worked well. In the present offer, we intend to enclose a series of experts, for different areas. If we reason it very thoroughly in the technical offer, may we identify the same person for project management and one of the profiles (where, in the latter, tasks to be performed in the profile are divided between experts), or does it lead to the immediate exclusion of the application from further evaluation?

Answer 104:

Please see answer 6 – 9 of Questions & Answers I.