

Clarifications during tendering
F-SE-17-T11
FRANET- Data collection and research services on fundamental
rights issues
Questions and Answers II

Vienna, the 06/10/17
Ref: 2017-outgoing- 00 1301

Reference: Open call for tender F-SE-17-T11- FRANET- Data collection and research services on fundamental rights issues
Subject: Clarifications during tendering

Dear Sir/Madam,

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

Yours sincerely,



Michael O'Flaherty
Director

Clarifications during tendering

F-SE-17-T11

FRANET- Data collection and research services on fundamental rights issues

Questions and Answers II

Question 9:

With regard to the above tender I would like to ask the following regarding:

FORM B.1 - DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA

In the Standard Submission form on page 17 and 18 you state that proof of evidence does not have to be submitted again if it already had been provided in a previous procurement procedure. So can the proof of evidence, sworn with a notary from the last procurement procedure in 2013, be sufficient, providing that since then there has been no changes to the inquired points?

Answer 9:

In Section 19.1 (Verification of non-exclusion) of Annex A – Tender Specification as well as in Section VII (Evidence for Selection) of Annex C – Standard Submission Form it is stated that the successful tenderer will not be required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date.

The documents that were provided under the previous procurement procedure in 2013 are older than one year. Therefore these documents will not be sufficient.

Question 10:

Technical specifications Annex 1 F-SE-17-T11-1

4.2.5 Various reports and services (Lots 1–30), p. 10

We would like to make a comment, respectively raise a question regarding this paragraph in the mentioned document. With regard to the requirement to be independent as a National Human Rights Institution, some of the planned measures under the deliverable "various services" like supporting FRA with communication and training activities could interfere with it.

Possible for us would be to consult and support FRA in communication and training. However, the implementation of press conferences for example, could go against our mandate and the underlying requirements by the UN Paris Principles.

Even holding joint press conferences could be difficult, when the timing and content requested by the FRA would collide with running policy consulting processes of the Institute. For example: Whilst the Institute might think that a subject should be dealt with behind the scenes in the parliamentary field, the FRA could rather deem to carry out a press conference or act in public in some other way.

Therefore:

- What exactly do you mean by support and facilitate activities at national level carried out / or commissioned by FRA. Could you please give us an example?
- Would it be possible for the FRA to consider the boundaries mentioned above?

Answer 10:

Under this service contractors may be requested to support and facilitate activities at national level carried out/or commissioned by FRA.

As an illustration, this could include in the context of supporting a visit by FRA staff: identifying and facilitating contacts with relevant stakeholders and checking background documents prepared by FRA for errors; or in the context of supporting a meeting at national level it could include: advising on the development of meeting agendas, identifying a suitable place/venue, as well as potential speakers and participants, translating relevant material.

It should be clarified that contractors will not be requested to give or participate in any press conference or to speak on behalf of the EU Fundamental Rights Agency.

Question 11:

Annex A 20.3.1 Financial award criteria (Lot 16: Luxembourg)

It is written that the "Tenderers financial offers will be evaluated on the basis of the following financial award criteria and their corresponding weightings".

In the table, basically it is mentioned:

Deliverables 70%

Profiles 30%

- Does this mean, for example, as a tender from Luxembourg, if we can get the maximum amount of 390,000 Euro, we need to consider spending 273,000 Euro (70%) for the deliverables and 117,000 Euro (30%) for human resources?
- Or does this just mean how you evaluate the proposals based on the calculation written on Page 17 and for actual calculation for the demand (Form F) we do not need to consider these percentages?

Also within the 30% of profiles, if it is Extra-muros (at the contractor's place or any other place indicated in Annex A.1), the percentage is allocated as follows:

Project manager 16%

Senior expert 12%

Legal expert 26%

Social expert 24%

Interviewer 8%

Language editor 10%

Participation in meetings 2%

- What are these percentages mean? Are they only for evaluation points for the reviewers?

Answer 11:

As set out in Section 6 (Volume) of Annex A – Tender Specifications the amount of the framework contract is only indicative and by no means binding for the contracting authority.

Please note that 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 (please see also Section 3 – Purpose of the tender of Annex A – Tender Specifications).

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 oblige the contracting authority to place an assignment.

Tenderers will need to provide a financial offer per deliverable irrespective of the maximum estimated volume of deliverables to be contracted over the 4 years period of the framework contract.

Similarly, tenderers will need to provide a financial offer per profile per day irrespective of the number of tasks that may be required over the 4 year period of the framework contract.

The specific weighting in % for the deliverables is defined based on the number of deliverables that were requested during the implementation of the previous framework contract.

Similarly, the weighting in % per profile is defined based on the number of days that were allocated to a specific profile during the implementation of the previous framework contract.

However, the weighting per deliverable and per profile will be applied during the financial evaluation as set out in Section 20.3 of Annex A – Tender Specifications.

Question 12:

Form F

- (Deliverables & report) At this stage, we have no clue how many deliverables/reports we need to provide. So we will estimate some global figures for this section. Is this a correct approach?
- (Profiles) Do we have any freedom to allocate the amount of tasks/honorary to each member regardless of the percentages above?

Answer 12:

The Agency's research activities could give an indication of the type and number of service requests. They are described in the Agency's Work Programmes and its strategic plan available under:

<http://fra.europa.eu/en/about-fra/what-we-do/annual-work-programme>.

Tenderers will need to provide a financial offer per deliverable irrespective of the maximum estimated volume of deliverables to be contracted over the 4 year period of the framework contract

The tasks for each profile are described in section 8 - Project team of ANNEX A.1. - Technical Specifications.

Tenderers will need to provide a financial offer per profile per day irrespective of the number of tasks that may be required over the 4 year period of the framework contract.

For quoted times and means specific contracts the contracting authority will define in each service request the type of profile needed to conduct the service. The contractor considering the price offer per profile (based on its financial offer) will be requested to

provide the contracting authority with the number of working days per profile to be allocated for the execution of the service.

The contracting authority will then assess the proposed allocation of working days per profile, and may accept or reject it in case of significant deviation from the contracting authority's internal estimate.

Question 13:

Annex B 1.6 Payment Arrangement

I understand from these clauses that basically we can expect three payments (depending on the amount): Pre-financing, Interim payment and Payment of the balance.

- If we are accepted as a tender, can we be informed of a total amount of budget for our university at the beginning? I am asking this because of 1) uncertain numbers/volume of deliverables; and also as 2) we are thinking of hiring some personnel and within the university we need an official confirmation at the very beginning that we have enough finance to cover their cost for the project period.
- Will these payments be made based on the number/volume of deliverables? If so, the amount to be paid can be modified during the project period?

Answer 13:

The total estimated amount per framework contract per Lot over a period of four years is stated in Section 6 (Volume) of Annex A – Tender Specifications. The amount of the framework contract is only indicative and by no means binding for the contracting authority (please see also answer 12).

Payments are always linked to Specific Contracts. Depending on the amount of the Specific Contract you have different payment arrangements as set out in paragraph 1.6 of Annex B – Draft Framework Contract.

Under the present procurement procedure you have two types of Specific Contracts:

- a) Fixed Price Specific Contracts, and
- b) Quoted Times and Means Specific Contracts

Which deliverable falls into which type of contract is set out in the table under Section 4.2 (Deliverables and additional services) of Annex A.1 – Technical Specifications.

The payment for all services delivered according to the contract corresponds normally to the contract amount, which is based on the financial offer of the contractor.

For Quoted Times and Means Specific Contracts the payment corresponds to the services actually rendered under the specific contract. For example, when the estimated working days have not been used up for some profiles, the payment will be modified and only the amount corresponding to the actually rendered working days will be paid.

Question 14:

For Ireland, an English language country, must we include a Language Editor? Our quality methodology already includes a process for style review; however, in the past it has been our experience that there is no utility for a Language Editor as all requests are drafted in English.

Answer 14:

All tenderers must present in their Technical Offer the proposed team providing relevant CVs valid as a minimum per lot, including the profile of the English language editor, as described section 8 - Project team of ANNEX A.1. - Technical Specifications.

Tenderers must show how they will ensure that all deliverables are submitted in English (unless otherwise specified in the project guidelines provided by FRA) at international academic publication standards, as specified in Annex A1 Technical Specifications, section 5.

Question 15:

Regarding FORM D.2 – LIST OF PRINCIPAL SERVICES PROVIDED/SUPPLIES DELIVERED, it states the minimum requirements as follows shall be met: National level reports, studies or research in fundamental rights areas conducted for non-governmental organisations, national or EU institutions or international governmental organisations; minimum three (3) reports. These reports need to be provided. (Abstract in English and full text in any EU language; preferably as a text-searchable digital version in data storage devices such as USB flash drives - i.e. memory sticks or a hyperlink in the case the publications are on-line available). We would like to submit 3 research reports produced for FRANET current contract as examples of relevant supplies delivered over the last 3 years, are each FRANET research service request considered an acceptable form of supplies delivered over last 3 years?

Answer 15:

The answer to your question is "yes".

Question 16:

Can you please confirm that 1 original and 2 copies of documents should be provided; however, material for Experts (CV and Articles) should be provided USB?

Answer 16:

The answer to your question is "yes".

Question 17:

- Are international organizations eligible to apply to the tender as full member of the group?
- If not, considering that "Joint tenders may include subcontractors in addition to the members of the group", could international organisations participate to the tenderer as subcontractor? Is there any limitation on this regard?

Answer 17:

International organisations with a seat inside the European Union are eligible to apply to the tender – either as full member of the group or as subcontractor.

However, the tenderer must be in a position to accept the contractual conditions as set out in Annex B- Draft Framework Contract.

Question 18:

If we are accepted as a tender, can we be informed of a total amount of budget for our university at the beginning? I am asking this because of 1) uncertain numbers/volume of deliverables; and also as 2) we are thinking of hiring some personnel and within the university we need an official confirmation at the very beginning that we have enough finance to cover their cost for the project period.

Answer 18:

Please see answer 13.