

Administration – FRA, A-1040 Vienna,  
Schwarzenbergplatz 11

Vienna, 16/09/10  
Reg. 1445

**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 (IV)

### 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 31:**

Please clarify how the estimated total value of the framework agreements is divided between the different lots and in particular what the estimated total size of lot 29 on comparative analysis will be.

#### **Answer 31:**

The maximum volume of the framework contracts for all thirty (30) Lots, over four (4) years, is estimated at the range of € 12.000.000 (twelve million EUR) up to €15.000.000 (fifteen million EUR) excluding VAT. Over four years, the expected deliverables per lot for lots 1-28 are: 24 thematic studies (legal and/or social); 8 social field work research; 24 ad hoc information requests; 4 contribution to annual reports (reports of various sizes); 12 bulletins. Please note that this is a rough estimate only and does not bind the agency in any manner. The actual service requests will depend on the budget availability and on the annual work programme adopted by the management board of the agency.

Please note that with the corrigendum (OJ 2010/S 147-226434 of 31/07/2010) of the contract notice (2010/S 134-205087 of 14/07/2010) one additional Lot (Croatia) has been included in the tender, and the names of Lot 28 to 30 have changed as follows:

Lot 28 Croatia

Lot 29 EU and international level

Lot 30 Comparative analysis

#### **Question 32:**

Where should be made the statement from the authorized representative (agent) confirming the validity of the tender: on a separate sheet or in the Standard Submission Form? In the first case, should it be attached to the Standard Submission Form or should it be loose? In the second case, where should it be made?

#### **Answer 32:**

As for the statement confirming the validity of the tender no specific template has been foreseen in the Standard Submission Form. It could be included in the accompanying letter, or in the technical or financial offer.

#### **Question 33:**

Should the requested lists of publications by Senior, Legal and Social Experts be included in the Europass CVs or should they be a in separate document? In the second case, in what part of the Standard Submission Form should them be included?

#### **Answer 33:**

The requested lists of publications by Senior, Legal and Social Expert should be either included in the Europass CVs or as a separate document attached to the CV.

**Question 34:**

In what part of the Standard Submission Form should the requested publications by Senior, Legal and Social Experts, as well as the examples of edited work by the Editors be included?

**Answer 34:**

Please see answer 33.

**Question 35:**

In what part of the Standard Submission Form should the documents proving economic and financial capacity be included?

**Answer 35:**

Under Annex C.5.1 the statement of the annual overall turnover should be provided. However, due to a clerical error the title of Annex C.5.1 is not the correct title. Instead of "Statements from banks or evidence of professional risk indemnity insurance", it should read "Statement of the annual overall turnover".

**Question 36:**

Where can we find detailed information about the format of the application (e.g. guidelines, structure, expected number of pages, budget format)?

**Answer 36:**

Please see Annex A – Tender Specifications, Annex A.1 – Technical Specifications and Annex C – Standard Submission Form.

**Question 37:**

Is there advantage in submitting an application in partnership (as a part of a consortium) or as a stand alone application?

**Answer 37:**

Please see section 6 (Participating in the tendering procedure) of Annex A – Tender Specifications: Participation in tendering procedures is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Communities in the field of public procurement on the conditions laid down in that agreement.....

**Question 38:**

When funding decisions are expected?

**Answer 38:**

According to the provisional time planning for this tender award decisions are to be expected end of November, beginning of December 2010.

**Question 39:**

In the case of a joint tender by two organisations, does each organisation has to present a Project Manager or does the tender only provides for one (within the group leader)?

**Answer 38:**

According to section 10 (Project team – Lots 1-30) tenderers must present in their Technical Offer the proposed team providing relevant CVs valid as a **minimum**, for the following profiles:

1. Project Manager, who will coordinate the project team and have the overall responsibility for the timely execution of the contract.

It is up to the partner organizations to decide who of the partners will provide the Project Manager.

**Question 39:**

For the economic and financial capacity a balance sheets for at least the last two years have to be provided, however, is it acceptable that a written statement of the balance not yet closed will be provided for consortium partner whose economic operation is not older than just 1 year and no accounts have been closed yet? Basically, if one of the consortium partners (not the lead partner) has been operating as legal entity only from the beginning of this year (2010), the question is 1) whether it is eligible to participate as minor partner in consortium and 2) whether written statement about the accounts is sufficient to prove its economic and financial capacity?

**Answer 39:**

The consortium as a whole has to satisfy the minimum overall turnover.

**Question 41:**

A minimum overall turnover of € 50,000.00 is required of the consortium as a whole or for each consortium member separately?

**Answer 41:**

Please see answer 39.

**Question 42:**

What is the required proof of linguistic capacities of experts? Is expert's statement of its linguistic capacities in CV enough or some additional proof is required?

**Answer 42:**

The expert's CV is sufficient. No additional supporting document is required as a proof.

**Question 43:**

I would like to ask a question about Annex C.6.2 - List of the principal services provided over the last 3 years. We will include more than 3 reports (the minimum number requested) and we are wondering if we have to provide all the reports listed or only 3 reports chosen among the studies we have carried out in the last 3 years. If it is necessary to provide all the reports, is it possible to provide them in electronic format (attaching a CD)?

**Answer 43:**

You can list as many reports, as you see fit. In order to comply with the selection criteria you must provide also a minimum of three (3) reports (abstract in English and full text in any EU language) in hard copy. It is not necessary to provide more than that.

**Question 44:**

I would like to ask if the extension date is valid for everybody, so we can give in the tender by 28/09/2010 - 17:00 or if it is necessary to give it in 21.09.2010, no later than 17:00.

**Answer 44:**

The deadline for submission of tenders has been extended to the 28/09/2010 to allow all tenderers to take into consideration the changes made by the corrigendum (OJ/S S147-226434 of 31/07/2010) to the contract notice (OJ/S S134-205087 of 14/07/2010).

Please see also the document "Corrigendum to the Tender Documents", which is available for downloading on the following website:

[http://fra.europa.eu/fraWebsite/about\\_fra/cft-fse1003\\_en.htm](http://fra.europa.eu/fraWebsite/about_fra/cft-fse1003_en.htm)

**Question 45:**

In Annex C/standard submission form there is an "Annex C.5.1 - Statements from banks or evidence of professional risk indemnity insurance". Its explanation is referring to a specification "under section 18.2.1 of Annex A". However, in section 18.2.1 of Annex A this Annex C.5.1 is neither explained nor mentioned at all.

So could you please clarify whether Annex C.5.1 is required at all, and if yes, under which circumstances, and what kind of evidence should be provided?

**Answer 45:**

Please see answer 35.

**Question 46:**

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 at all if those at the top of the ranking accept all the contracts they are offered?

**Answer 46:**

The answer to your question is yes.

**Question 47:**

The Annex C – Standard Submission Form says:

ANNEX C.5.1 – Statements from banks or evidence of professional risk indemnity insurance

Appropriate statements from banks or evidence of professional risk indemnity insurance (as specified under section 18.2.1 a) of Annex A – Tender Specifications)

ANNEX C.5.2 – BALANCE SHEETS

The presentation of balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established.

The information in Annex A – Tender Specifications, section 18.2.1 a) seems that to be put in Annex C.5.2 – Balance Sheets.

So what is the information to put Annex C.5.1 and Annex C.5.2?

**Answer 47:**

Please see answer 35.

**Question 48:**

Annex A - Tender Specifications, 18.2.1 a) says:

a statement of the overall turnover and, where appropriate, of turnover in the area of services covered by the contract during the last two financial years. A minimum of the overall turnover of €50,000.00 for each lot during the last two years is required.

This information is to put in what Annex?

**Answer 48:**

Please see answer 35.

**Question 49:**

According to the tender specification tenderers need to make sure that names of any individual are not indicated on the CV forms. In this respect, is it allowed to include names in the technical offer where the composition and the capacity of the proposed team is described?

**Answer 49:**

In the technical offer it is not necessary to give the name(s) of a person. It is sufficient to indicate the profile(s) of the proposed expert(s).

**Question 50:**

Tenderers are required to prove their technical capacity by presenting at least three reports conducted for NGOs, national or EU institutions or international organizations. Could you provide an advise how to proceed when the copyrights on these reports belong to the contracting institution/organization and tenderer is not allowed to use them.

**Answer 50:**

The reports will serve to assess the technical and professional capacity of the proposed expert(s). Therefore the Agency is not requesting the tenderers to transfer the intellectual property rights attached to these reports.

However, there is always the possibility for the tenderer to request authorization from the owner of the copyrights prior making use of the reports for the purposes of proofing the expert's technical and professional capacity.

**Question 51:**

According to the invitation to tender the technical and the financial offer must be placed inside different envelops and the tender must be submitted in triplicate. Does this mean that there must be three originals or one original and two copies are sufficient. Also, can all the three copies of the financial offer (and all the three copies of the technical offer respectively) be placed in one envelop or should each copy be placed in a separate envelop.

**Answer 51:**

One original and two copies are sufficient. All three copies of the financial offer can be placed in one envelope (and all three copies of the technical offer in another envelope).

**Question 52:**

Do we understand it right, that each year of the Contract all 6 deliverables and 2 tasks will have to be performed?

**Answer 52:**

No; Different deliverables and tasks could be requested by FRA (the contracting authority) at any time (during the duration of the Framework Contract - 4 years) depending on the Agency's needs. The Framework Contract (FC) itself does not impose an obligation on FRA to request specific

deliverables. The Agency decides on the deliverables it will require after its Management Board has adopted its Annual Work Programme, usually in June or September of the previous year."

**Question 53:**

With regards to composing the project team, we want to cover expertise on as many fundamental rights as possible. These rights cover many different areas and topics. Therefore, we focus on expertise on racism/hatecrimes, discrimination based on sex, ethnic origin, nationality, religion/belief, gender equality/emancipation, asylum, immigration and integration of migrants. Could you indicate if other topics will be included? Then we will add more/different expertise to our team!

**Answer 53:**

The professional skill mix of the team as a whole should be capable of covering all different areas of fundamental rights issues that the FRA works on from a sociological and legal perspective. The current areas of work of the Agency are included in its Multiannual Framework (available on our website), which might be extended to cover other issues, for example criminal justice, in 2013. The FRA Annual Work Programmes, available for 2010 and 2011 on the FRA's website, also indicate areas of expertise.

**Question 54:**

With regard to the financial offer, are there guidelines of the total available budget per country (per year)?

**Answer 54:**

Please see answer 31.

**Question 55:**

We understand that the price tendered must be all inclusive and include VAT, where applicable. In Annex C3 we have to offer the price per man-day for the participation in meetings. This is the total price, including travel / accommodation / food & drinks, is that right?

**Answer 55:**

Yes. Participation in meetings is a service and Tenderers should include it in their Price Offer. The price must be all-inclusive including travel, accommodation and any other cost and expressed in euros.

**Question 56:**

Please be as kind as to elaborate what is meant by professional experience "relevant to the lot" as used in Annex A.1 section 10 regarding the qualifications of the project team. Does this mean that an expert, who has carried out relevant research (say, in France), but not in the country the tenderer applies for (for example, Spain), does not fulfil the educational qualifications/professional experience?

**Answer 56:**

Each expert should have carried out relevant research for the country/Lot the tenderer has applied for. For example the social expert who will be included in the bid for the Lot related to France has to prove expertise relating to France. Relevant expertise has to be proven specifically for the Lot, not merely generally.

**Question 57:**

18.2.1 Economic and financial capacity / Proof of economic and financial capacity shall be furnished by the following documents:

a) the presentation of the balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed shall be presented where publication of the balance sheets is required under the company law of the country in which the economic operator is established;

It is necessary that the extracts from balance sheets to be dated, signed and stamped by the representatives of the tenderer where publication of the Tender Specifications F/SE/10/03 Page 10 of 21 balance sheets is required under the company law of the country in which the economic operator is established.

According with the company law of the country in which we are established, we don't need to publish our balance sheets. But we have the balance sheets duly signed. In this case the balance sheets duly signed is enough?

**Answer 57:**

The answer to your question is yes.