

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

Vienna, the 11/09/2017
Ref: 2017-outgoing- 001380

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 I

Question 1:

Our question relates to Form B.1-Declaration on Honour within Annex C of the F-SE-17-T11 FRANET framework contract for Data collection and research services on fundamental rights issues.

In Section VII-Selection Criteria of this Declaration, part (a) requires that we fill in the relevant section/cross reference for the legal and regulatory capacity. However, there does not seem to be a section at all for this criterion in the tender specifications. Could you please advise what should be inserted?

Answer 1:

The requirement mentioned in your question is not applicable to the present tender and should be deleted from the form. The amended Annex C – Standard Submission Form, including the corrected Declaration on Honour on exclusion criteria and selection criteria (Form B.1), is published together with these Questions and Answers on FRA's website.

Question 2:

Will members of the FRA Scientific Committee whose term of office ends on 3 June 2018 be deemed to have a conflict of interest if they join a tender for one of the lots of the above mentioned tender F-SE-17-T11, bearing in mind that the current contracts have not yet expired by 3 June 2018 and the new contract will come into force after that date?

Answer 2:

Members of the FRA Scientific Committee will be in a situation of potential conflict of interest to engage in occupational activities with entities having contractual relationships with the Agency during, or up to one year after the term of their mandate, as per the provisions of article 10 of the Rules governing conflict of interest in the Management Board and Scientific Committee of the European Union Agency for Fundamental Rights.

Question 3:

Your guidelines state that: "Payments by the European Union Agency for Fundamental Rights related to the Supplies or the Services shall be made through the Group Leader's bank account." Is this something we can change subsequently in the event that we are awarded the tender?

Answer 3:

Payments under the contract will be made to the bank account indicated by the tenderer in its tender. In case of a joint tender, it could be the bank account of the Group leader or any other bank account indicated by the tenderer.

If after the award of the tender and before contract signature, the tenderer needs to change the bank account indicated in the tender, it should inform the contracting authority in writing.

If during contract implementation the contractor needs to change the bank account, it should make a written request to the contracting authority. The change of bank account will be formalised by means of an amendment to the contract.

Question 4:

Are individual experts who will form part of our team but who are not employed/contracted by the Group leader to be treated as 'subcontractors'? What about those experts who are employed/contracted by the other consortium partner? Are they deemed to be subcontractors?

Answer 4:

Experts proposed by a tenderer who are not employed/contracted by the tenderer (the leader or any of the partners of a consortium) shall be considered as subcontractors. In that case, the forms indicated in section 13 of Annex A – Tender Specifications shall be completed and submitted by the tenderer.

Experts employed/contracted by any of the partners of a consortium shall be considered as employees of the tenderer (i.e., the consortium) and not as subcontractors.

Question 5:

The legal entity form reads (at the top of the page): "ATTACH COPIES OF OFFICIAL SUPPORTING DOCUMENTS (REGISTER(S) OF COMPANIES, OFFICIAL GAZETTE, VAT REGISTRATION, ETC" Could you please clarify which documents are required: articles of association, registration certificates, registered office certificate etc.? Will photocopies suffice or do they have to be certified as true copies of the original? For those legal entities who already filed tenders in the previous FRANET procurement procedure (in 2013), like us, do you keep our corporate documents on file or should we submit them again?

Answer 5:

As mentioned in the right top part of the Legal Entity Form, any official document proving the registration of the legal entity and the VAT registration must be submitted together

with the tender. The type of document depends on the type of legal entity and its country of establishment.

Copies of the documents mentioned above will be accepted. However, the contracting authority reserves the right to request tenderers to submit the originals at a further stage.

Question 6:

Your invitation to tender states that we must submit one original application and two copies. Could you please specify which of the supporting documents you would like to have in original form? Do the selection grids (to be signed by experts) have to be originals? Some of the experts are on sabbatical leave and are not due to return to Cyprus by 20th October, can signed copies of grids be submitted?

Answer 6:

Copies of the signed selection grids and other official documents will be accepted. However, the contracting authority reserves the right to request tenderers to submit the originals at a further stage.

Question 7:

In pages 17-18 of Annex C-Standard Submission form, the following table appears, for completion by the tenderers:

VII – Selection criteria

1. declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section <i>[insert]</i> of the tender specifications;			
(b) It fulfills the applicable economic and financial criteria indicated in section <i>[insert]</i> of the tender specifications;			
(c) It fulfills the applicable technical and professional criteria indicated in section <i>[insert]</i> of the tender specifications.			

We are not sure which are the corresponding sections in the tender specifications which we must insert into the columns on the left in the space inside the square brackets. Could you confirm that for (b) (economic and financial criteria) we should insert section 19.2.1 of the tender specifications? And for (c) (technical and professional criteria) we should insert section 19.2.2 of the tender specifications? What about (a) – legal and regulatory capacity? Which is the corresponding section in the tender specifications?

Answer 7:

Yes, we confirm that sections 19.2.1 and 19.2.2 of Annex A – Tender Specifications apply, respectively, to (b) and (c) above. Please refer to question 1 as regards (a).

The amended Form B.1 published on FRA's website together with these Questions and Answers includes the relevant references as regards the minimum economic and financial criteria and technical and professional criteria.

Question 8:

Do you have information on how many, albeit preliminary, requests (of various types) you foresee for the next round 2018-2022?

Answer 8:

The Agency's past research activities give an indication of the type and number of service requests. They are described in the Agency's Work Programmes and its strategic plan (FRA Strategic Plan 2013-2017 – Mid-term review) available <http://fra.europa.eu/en/about-fra/what-we-do>. The next strategic plan for the period 2018 – 2022 is expected to be adopted in 2018.