

Questions and Answers

Procurement procedure: EMSA/OP/04/2016

Question 01 (dated 30th March 2016 12:59):

“Would you be so kind to provide us with the tender documents for the evaluation on the implementation of Regulation (EC) No 1406/2002.”

Answer to question 01:

Please note that all tender documentation can be found on the Internet at <http://www.emsa.europa.eu/work/procurement/calls.html> in the procurement section related to the tender EMSA/OP/04/2016 and can be downloaded free of charge.

Published on 31/03/2016

Question 02 (dated 07th April 2016 14:47):

“(…) would like to express their interest in the tender Reference No: EMSA/OP/04/2016. Could you please send us all the details you have so we can start to prepare a proposal?”

Answer to question 02:

Please refer to Question 1. All tender documentation can be found on the Internet at <http://www.emsa.europa.eu/work/procurement/calls.html> in the procurement section related to the tender EMSA/OP/04/2016 and can be downloaded free of charge.

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Question 03 (dated 08th April 2016 08:55):

“Según anuncio de licitación me dirijo a ustedes para solicitar los pliego del estudio. En espera de su respuesta reciban un cordial saludo.”

Answer to question 03:

Please refer to Question 1. All tender documentation can be found on the Internet at <http://www.emsa.europa.eu/work/procurement/calls.html> in the procurement section related to the tender EMSA/OP/04/2016 and can be downloaded free of charge.

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Question 04 (dated 18th April 2016 12:17):

“Herewith I would like to ask you to clarify one point of the call for tenders OP/04/2016. The tenderer is required to submit evidence about “organisational structure” (TOR, p.18). Could you please specify if this requirement refers to: (1) the provision of an organigramme of the bidding organisation, or (2) to the provision of information on the organisation’s financial/legal structure?”

Answer to question 04:

Information about organisational structure is evidence for the purpose of evaluating the technical and professional capacity of the tenderer, as specified in the section 14.4 of the Tender Specifications especially, inter alia, the second bullet point.

Published on 19/04/2016

Question 05 (dated 20th April 2016 12:47):

“In reference to the above tender and the Tender Specifications, I would like to inquire about where to find point 14.6 (mentioned at page 14) as it does not seem to follow after point 14.5.”

Answer to question 05:

There is a clerical error with the numbering of the points. Point 14.3.1 should read 14.4 and therefore following point should be re-numbered. Therefore point 14.6 is referred as point 14.5: Evidence to be provided by the tenderers

14.1 Legal position – means of proof required	15
14.2 Grounds for exclusion - exclusion criteria	15
14.3 Legal and regulatory capacity – Selection criteria	17
14.3.1 Economic and financial capacity – Selection criteria	17
14.4 Technical and professional capacity – Selection criteria	17
14.5 Evidence to be provided by the tenderers	18

Question 06 (dated 20th April 2016 13:41):

“The tender specification states at paragraph 11 that: “The tenderer shall complete the Tenderer’s Checklist” We didn’t locate this checklist, could you please provide us a copy or a link to the document?”

Answer to question 06:

This specific document was not published together with the procurement documents and will not have any effect on the evaluation of the tender. Please find it now on the Internet at <http://www.emsa.europa.eu/work/procurement/calls.html> in the procurement section related to the tender EMSA/OP/04/2016, where it can be downloaded free of charge.

Question 07 (dated 20th April 2016 15:48):

- a) “What is the time scope of the evaluation?”
- b) Is the previous evaluation from 2008 to be considered as the baseline against which progress and effects are to be measured and assessed?”

Answer to question 07:

- a) Please refer to point 2.1.1 of the Tender Specifications and the reference to the aim of the evaluation, namely – “*The aim of the evaluation study is to examine the impact of the Regulation as well as the utility, relevance, achieved added value and effectiveness of the Agency and its working practices.*” Therefore time scope of the evaluation is defined. If your question refers to the time scope for carrying out the evaluation under this contract, please refer to section 4 of the Tender Specifications, Project Planning.
- b) Please refer to point 2.1.1 of the Tender Specifications and the reference to the 2008 evaluation, namely – “*The evaluation shall also assess the level of implementation of the recommendations issued by the Administrative Board following the 2008 evaluation of EMSA.*”

Question 08 (dated 20th April 2016 18:16):

1. “Could you please clarify what constitute “a sample of best in class efficiency assessment / costs analysis assessment / independence assessment” (point 14.4 of the TOR, page 18 referring to technical and professional capacity-selection criteria)? Is the tenderer expected to provide a sample of previous work on efficiency assessment / costs analysis assessment / independence assessment?”
2. EMSA activities listed under point 2.2.1.2 of the TOR match the typology of the 5-year strategy adopted in 2014 and covering the 2014-2019 period, as opposed to the way activities are classified in the 2010 strategy. Could you please confirm which strategy should the evaluation use for the assessment of the Agency’s utility, relevance, added value and effectiveness?”

Answer to question 08:

1. Yes, *sample* is to be understood as previous work. Such “sample of best in class efficiency assessment / costs analysis assessment / independence assessment” is required as evidence for the purpose of evaluating the technical and professional capacity of the tenderer, as specified in the section 14.4 of the Tender Specifications.
2. Please refer to point 2.1.1 of the Tender Specifications – “*The evaluation shall assess the strengths and weaknesses of EMSA’s multi annual strategic plan (5-year Strategy)*”, 2.1.2 (bullet point 2) and 2.2.1 of the Tender Specifications.

Question 09 (dated 21th April 2016 09:24):

1. “Section 14.4 ‘Evidence’ (Tender specifications, page 18) states that tenderers should ‘Disclose a sample of best in class efficiency assessment / costs analysis assessment / independence assessment’. Are we correct in our understanding that tenderers, in order to comply with this requirement, should supply previous examples of work that demonstrate an efficiency assessment / costs analysis assessment / independence assessment? If our understanding is incorrect, would you please clarify what is required under this bullet point?”
2. Section 2.3.II – ‘Technical Resources’ (Tender Specifications, page 9) states that tenderers must provide a technical proposal which should include ‘a proposal for key performance indicators, qualified and quantified, for the deliverables’. Is the intention that these key performance indicators relate to: i) the successful contractor’s deliverables (e.g. draft evaluation report); or ii) the EMSA’s deliverables? If neither of these interpretations are correct, would you please clarify what is required under this bullet point?”

Answer to question 09:

1. Please refer to Question 8.
2. Deliverables under the contract shall be provided by the successful contractor. Please interpret this provision in Section 2.3.II of the Tender Specifications as the successful contractor's deliverables.

Question 10 (dated 21th April 2016 16:23):

“With relation to the p.13 of the TOR, could you please specify in unambiguous terms, which supporting documents need to be submitted for the two possible legal types of subcontractors:

- For legal persons
- For natural persons.”

Answer to question 10:

Please refer to Point 10 in the Tender Specifications.

The tenderer shall provide the evidence for the exclusion criteria required under point 14.5 on its own behalf and on behalf of its subcontractor(s).

When relying on the capacities of the subcontractor for the performance of the contract, the tenderer shall also provide the evidence for the selection criteria required under points 14.3 – 14.4 on its own behalf and on behalf of its subcontractor(s). The combined capacity of the entities participating in the contract shall be considered.

The same type of evidence shall be provided for both types of subcontractors (legal/natural persons).

Question 11 (dated 22nd April 2016 13:17):

“In the tender specifications on the point 11, page 14, it is mentioned *“The tender shall complete the Tender's Checklist”*. Is there a specific template for the Checklist?”

Answer to question 11:

Please refer to Question 6.

Question 12 (dated 25th April 2016 12:54):

“The Tender Specifications state on page 14, second section that *The tenderer shall complete the Tenderer's Checklist*. We cannot find such checklist among the tender material published on the Internet site <http://www.emsa.europa.eu/work/procurement/calls.html>.”

Answer to question 12:

Please refer to Question 6.

Question 13 (dated 27th April 2016 15:47):

“What exactly is meant with ‘when relying on the capacities of the subcontractor for the performance of the contract’?

In case we are using experts on an ad-hoc basis (meaning they do not have a substantial contribution to the evaluation), do we also need to provide the evidence for the selection criteria required under points 14.3 – 14.4?”

Answer to Question 13:

In practice, any third party involved in the contract implementation which has no legal link with the contracting authority but with the contractor will be considered as subcontractor (e.g. any other company which does not participate in the contract execution but provides financial capacity).

A contractor is 'relying on the capacities of the subcontractor for the performance of the contract' in any situation when the contractor depends on a subcontractor's resources to fulfil the selection criteria. Therefore, if the candidate/tenderer relies on subcontractors to fulfil the selection criteria, these subcontractors must provide a statement declaring their undertaking to collaborate with the candidate/tenderer in case of award and the resources that they will put at the candidate/tenderer's disposal for the performance of the contract.

The contracting authority shall verify whether the entities on whose capacity the economic operator intends to rely and the envisaged subcontractors, when subcontracting represents a significant part of the contract, fulfil the relevant selection criteria (Art.146(6)RAP).

Please refer to Question 10 as well

Question 14 (dated 28th April 2016 12:53):

“In view of the several clarifications published on the Tender No. EMSA/OP/04/2016, we kindly request that the deadline is extended by one week.”

Answer to Question 14:

Extensions are granted when there are significant changes to the procurement documents published, thus giving the potential candidates/tenderers the necessary time to draft/adjust their tenders accordingly. Seeing that in this case all questions only cover clerical errors and nothing substantial has been introduced, we are not in a situation where an extension of the initial deadline is necessary; therefore please refer to the deadline set in the procurement documents.

Published on 29/04/2016

Requests for additional information regarding this tender should be sent by e-mail to the following address **OPEN042016@emsa.europa.eu**. Requests for additional information received less than six working days before the closing date for submission of tenders will not be processed.

The deadline for submission of the bids of this tender is 3rd May 2016.

The responsibility for monitoring the Agency's website for replies to queries and/or further information remains with potential applicants.