

QUESTIONS AND ANSWERS

INVITATION TO TENDER N° ACER/OP/DO/13/2017

**Provision of legal and economic assistance in the field of energy regulation for the
Agency for the Cooperation of Energy Regulators**

Lot 1: Legal assistance in the field of energy regulation

Lot 2: Economic assistance in the field of energy regulation

Contract notice: OJ/S 165 of 30/08/2017 (339166-2017-EN)

Last update: 06/10/2017

Question N° 1:

We kindly would like to ask for a clarification regarding the above mentioned tender procedure, specifically related to Lot 2: Economic assistance in the field of energy regulation.

On page 23 of the tender specifications, under the heading for Lot 2, point A, it is stated that as part of the technical offer, the tenderer must include:

“A presentation of the methodology which shall include as a minimum the approach to carrying out economic analysis (e.g. models, frameworks, examples and solutions, organisation of work, quality control applied by the tenderer, etc.) reflecting the tasks described in point 4.2.”

Do you expect us to describe our methodological approach to deliver services individually for each of the 11 bullet points described in point 4.2 of the tender specifications? Or would a general description of our approach to those 11 services, including a selection of models, examples, solutions, and our general organisation of work and quality control procedures be sufficient?

Answer N° 1:

A presentation of the methodology shall reflect the tasks described in point 4.2 of Annex I – Tender specifications, namely it shall include a general description of the tenderer's approach to the services described in point 4.2 of Annex I – Tender specifications, including a selection of models, examples, solutions, and the tenderer's general organisation of work and quality control procedures etc.

Question N° 2:

We are planning to provide the requested services in the tender documents as a consortium. Is it sufficient to use digital signatures or scanned signatures in order to sign the following two documents?:

- A document stating clearly the composition and constitution of the grouping or similar entity (company/temporary association/...), or the legal form their cooperation will take, should they be awarded the FWC;
- A document dated and signed by all members specifying the lead of the consortium or grouping of service providers and authorising the appointed lead of the consortium or grouping of service providers to submit the offer.

Answer N° 2:

Any documents in relation to the procurement procedure which require signature, may use, for signing the respective documents, digital signatures. In this respect scanned signatures are not acceptable.

As stated in point 3 of the invitation to tender please note that tenders need to be submitted exclusively on paper, in one (1) original and two (2) copies.

Question N° 3:

Are experts allowed to participate in more than one tenders submitted by different tenderers, or this would constitute reason for disqualification of the respective tenderers?

Answer N° 3:

In cases where experts participate in more than one tender, submitted by different tenderers, as subcontractors, this does not constitute a reason for disqualification of a respective tenderer.

Please note that in case of subcontracting, tenderers need to include in their tender all the documentation regarding subcontracting as stated in point 18.4 of Annex I – Tender specifications.

Question N° 4:

In view of the prevailing EU public procurement practice and in order for all participants of the tendering procedure to be able to understand the evaluation criteria of the technical proposal in the same way (and, accordingly, to have equal opportunities to prepare their offers), we would appreciate it if you could present weighted coefficients/points of the evaluation sub-criteria (integral parts of the criterion) of the technical proposal. E.g., x points are given for a comprehensive technical description, x points are given for a description that does not comply with the goals of the Procurement Conditions, etc.

Answer N° 4:

Point 20.1 of Annex I - Tender specifications define criteria for the technical quality per lot and specify which is the maximum number of points assigned for each criterion. For each of the sub-criteria specified for a respective criterion the number of maximum points assigned for the respective criterion is equally distributed among the sub-criteria mentioned.

According to point 20.1 of Annex I - Tender specifications tenders scoring less than 60 overall points will be excluded from further evaluation. Further, the tenderers scoring less than 60% of the points awarded for each of the single criterion will be excluded from further evaluation.