

CLARIFICATION No 2

Reference: EEA/OSE/12/008

Title: Transformation software to support reporting and exchange of air quality data under Decision (2011/850/EU) – (e-Reporting)

Question 1

In the contract notice under II.1.9) Information about variants, you state: 'Variants will be accepted: no'

- Does this mean that by providing, in addition to a base offer covering all requirements of the tender specifications, an extended offer covering further relevant requirements within the proposal, the proposal will be excluded due to formal criteria or is the provision of such an extended offer ok under the tender specifications?

Answer 1

Sections 6 and 7 of the tender specifications describe the required minimum level of services to be provided. It is entirely up to the tenderers to decide on the range of services they can offer for the price quoted, bearing in mind that their tender will be assessed in terms of their understanding and appreciation of the scope and complexities of the tasks to be undertaken and the services to be provided, as well as the proposed methodological and management approach for performance of the contract, in pursuance with the award criteria specified under section 11.3.1 of the tender specifications. For the sake of a meaningful comparison of the tenders, tenderers are required to submit an offer in accordance with the terms specified in the tender specifications, namely an offer addressing all the mandatory requirements specified in sections 7, 10 and 11, and refrain from submitting alternative solutions as this would lead to exclusion of the tender from the award process.

Question 2

In the contract notice under III.2.3) Technical capacity, you state: 'The tenderer shall provide a description of their environmental policy specifying the status of implementation. In the event of a joint offer submitted by a consortium, each member of the consortium shall provide the requested description'.

- Does this criterion also apply in the case of subcontractors or only in the case of a consortium?

Answer 2

This selection criterion on the environmental policy only apply to the tenderer, being a single tenderer or partners in a joint offer, and not to subcontractors.

Please refer to section 4.2. of the tender specifications, where it is stated that each member of a consortium must fulfil the conditions for participation mentioned in sections 4.1 and 4.2 and provide the required documents listed in the tender specifications under sections 11.1 and 11.2. Therefore,

each member of a consortium shall specify his role, qualifications and experience and provide a description of the environmental policy.

Question 3

In the contract notice under III.2.3) Technical capacity, there is an extensive list of required CVs detailing the educational and professional qualifications of the firm's managerial staff for different roles.

- May one physical person covers 2 of the required roles, i.e. may the expert on EoI (97/101/EC) reporting processes be the same expert on the implementing Decision (2011/850/EU) & Guidance docs, or the contract manager also be one of the thematic experts?

Answer 3

This first selection criterion on human resources specified in section 11.2.3 of the tender specifications aims at assessing whether tenderers have the minimum capacity levels required for performance of the contract. In this respect, tenderers shall also bear in mind the provisions of section 7.3 where some general guidance is given on how the team that would carry out the work should be composed. Provided that the tender offers the required minimum number of CVs and the required professional experience, it is acceptable that one CV covers more than one profile. As stated in the first paragraph of section 7.3 of the tender specifications, and in the list of profile under section 11.2.3, the tender should refer to specific events in the CVs of the team members and provide clear references and examples in order to illustrate their experience.

Question 4

With reference to section 7.1 of the tender specifications, requirement No 9 reads as follows:

'9. The tender shall specify in detail how the data reporters should interact with the software for their reporting deliveries to CDR during both the 2013 and 2014 reporting cycles (30 September 2014 will be reporting on validated data and assessment of the year 2013).'

However, the implementing Decision 2011/850/EU (IPR) under Article 16 – Applicability, there are the following statements:

1. *This Decision shall apply from 1 January 2014.*
2. *By way of derogation from paragraph 1 of this Article, Member States shall make available the information required pursuant to Articles 6 and 7 for the first time no later than 31 December 2013.*

To our view, based on the IPR, the requirements should correctly require support for the 2014 and 2015 reporting cycles. Is this assumption correct?

Answer 4

In requirement No 9 specified under section 7.1 of the tender specifications, the reporting cycle refers to the year of the data to be reported hence the example provided in brackets for validated data in the 2013 reporting cycle which must be reported in the calendar year 2014. The software should provide support for countries that wish to use it through two successive reporting cycles.