

Questions and Answers # 8-14

Tender for Framework Agreement for provision of Technical Assistance services to the Danish Energy Agency Energy Country Programs and Projects

Question #8:

Sorry for coming back to the clarification # 5 but for us it seems like a significant change of scope and in the evaluation.

Answer #5:

It is NOT possible to extend the Consortium with any other entity, neither during the tendering phase nor during the contract period. The Consortium is to be considered as one united entity who is joint and several liable for the fulfillment of the Framework Agreement.

The Consortium will, should it win the Framework Agreement, be able to enter into any collaboration with any other entity to do specific tasks under the Framework Agreement, but it will still be the Consortium who is liable for the fulfillment of the Framework Agreement, including specific tasks.

Thus, the Key Technical Consultants, the Project Coordinator and the Resource Base should be drawn from within the Consortium, as the price for these consultants will be fixed during the Framework Agreement.

Just few supplementary requests for clarification:

There is no requirement to include the resource base in the consortium base, and only the project co-ordinator and key personnel are described as internal resources in the tender material. The new requirement makes it necessary to include the international and national resource base in the consortia, and thus in joint and several liability for the contract.

Also please clarify how the fixed price for the resource base is to be included in the tender submissions.

For the “Energy Modelling and Analysis, scoring 20% “, what will be evaluated?

Answer #8:

No, there is no change in the scope and evaluation. The answer just states that it is not possible to extend the Consortium. Thus, the Consortium as a unit cannot be changed. However, that is not a change but has been this way all along. This does not mean that it is necessary to include the resource base as a part of the consortium, as they do not have to be internal resources. However, the resource base members will be bound by the same prices offered for the Key Consultants, as stated in the Tender material.

The Energy Modelling and Analysis an overall evaluation of the Tenderers completion of Appendix 4 will be the base of the evaluation.

Question #9:

Consortium definition

Following your answer to question 5, where you clarify that the Key Technical Consultants, the Project Coordinator and the Resource Base should be drawn from within the Consortium.

For the avoidance of doubt, please confirm that these experts can be candidates from partners/sub-consultants who have submitted the Appendix 7 (declaration of support) and relevant ESPD documents (to meet the selection criteria) as part of the submitted and accepted Pre-Qualification documents for the consortium.

Answer #9:

It is NOT a requirement that the resource base members are drawn from the Consortium (however it was the idea that this would be the case). The only requirement is, that the prices offered applies to the resource base members as well.

Question #10:

Letter of Tender (Annex C):

May the lead party of the consortium sign the Letter of Tender (Annex C) on behalf of the consortium members, provided that each consortium member has signed a Letter of Attorney, giving the lead party authority to act on their behalf?

Answer #10:

Yes, if each Consortium Member has signed a Letter of Attorney, giving the lead party authority to act on their behalf, the lead party of the Consortium can sign the Letter of Tender (Annex C)

Question #11:

Key expert explanation (Appendix 2b)

Appendix 2b (Excel sheet column K) requests a brief explanation for Key Experts (3).

Please clarify the intention and what shall be stated here? E.g. shall we fill in an explanation for each of the required Key Experts and why they have category 3 expertise for the competence area in question? In our understanding there may be several experts within each competence area that have a level 3 expertise.

Answer #11:

Yes, if you type "3" for at Key Consultant" a brief explanation of why he/she is considered a lead expert is required. If you type "3" for several consultants on the same line, each will require a brief explanation.

Question #12:

Work experience in Germany (Appendix 2b)

Germany is not on the list of countries of work experience. Should Germany be included in the list?

Answer #12:

Yes, Germany should be included on the list. **It is advised that the Tenderers includes Germany themselves in order to avoid having to fill out the entire Appendix 2b over again.**

Question #13:

Page limit in appendix 4

Please clarify what the maximum number of pages for appendix 4 is. Page 2 states: “should be limited to a maximum of 16 pages (maximum 4000 keystrokes per page).” Whereas page 3 states: “A description of the energy models that will be used to provide data and analyses (maximum 8 (eight) pages/ 4000 keystrokes per page)”.

Answer #13:

The maximum number of pages is 8 pages / 4000 keystrokes per page.

Question #14:

Also reading your answer on question 5 – we find you make an unnecessary restrictive practice of the tender rules of not allowing inclusion of external key experts in the qualification process – with the clear de-facto consequence of restricting the competition to the benefit of especially one broad consortium partner. If this is a strictly compliance interpretation of the tender rules – we find this should have been made more explicit in the original tender material – i.e. flagging upfront DEA wanted a broad consortium solution (and that bidders will be restricted in choice of key experts to own or consortium partners). We are however not questioning that the clear liability responsibility must be carried by the original pre-qualified company(ies)/consortium partners. However, this kind of restricting the possibility of subcontracting additional key competences is both de-facto and de-jure restricting the competitive situation for the final bid – and one consortium is already now standing out as winners of the tender bid – with this restrictive interpretation of the tender rules.

We are wondering why the DEA has not made this more clear at the beginning of the tender process so we could have prepared accordingly. We are further wondering what the other three pre-qualified companies/consortiums will conclude in this situation!

Answer #14:

It is – in the Danish interpretation of the Procurement Directives anyway – not possible to change (even less extend) a Consortium after prequalification. This is not possible for the DEA to change. If there were any doubt about Consortia / Sub Contractors or relying on other economic operator's capacity, questions could have been raised on the question / answer period during the prequalification phase.