

## Questions and Answers<sup>1</sup> on the Tender of the

### ***“Study on the Implementation of the New EU Renewable Energy Directive in the Energy Community”***

#### **Question 1: Data availability**

The Tender document does not address the topic of collection of data necessary for the foreseen analyses.

- a) Does that imply that the Energy Community Secretariat is going to provide all the necessary data?
- b) If any additional data will be needed (apart from the readily available data provided by the Energy Community Secretariat), should the consultant address the ECS or the Contracting and Candidate Countries directly? If so, are there already nominated contact institutions and/or persons, and is the cooperation method defined (are the nominated institution/persons informed about the forthcoming study and eventual need for their engagement)?

#### **Answer 1:**

The Contracting Parties and Candidate Contracting Parties will provide the data as the Energy Community Secretariat doesn't own the data required by the study. The Consultant is invited to address the Contracting Parties and Candidate Contracting Parties directly for data collection. They have been informed about the upcoming “*Study on the Implementation of the New EU Renewable Energy Directive in the Energy Community*” and the requested support to the Consultant in the Conclusions of the 12<sup>th</sup> PHLG meeting, on 17 March 2009. (Please see: <http://www.energy-community.org/pls/portal/docs/272190.PDF>)

#### **Question 2:**

Within the description of Task 1 and Task 3 (within which calculation of the national mandatory targets for EC Parties and Candidate Parties based on the methodology prepared by the European Commission is to be conducted), the Tender refers to the methodology contained in the annex to the EC document *Impact assessment SEC(2008)85*.

The named document and its Annex provide information that the calculation of EU national targets was

---

<sup>1</sup> Publication of Questions and Answers related to the Study is based on the principle of non discrimination as referred to in §43(2) of the Austrian Procurement Law (BVerG) concerning submission of information between the Contracting Authority and bidders through generally accessible channels of information within the bidding period; ECS Vienna, document version of 26 March 2009

made with PRIMES model and gives short description of the model, but it does not contain details regarding input data, mathematical modelling etc.

Thus, we would like to know if the ECS is going to provide the PRIMES model to the Consultant or the Consultant may use other appropriate models or it is expected from the bidder to own the model. Namely, as the named model is neither used nor available within the non-EU countries, we (as well as other potential bidders from non-EU countries) might be in an unfavourable status in regard to the Tender propositions.

**Answer 2:**

The Tender Documents permit the use of any well-respected energy model that can be applied for the forecast analysis and calculation of the national mandatory targets. The ToR does not specifically require using the PRIMES model, but if the consultant chooses to use another model it should have a similar methodology.

The Energy Community Secretariat will not purchase nor make available PRIMES or any other model. The costs for using the model for any purpose are determined by the owner of the model. As the PRIMES model is not available within EU countries without charge either, there is no unfavorable condition for bidders from non-EU countries.

**Question 3:**

After the review of the document the rules of the subcontract are not clear for us. When shall we request the permission of the Energy Community, in the tendering process or only if we are selected?

Could you please send the rules of the decisions about the subcontractors? Which type of subcontractor is eligible, and which types are not permitted?

**Answer 3:**

The rules on subcontracting (i.e. the approval requirement) apply to the successful bidder only. However, each bidder is called upon by Article 108(1) of the Austrian procurement law to, in his bid, to a) identify all parts of the contract the bidder intends to subcontract and b) to identify one or more (potential) subcontractors by name and providing evidence for their suitability in a way corresponding to what is required from the bidder under Part F of the Tender Documents.

The approval decision will be made taking into account the merits of each case. Subcontracting of the entire service provision will not be approved.

## Questions and Answers<sup>1</sup> on the Tender of the

### ***“Study on the Implementation of the New EU Renewable Energy Directive in the Energy Community”***

#### **Question 4:**

All consortium members shall fill the bidder form, or only the consortium leader?

#### **Answer 4:**

*Preferably, all consortium members shall be listed in the boxes “Bidder” and “Company”, with contact details while boxes “Address”, “Telephone and Fax Number”, “Email-Address” and “Person authorised for delivery” only to be filled in by the consortium leader.*

#### **Question 5:**

Is there any template for the declarations mentioned on page 6 of the tender documents?

#### **Answer 5:**

*There is no template available.*

#### **Question 6:**

All consortium members or only the consortium leader shall sign the declaration of assuring the completeness of his tender?

#### **Answer 6:**

*All consortium members shall sign the nomination of the authorised representative (Item K of the Tender Documents). Only that representative shall sign the declaration of assuring the completeness of the tender.*

---

<sup>1</sup> Publication of Questions and Answers related to the Study is based on the principle of non discrimination as referred to in §43(2) of the Austrian Procurement Law (BVerG) concerning submission of information between the Contracting Authority and bidders through generally accessible channels of information within the bidding period; ECS Vienna, document version of 2 April 2009

## Questions and Answers<sup>1</sup> on the Tender of the

### ***“Study on the Implementation of the New EU Renewable Energy Directive in the Energy Community”***

#### **Question 7:**

Could you perhaps tell us how detailed the information gathering on the several issues (e.g. RES share in different sectors, potentials, etc) should be? In other words: can Eurostat be the main information source?

#### **Answer 7:**

*The calculation of the shares of renewable energy in different sectors shall be made according to Eurostat statistical practice, however, Eurostat does not have the information for some Contracting Parties and candidate Contracting Parties to the Energy Community Treaty. Where Eurostat data is not available or complete for all Contracting Parties or candidate Contracting Parties, the information shall be gathered from the Contracting Parties and candidate Contracting Parties directly. As Eurostat does not do forecasts, one of the main tasks of the consultant in performing the study is to forecast the energy supply and demand and the renewable energy shares until 2020.*

---

<sup>1</sup> Publication of Questions and Answers related to the Study is based on the principle of non discrimination as referred to in §43(2) of the Austrian Procurement Law (BVerG) concerning submission of information between the Contracting Authority and bidders through generally accessible channels of information within the bidding period;  
ECS Vienna, document version of 7 April 2009

## Questions and Answers<sup>1</sup> on the Tender of the

### ***“Study on the Implementation of the New EU Renewable Energy Directive in the Energy Community”***

#### **Question 8:**

As already answered in question # 4 “preferably, all consortium members shall be listed ...”. Does this also apply concerning the evidence for the bidder’s suitability in form of e.g. recent extract from the professional and trade registers (see p. 6 of the tender documents) or for the other signed declarations of the bidder i.e. all consortium members have to provide these documents or does this concern the project leader only? If all consortium members have to provide these documents, are those sent by fax to us or printed scans sufficient to be valid?

#### **Answer 8:**

*The requirements concerning evidence for the bidders’ suitability apply to all undertakings participating in a bidding consortium. Copies of a signed fax or scan are sufficient to fulfil the evidence requirements.*

#### **Question 9:**

Since according to question # 6 “All consortium members shall sign the nomination of the authorised representative...”, the same problem remains with the original signatures as stated in our question above. Thus we want to know if a fax or printed scan is sufficiently enough.

#### **Answer 9:**

*Copies of a signed fax or scan are sufficient to fulfil the requirement as regards the nomination of a project leader.*

---

<sup>1</sup> Publication of Questions and Answers related to the Study is based on the principle of non discrimination as referred to in §43(2) of the Austrian Procurement Law (BVerG) concerning submission of information between the Contracting Authority and bidders through generally accessible channels of information within the bidding period;  
ECS Vienna, document version of 8 April 2009

**Question 10:**

Concerning the workshop presenting the results of the study (p. 16 below of the tender documents), which dimension of the persons to be present at the workshop has to be considered? E.g. is one person per country + representatives from the Energy Community Secretariat enough or do we have to take into account more delegates from the countries in question? In this context we also want to know if we have to cover the travel expenses of these delegates since we have to consider this fact in our calculation.

**Answer 10:**

*For the workshop presenting the results of the study, it should be envisaged to cover the travel expenses for one representative per each Contracting Party and candidate Contracting Party, only. Energy Community Secretariat offers its premises to host the workshop, including audio-video conference facilities free of charge, however the consultant shall have to cover other additional organizational costs.*

## Questions and Answers<sup>1</sup> on the Tender of the

### ***“Study on the Implementation of the New EU Renewable Energy Directive in the Energy Community”***

#### **Question 11:**

The provisions of the tender documentation specify “The tenders and all related documents shall be submitted in paper in two copies by mail or courier to the Energy Community Secretariat at the address given above”. Please clarify whether “two copies” means one original and one copy or one original and two copies.

#### **Answer 11:**

*The tenders have to be submitted in two copies, not three, but they should both be originals, i.e. duly signed.*

---

<sup>1</sup> Publication of Questions and Answers related to the Study is based on the principle of non discrimination as referred to in §43(2) of the Austrian Procurement Law (BVerG) concerning submission of information between the Contracting Authority and bidders through generally accessible channels of information within the bidding period;  
ECS Vienna, document version of 9 April 2009