

Questions and Answers¹ on the Tender Documents of the

“Study on Energy Efficiency in Buildings”

Question 1: Referring to point 3.7 of the tender documents (content and format of tenders) we would very much appreciate following clarifications:

- 1) *Recent extract from the professional and trade registers in the country of origin not older than three months;*
Since the study is tendered under the Austrian Procurement Law, for an Austrian company registered with ANKÖ, the Austrian Register of Tenderers – is this registration considered sufficient (as it usually is for procurement subject to Austrian Procurement Law), or is a company registration certificate (Firmenbuchauszug) required? Does the certificate has to be translated into English and is a certified translation mandatory?
- 2) *Evidence for the authorization to provide the services requested in the country of origin* – again, is the registration with ANKÖ sufficient or is an extract of the trade register (Gewerberegisterauszug) required?
- 3) Declarations
 - a. *Signed declaration* that the bidder (or its management and board members) have not been subject to a conviction by final judgment for any crime or offense related to professional misconduct, or any other crime or offense calling into question his/her professional eligibility;
 - b. *Signed declaration* that the bidder is not subject to pending insolvency or is in the process of being wound up, or has already been wound up;
 - c. *Signed declaration* that the bidder has complied with his/her obligation to contribute to social security systems and has paid taxes and other charges in accordance with the law of the country of origin.

We understand that these requirements can be met by a written statement on these subjects signed by the authorized representative of the company, is this correct?

Answer 1:

To Question 1) and 2): The Consultant is requested to provide the company’s registration certificate – **Firmenbuchauszug**, and also the extract of the trade register – **Gewerberegisterauszug**. There is no requirement for the translation into English.

To Question 3) A written statement by the authorized representative of the company is fine for all the three points (a, b and c).

¹ 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;

Question 2: Our consortium includes about ten organizations, all based in different countries. We do have electronically signed commitment letters (in adobe pdf format) from them verifying their participation in the consortium. Our question is regarding these and other documents in the proposal that require signatures from consortium members. Would the Secretariat accept printouts of these e-copies in the proposal package, given that we shall certainly also submit an electronic package of all documents with color scans of the signatures?

Answer 2: *Scanned copies are accepted for signed CVs and other legal documents to be annexed to the tender. However, the offer as such requires a legally binding – i.e. original – signature.*

Question 3: Following the instructions of the tender documents announce on http://www.energy-community.org/portal/page/portal/ENC_HOME/NEWS/News_Details?p_new_id=4481 regarding Selection of the Consultant for the Study for Energy Efficiency in the Contracting Parties in the Energy Community, could you please advise if this tender is only for the companies registered in EU?

Answer 3: *There is no limitation with respect to the country of origin of the Consultant.*

Question 4: ANNEX 2 – Bidder Identity Form has to be completed by every member of the consortium or sub-contractor.

Do the members of a consortium / or subcontractors (apart from the lead of the consortium) have to submit as well the documents specified in point 3.7 of the tender documents:

- company's registration certificate
- extract of the trade register
- signed declarations (not subject to a conviction, no pending insolvency, contribution to social security system)

Answer 4: *Yes, all the documents specified in the Annex 2 – Bidder identity are requested from both, the members of the bidding consortium as well as from the subcontractors.*

Question 5: Should Task 1 be read as that this task is aiming on the methodology of how such an inventory could be conducted? So this does not include that under this task an inventory of the building stock will be done. Furthermore, does task 1 require one methodology for each country or a common methodology covering all Beneficiaries?

Answer 5: *The Consultant is requested to provide an analysis of the building stock in each Beneficiary and propose one (common) methodology for all Beneficiaries.*

Question 6 - referring to TASK 1 – 4: Please specify which data and information (quality, quantity, language,...) will be provided by the beneficiary. Filling a gap of data might go along with additional effort that has to be considered in technical and financial proposal.

Answer 6: *Please see Paragraph 2.4.3. of the Tender Documents.*

Question 7: Task 4 mentions the period of 2011 to 2020. So our understanding is that estimation should cover the whole building sector in each country. This is closely related to the quantity and quality of data available. Please advise what kind of investments should be covered. (Estimation on the micro or macro level).

Answer 7: *In the Section 3. "Instructions to Bidders", the Consultant is expected to propose "A description of the approach, methodology and work plan for performing the assignment". The estimated investments shall be related to the implementation on the Directive 2010/31/EU.*

Question 8: Task 4 requires also latest data on economics in the building sector. Will this

data be provided by the beneficiary? How detailed should this survey be undertaken?

Answer 8: *In Section 3. "Instructions to Bidders", the Consultant is expected to propose "A description of the approach, methodology and work plan for performing the assignment".*

Question 9 - referring to Task 6: The data base refers to climatic parameters only. Furthermore Task 6 requires the design of such a data base but not the implementation, programming and going online with the data base. Please confirm.

Answer 9: *The Consultant "shall prepare a methodology to collect the climate parameters" (Task 5), and "shall design the data base in a simple and user friendly form that could be used by all Beneficiaries" (Task 6), but will not be expected to be involved in the implementation phase, in each Beneficiary.*

Question 10: Please specify which results do you expect under Task 7? Should the consultant provide a guide book on methodology and calculation or analyze on how other Member States deal with this challenge and deduce recommendation for beneficiary?

Answer 10: *In Section 3 "Instructions to Bidders", the Consultant is expected to propose "A description of the approach, methodology and work plan for performing the assignment".*

Question 11: Tender documents say that all documents have provided in English and if not produced in English an signed and verified translation is needed. Is this addressed to documents of the leading company only or does this also include documents of consortium partner?

Answer 11: *As for the documents of the leading company, above requirement should be also fulfilled for documents of consortium partner.*

Question 12: Our estimates of the effort required to answer properly all the requirements stated in the tender are substantially higher than your estimate of 230 person-days. I assume that this estimate on your part is NOT binding to the bidders in any way. Please confirm if our understanding is correct.

Answer 12: *We confirm that this estimate is not binding, just indicative.*

Question 13: A budget of €193,000 is also mentioned in the text. Is this to be treated as the 'ceiling' for any future contract? Is this binding to the bidders in any way? What is the significance of this figure?

Answer 13: *The Energy Community Secretariat follows the Austrian Public Procurement Law (Bundesvergabegesetz) when tendering. The Austrian Public Procurement Law recognizes the amount of EUR 193.000 as limit between upper and lower threshold (§12(3)). The distinction between upper and lower threshold is legally relevant for the further tendering procedure. The tender submitted to the Secretariat must lie below the threshold of EUR 193.000 (price exclusive VAT).*