



QUESTIONS AND ANSWERS PERTAINING TO THE OPEN CALL FOR TENDER

S2R.17.OP.04

“Support to the ERTMS Deployment action as baseline for Shift2Rail (IP2) innovative solutions”

06/02/2018

QUESTION	ANSWER
<p>1. According to the Tender Specifications, the team proposed by the tenderer is assessed on Stage 2 “Selection of tenderers on the basis of selection criteria” so before Stage 4 “Evaluation on the basis of the award criteria”. However, the quality criterion No 3 “Organisation of work and allocation of resources for the contract management” is strongly related to the proposed team and its competences, do you confirm that the submitted profiles/team will be taken into account when evaluating the quality of the offer (Stage 4)?</p>	<p>As indicated in section 6.3 “in the selection phase, assessment focuses on the experience and capacity of the tenderer, and not on the quality of the (technical) offer submitted. The latter is to be assessed in the light of the award criteria. Therefore, the evaluation of the selection criteria will be made on a YES/NO basis”. Therefore, the capacity of the team proposed by the tenderer/delivering the service (section 6.3.3.2) will be assessed during the evaluation stage 2, on the basis of a “yes/no” basis and the following schema: Capacity to assess = criterion + minimum threshold(s)per criterion indicated + Evidence (supporting documents required). As regards the quality criterion No 3 “Organisation of work and allocation of resources for the contract management”, we confirm this quality criteria will be only assessed in stage 4. Therefore, only the information that tenderers will provide for this quality criterion in the technical offer (envelope B), on the basis of the description provided in the tender specifications, will be assessed in the light of quality criteria, not the experience and skills of the proposed team</p>

		<p>in the field of the contract, that should be provided only in the administrative offer (envelope A) and therefore assess only in stage 2.</p>
2	<p>On “Annex V – MODEL FINANCIAL OFFER”, a unit price (person/day) must be written for each profile (Project Manager, Senior expert and Junior expert). However, it is the “Total price” that is considered for the financial evaluation and considering all tasks requested in the technical specification (per 2nd note in annex V). Assuming that the quantities of person/days allocated to each profile will be significantly different, should we apply a predefined weighting to each unit price when calculating the “Total price”? If so, what should it be?</p>	<p>As announced in section 6.5, a weighting between the quality of the proposed services (70%) and the price offered (30%) is given and considered in the award formula (section 6.5.3). As regards the financial evaluation (section 6.5.2), we have modified the tender specifications (6.5.2 Prices and financial evaluation) and the Model Financial offer form (Annex V) in order to introduce a weighted price per profile. Therefore, the total price that will be taken into account for the financial evaluation and the award of the framework contract will be the sum of the weighted price per profile proposed by the tenderer in the financial offer after application of the weighting price’s method (%) per profile.</p>

3	<p>On “6.3.3.2 Capacity of the team proposed by the tenderer/delivering the service. Criterion. Profile 1 – Project Manager”, it is written “The Project Manager must demonstrate at least ten (10) years of professional experience in ... conflict resolution in projects of a similar size...” Could you specify what a “project of a similar size” covers?</p>	<p>“Projects of a similar size” means projects which the same value of this contract (i.e.: EUR 8 000 000 for 4 years duration or EUR 2 000 000 per year). In case the tenderer is not able to provide the value (in EUR) of the project(s) in the curriculum vitae of the Project Manager, the tenderer should proof the size of the project by other means, such as the number of people involved in the project or the number of hours dedicated to the project.</p>
4	<p>On “6.3.3.2 Capacity of the team proposed by the tenderer/delivering the service. Criterion. Profile 1 – Project Manager”, it is written “The Project Manager must demonstrate at least ten (10) years of professional experience in project management including quality control of the service...” Do you confirm that “the service” may refer to any kind of design documentation/expertise?</p>	<p>We confirm your understanding. The “quality control” experience in project management could be in any kind of service and therefore not only related to the field of this contract.</p>

<p>5 In Section §6.3.3.1 it is stated the following :</p> <ul style="list-style-type: none"> - The references for the at least three (3) projects delivered and successfully completed in the fields indicated above must show that they have been delivered in English. <p>It is possible to interpret the above sentence in two manners. The first interpretation is:</p> <ul style="list-style-type: none"> - The references for at least three (3) projects delivered and successfully completed in the fields indicated above must show that they have been delivered in English. <p>And the second interpretation is:</p> <ul style="list-style-type: none"> - The references required in “1) Criterion. Professional experience.”, for “at least three (3) projects delivered and successfully completed in the fields indicated above” must show that they have been delivered in English. <p>Would you kindly clarify which is the correct interpretation?</p>	<p>The correct interpretation is the second one. The tenderer must proof that at least three projects delivered and successfully completed in areas such as ERTMS/ETCS specifications, Euroradio, ATO, Moving Block, Satellite Positioning, Eurobalise, IOP testing and Safety analysis, over the last five years and in projects that involved more than one EU Member state have been drafted and/or delivered in English (with minimum C1 level in the Common European Framework for Reference for Languages).</p>
<p>6 Could a S2R JU Founding or Associated Member participate in this tender procedure (i.e.: as a single entity, leader of a consortium, member of a consortium or even subcontractor)?</p>	<p>The answer is yes. Participation in this tender procedure is open to any Shift2Rail JU Founding or Associated member, including the constituent entities of members in the form of consortia or groupings, or affiliated entities either to the Shift2Rail JU members or to the constituent entities of members in the form of consortia or groupings. For more information on the participation rules, please read the tender specifications (section 5- Information on tendering). Nevertheless, in accordance with the Shift2Rail JU’s statutes (article 17- Allocation of the Union contribution) if a</p>



		<p>Shift2Rail JU Founding or Associated member is awarded with the contract, as an EU contribution, the amount received by the Founding Member or the Associated Member under this contract, and during its whole duration, should be counted against the S2R contribution planned to be received in accordance with their respective Membership Agreement and taking into consideration the maximum co-funding expected to be received in accordance with the S2R Regulation.</p>
7	<p>We are an organization that receives financial contributions from S2R JU Founding or Associated Member. As we are neither S2R JU Founding or Associated Member (nor constituent entities of members in the form of consortia or groupings, nor affiliated entities either to the Shift2Rail JU members or to the constituent entities of members in the form of consortia or groupings), could we participate in this call for tender?</p>	<p>The answer is yes. As per the award of grant open to non-members, if your organization is awarded with this procurement contract, the contract's amount will not be counted against the maximum co-funding expected to be received by the Shift2Rail JU Founding or Associated Member.</p>

8	<p>Please clarify whether in the “Indicative list of scope and deliverables” (section 3.3) the title of task 3 (“Support on the updating of Eurobalise specifications”) and the title of task 4 (“Support on the updating of specification documentation”) are not switched in.</p>	<p>The tender specifications indeed include an clerical error: The indicative list of deliverables included in section 3.3 (“Tentative scope and deliverables”) under the heading “<i>support on the updating of Eurobalise specification</i>” were inverted with the deliverables included under the heading “<i>support on the updating of specification documentation</i>”.</p>
9	<p>Please clarify whether the list of deliverables indicated in task 3 (“Support on the updating of Eurobalise specifications”) is correct, in particular “<i>Updated versions of [...] SUBSET-035 and SUBSET-035</i>”.</p>	<p>As indicated in section 3.3 of the tender specifications, this section presents only an indicative list of scope and possible associated deliverables, which will be fully developed and specified as order forms or specific contracts. Therefore, this indicative list may be subject of updating during the execution of the contract.</p>
10	<p>Could you please let us know how many lines S2R plan for TASK “Addressing non-interoperable infrastructure”?</p>	<p>The number of non-interoperable lines that will be studied in the task as well as the strategy on how to address the migration to interoperable lines will be assessed and developed during the execution of the contract.</p>

11	<p>If a Shift2Rail JU Founding or Associated Member participates in the tender as a sub-contractor (i.e.: appeared in the tender submission or declared and authorized by the Shift2Rail during the execution of the contract), is this Shift2Rail JU Founding or Associated Member submitted to Shift2Rail JU's statutes (article 17- Allocation of the Union contribution), i.e. the amount received by the Founding Member or the Associated Member under this contract, and during its whole duration, should be counted against the S2R contribution planned to be received in accordance with their respective Membership Agreement and taking into consideration the maximum co-funding expected to be received in accordance with the S2R Regulation?</p>	<p>As indicated in article II.10 of the draft framework contract (https://shift2rail.org/wp-content/uploads/2017/12/S2R.17.OP_.04_contrat-cadre-service-en.pdf) the contractor remains bound by its contractual obligations and is solely responsible for the implementation of the contract. This means that under the procurement rules there is no direct contractual link between the contracting authority (S2R JU) and the subcontractors. Consequently, S2R JU will treat all contractual matters (i.e.: payments) exclusively with the contractor, including the tasks to be performed by a subcontractor. Therefore, if a Shift2Rail JU Founding or Associated Member participates in the tender as a sub-contractor, article 17 of the Shift2Rail JU's statutes (Allocation of the Union contribution) will not apply to them as they will not receive direct EU contribution. Nevertheless, as stated in section 5.6 of the tender specifications (“Subcontracting”), tenderers are required to identify subcontractors whose share of the contract is above 15% (in value or in tasks to be subcontracted). Therefore, if a Shift2Rail JU Founding or Associated Member participates in the tender as a sub-contractor and provides more than 15% of the tasks, the contracting authority may demand that the subcontractor also signs the contract. As referred in question 6 above, if a Shift2Rail JU Founding or Associated member is awarded with the contract (i.e. is included in the contract as a contractor either as a sole tenderer or collectively as a “joint tender” -see page 1 of the draft</p>
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		<p>framework contract) in this case article 17 of the Shift2Rail JU's statutes (Allocation of the Union contribution) will apply to them.</p>
12	<p>If a Shift2Rail JU Founding or Associated Member supplies tools, equipment, solutions, services directly or indirectly to the consortium (to which the contract is awarded) during the execution of the contract, is the amount that the S2R member receives still submitted to the above-mentioned rule? Otherwise, would not be favoring a S2R member twice by selling their solution and participating even that indirectly to the grant?</p>	<p>As stated in section 5.6 of the tender specifications, economic operators that will provide directly or indirectly services or supplies during the contract's implementation and therefore will collaborate with the tenderer (either with the sole tenderer or with a consortium or group member in case of joint tender (see section 5.5 of the tender specifications), will be considered as a subcontractor and subject to the requirements set up in section 5.6 ("Subcontracting") of the tender specifications.</p> <p>Regarding the participation of a tenderer in a call for proposals, as stated in the S2R Financial Rules (https://shift2rail.org/wp-content/uploads/2016/01/S2R-JU-GB-Decision-N-21-2015-revised-financial-rules.pdf), the rules that apply to S2R procurements (article 33) and grants (article 35) are different. As regards procurement, Title V of the EU Financial Regulation and its implementing rules (Regulation (EU, Euratom) No 966/2012 and Delegated Regulation (EU) No 1268/2012) shall apply, whereas for grants Title VI of the same Regulation shall apply, subject to any specific provisions of the S2R JU establishment Regulation and the provisions of the act of the programme the implementation of which is entrusted to the S2R JU.</p>

	<p>In this sense, the S2R JU annual work plan 2018 (https://shift2rail.org/wp-content/uploads/2018/01/Ares-182422-Annex-1-S2R-1.pdf) clearly indicates in section 2.2.4 whether the expenditure should be classified as a call for tenders (procurement) or as a call for proposals (grant).</p> <p>Please note that, as stated in the EU Financial Regulation, if an economic operator is a beneficiary of a grant, it does not prevent it from being awarded a procurement contract. This rule apply by analogy also to any Shift2Rail JU Founding or Associated member.</p>
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