



QUESTIONS AND ANSWERS PERTAINING TO THE OPEN CALL FOR TENDER

S2R.18.OP.01

Call for tenders “Study on use of fuel cell hydrogen in railway environment”

QUESTION	ANSWER
<p>1. With regards to this terms or references, having discussed with many stakeholders within the rail sector, I have a question with regards to the consortium composition:</p> <ol style="list-style-type: none"> 1. Are S2R rail members excluded from this tender? Core members or all members? 2. Should there be minimum 1 S2R member be part of the consortium? 3. Should there be NO S2R member within the consortium? <p>There seems to be no clarity with regards to this within the S2Rail community.</p>	<ol style="list-style-type: none"> 1) 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 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. 2) According to section 5.5 of the tender specifications, “a group of two or more economic operators may

		<p>submit a tender (“consortium” or joint tender). Therefore, there is no limitation regarding the number of consortia members that can submit a tender, independently if the tenderer is a S2R JU member or not. Nevertheless, all the consortia members must provide the information indicated in section 7.1 (“Presentation of the tender”) and fulfil the exclusion criteria at the time of tender submission (see section 6.2 of the tender documents).</p> <p>3) See reply 2) above. A consortium can be composed by S2R JU members and S2R JU non-members, without any limitation in number of consortia members. A consortium may also include sub-contractors, in addition to the consortia members.</p>
2.	<p>We are an associated member of Shift2Rail and interested in applying for the tender “Study on use of fuel cell hydrogen in railway environment”.</p> <ol style="list-style-type: none"> 1. As budget would be granted to us by the tender, would this be considered to the overall budget as associate and hence limit our options in the calls for associate? 2. The study/tender is funded 100%? 	<p>1.) Please refer to the answer provided for the first question as referenced above: In accordance with the Shift2Rail JU statutes (article 17- Allocation of the Union contribution), if a 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. Please also note that if the contract is awarded to a JU member (either “sole tenderer”</p>

		<p>or a member of a consortium), the S2R reserves the right to request, after the signature of the contract, evidence from the JU Member regarding the amount received (“transfer of money”) under this contract in order to verify the S2R contribution planned to be received in accordance with their respective Membership Agreement. This rule does not apply in case that the S2R member is a subcontractor as in this case the amount will be counted only to the leader of the consortium.</p> <p>2.) The maximum amount for the total duration of the contract (7 months), excluding VAT and including all the expenses shall be EUR 570 000. Following the procurement rules, the S2R JU obtains the services in return for payment of an agreed price. Therefore, the successful tenderer will receive 100% of the total price of the contract as per its financial offer (see section 6.5.2 and annex V of the tender specifications). However, as indicated in section 5.4 of the tender specifications, only the tenderer or the leader in case of consortia or joint tender must provide a Financial Identification Form with its supporting documents and will receive the payments as per article I.5 of the draft service contract.</p>
3.	<p>An associated member is interested in participating in a consortium for the Fuel cell for railway study.</p> <p>1. Are they eligible to participate or not?</p>	<p>1.) Please refer to the answer provided for the first question.</p> <p>2.) The Agreement on Government Procurement (GPA) consists of 19 parties covering 47 WTO</p>

	<p>2. Can you clarify the following sentence: “Therefore this procurement procedure is not open to economic operators established in GPA countries.”</p>	<p>members. The full list of members is available here: https://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm Appendix I to the GPA indicates that only the Commission, the EEAS and the Council are concerned by the GPA. Thus, neither decentralised Agencies, executive Agencies nor any EU institution or body (i.e.: Joint Undertakings) other than the Commission, the EEAS and the Council should open their procurement procedures to economic operators established in GPA countries. Therefore, as S2R JU is an EU body, this procurement procedure is not open to economic operators established in GPA countries.</p>
4	<p>In section 3.2.1 (page 13) of the tender specifications is indicated that <i>“the contractor is authorised to continue the performance of the contract in the second phase only with written consent of the contracting authorities following an analysis of the Report 1 (...) at the end of the preceding phase”</i>. We do not see clearly when Phase 1 stop. Do we have to propose a price for Phase 1 only?</p>	<p>As stated in section 3.3.2, “the approval of Report 1 constitutes the end of phase one. The leading Contracting Authority will notify the contractor in writing about its consent to proceed with phase two within one week.” In addition, in article I.3 of the draft service contract is drafted, in identical terms, that the performance of the contract is divided into two (2) phases. Regarding whether tenderers should provide a price per phase 1 only the answer is no. As indicated in section 6.5.1 of the tender specifications, the tenderer must complete the Model Financial offer form (Annex V) and indicate the number of person-day and the price per each task as well as the total price. In addition, as indicated in section 3.2.1 of the tender specifications, for each of the tasks and</p>

		services to be performed (e.g.: tasks n° 1 and n° 2 for Report 1), a detailed estimated budget breakdown, including person-day per profile, should be provided.
5	In section 6.3.3.1 - 1c) - page 25 of the tender specifications is indicated that the tenderer must prove experience in the subject of the contract, and in particular in the following aspects: <i>“Proven experience in handling confidential and sensitive data, data collection, statistical analyses, drafting reports and recommendation”</i> . It is not clear to us how this specific point can be proven with specific projects, other than in a generic manner. Please clarify.	As indicated in the tender specifications, the tenderer should provide, as evidence for the tenderer’s experience in the field of the contract (criterion 1), references for at least three projects/studies delivered within the rail and/or fuel cells and hydrogen sectors within the last five years and identify how the chosen projects/studies refer to the professional experience, being one of the three aspects of this criteria having handled confidential and sensitive data, data collection, statistical analyses, drafting reports and recommendations. It is up to the tenderer to identify and demonstrate how this experience have been acquired in the description of each of the project/study provided as an evidence
6	In section 6.3.3.1 - 2 - page 26 of the tender specifications is indicated that <i>“the tenderer must provide evidence of the linguistic competences of the team delivering the service that ensures at least C1 level in English”</i> . As a great share of the consultancy activities are conducted in English, would a letter from the Consultant HR confirming experts capacity to work in English be accepted? Please clarify.	We confirm that any supporting document proving the capacity to the team members to write, speak and understand at least in C1 level in English can be provided as an evidence. In order to assess the language capacity of the team members at C.1 level you can use the Self-assessment grid provided by the Cedefop at the following address: https://europass.cedefop.europa.eu/sites/default/files/cefr-en.pdf

7	<p>In ANNEX IV.b of the tender specifications (SELECTION CRITERIA – TECHNICAL AND PROFESSIONAL CAPACITY – TENDERER’S EXPERIENCE IN THE FIELD OF THE CONTRACT) should the tenderer clarify what information should be provided in the last column "References provided in tender"?</p>	<p>Tenderers should only click in the box [☒] of the last column of annex IV-b if they have provide - as supporting documents- references for at least three projects/studies delivered within the rail and/or fuel cells and hydrogen sectors within the last five years, as requested in section 6.3.3.1 of the tender specifications.</p>
8	<p>In the calculation and proposal of our professional fees, we are bound to use global prices that encompass all services delivered by our teams, including our team leadership, core project team, extended project team, our research departments, writing and editorial teams etc. Could you please confirm that we can submit our offers with an indication of effort on a working-package basis, and an associated price point?</p>	<p>As stated in the tender specifications (section 6.5.2), “ to present its financial offer, the tenderer must complete the Model Financial offer form in Annex V with the utmost care. In order to do this, the tenderer must fill in and indicate:</p> <ul style="list-style-type: none"> - The price per person-day per each profile - The number of person-day foreseen for each tasks described in section 3.2.1 - The total price (number of person-day foreseen X price per person-day) - The other costs (i.e.: cost for acquiring data, travel and subsistence costs) - The total price for all services (with and without VAT) <p>Therefore, for every task listed in the Model Financial Offer, tenderers must indicate the person-day prices and the number of person-day proposed by the tenderer. For the financial comparison of the tenders, the price for the tender must be made up of the sum of the price for all the tasks multiplied by the number of person-day proposed by the tenderer. Where a service is provided free of charge, the tenderer must indicate EUR 0, 00. Tenders that not fill-in all the items indicated in the Model Financial Offer will be rejected based on non-compliance with the tender specifications and will not be further evaluated.</p>

9	<p>Dear Madame, Sir,</p> <p>I am writing to you on behalf of a consortium that is preparing a bid for the tender that has been published by Shift2Rail named “Study on the use of fuel cell hydrogen in railway environment” (Ref S2R.18.OP.01). The reason why we are writing to you is the following:</p> <p>We have taken notice of this interesting tender and are preparing a bid. Together, we feel that we have a consortium present that is able to deliver all the requested skills, tasks and products in time. However, the deadline for submitting the proposal is quite near. This causes problems for us in getting the formal go-ahead from the management boards of the involved firms in time. This is seriously jeopardizing the unique composition of the consortium, causing parties to drop out. In order to avoid this, we kindly request you to postpone the submission of the proposal toward April 19, 2018. In this way, we can secure the internal approvals in time.</p>	<p>Unfortunately, we cannot accept your request to extend the deadline for submission of offers. The reason is that, on the basis of a good administration principle, is not efficient to extend the deadline few days (i.e.: one week as you propose) since by the time the new deadline will be officially published via a corrigendum of the contract notice in the EU Official Journal, the current deadline will elapse and in the meantime having some tenders already dispatched. This means that, in order to ensure the transparency and equal treatment between all the potential tenderers, we should extend the deadline at least two extra-weeks, which will postpone the signature of the contract until beginning of June (compared to the current estimated date of 14/05). This will jeopardise the purpose of the study (i.e.: drafting the FCH JU Annual work Programme P2019 topics).</p>
10	<p>On page 10 of the Tender Specifications (3.2.1 Description of required services and tasks – Task n°2) it is stated “Creation of an Advisory Board representing all required stakeholders, in agreement with the S2R and FCH2 JUs, to ensure access to the relevant information and validate the outputs of Task n°2, Task n°3 and Task n°4.” Do the required stakeholders refer to S2R and FCH2 JU or to a wider range of stakeholders? In case of the latter, there is the risk of lengthy and heated discussions amongst the stakeholders about the selection of cases. In case of the latter, is selection of number and type of stakeholders in the Advisory Board up to the contractor?</p>	<p>The reference to stakeholders is mentioned in the technical specification in the context of the provision of case studies. As mentioned in section 2.4 and 3.1 “case studies should be substantiated on data acquired in dialogue with relevant stakeholders”. Moreover, section 3.2.1 clarifies that those stakeholders should “ensure access to the relevant information and validate the outputs of Task n°2, Task n°3 and Task n°4”. Finally, section 6.5.1 refers to “the network of relevant stakeholders and their written agreement to provide and validate data required in the tasks of this tender” as part of the quality and appropriateness of the methodological approach. Based on this information, we confirm your</p>

		<p>assumption that the tender refers to a wider range of stakeholders and not to the S2R JU and FCH JU.</p> <p>With regards to your second question, section 3.2.1 states that the creation of an Advisory Board representing all required stakeholders must be done “in agreement with the S2R and FCH2 JUs”. Moreover, section 3.3.2 states that at the Kick-off meeting there will be a “presentation of proposed Advisory Board representatives” and at the next meeting there will be the “formal approval of Advisory Board representatives”. Therefore, the selection of number and type of stakeholders in the Advisory Board will be part of your proposal but after the tender is awarded, the final selection will be done “in agreement with the S2R and FCH2 JUs”.</p>
11	<p>On page 26 of the Tender Specifications (6.3.3.1 Tenderer’s experience in the field of the contract) it is specified that the entire team must have at least level C1 command of English. In our professional experience, this specification is usually only limited to the Project Manager who is in contact with the contracting agency. The quality of an English report is not dependent on the entire team having C1-command. What is the argumentation for this specification and would you consider limiting the specification only to the Project Manager? What type of evidence of C1 command suffices?</p>	<p>The objective of the selection criteria is to ensure that the tenderer is technically capable to perform the contract. The criteria related to the language skills of the team proposed by the tenderer/delivering the service and the definition of minimum language levels guarantees that, during contract performance, if a person leaves the project, it will be replaced by someone with the equivalent language skills defined in the tender specifications. As the main purpose of this tender is the delivery of study reports, all members of the team must be able to write at least in C1 level in English. Regarding the type of evidence requested, please refer to the answer to question 6.</p>



12	<p>On page 31 of the Tender Specifications (6.5.1 Evaluation of the quality of the offer) under Quality Criteria 2 (Organisation of work and allocation of budget and human resources for the contract management) it says "Contract follow-up and business continuity". Can you elaborate what is meant by this?</p>	<p>Contract follow-up and business continuity in quality criteria 2 is related to the allocation of human resources during the contract implementation. It will assess the allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the successful implementation of the contract in each of the delivery dates indicated section 3.3.2 of the tender specifications.</p>
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