



procuRE Clarifications on Questions Received

01.3.22



**Pre-commercial Procurement of Breakthrough Solutions for
100% Renewable Energy Supply in Buildings**



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Must the subcontractors provide a signed legal entity form?

- ▶ **No.** See **section 4.2 point 1 of TD1**: *“The legal capacity and the representation of the bidders shall be proved by a signed Legal Entity Form with its supporting evidence. All tenderers (including all members of the group in case of joint tender) must provide this form.”* Tenderers does not include subcontractors.
- ▶ For more detail on subcontracting, see **section 3.1.2 of TD1**

In case of subcontracting, in which section must the signed agreement be provided? As an annex in TD5?

- ▶ **The agreement need not to be submitted in the tender package.** The tenderer must provide the Buyers Group with an originally signed agreement with the subcontractor including a clear description of the work to be subcontracted before subcontracted work begins in any Specific Contract (**Section 3.1.2 of the TD1**).

Is it mandatory to sign the financial offer (TD7)?

- ▶ **Yes**, please print one version and provide a **signed PDF and the Excel file** with identical content. See section 4.1.

Amended after further clarifying question:

- ▶ **Yes**, please provide a **signed PDF** (digitally signed or print and scan) **and the Excel file** with identical content. See section 4.1.

Could you please specify the correspondence between the fields of the form which appears in S-Procurement information system and TD7? Should taxes be applied?

The question refers to mandatory fields in section 1.1 of the offer on S-Procurement. Note, **if mistakes are made during entry of this form, the figures in the signed PDF of TD7 will prevail, still**, field need to be filled to permit submission.

- ▶ The fields need only to be filled for the current phase, currently Phase I:
 - The price to be filled is the base price including all other taxes or fees (in TD7 in the initial proposal I26)
 - The first percentage is deductuon granted as compensation to procurer so supplier can retain ownership of IPR (in TD7 I27 expereessed as percentage)
 - The second percentage is the Slovenian VAT which is 22%.

- ▶ The calculations are performed automatically.

Is it allowed to scan handwritten signatures or must we sign the documents (subcontracting agreement, PoA, DoH,...) with a qualified electronic signature?

- ▶ **Signed scans suffice.** Please keep originals which might be requested.

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According TD5 and TD3b templates' standard guide, in case of joint tenders, the "Declaration of Honour on On/Off Award Criteria (TD3b)" must be provided and signed by the lead contractor. Nevertheless, footnote 1 (TD3b) states that *"If the bidder is a consortium or group of bidders, each member shall submit this statement."* Must each member of a consortium provide and sign TD3b or only complete page 2?

- ▶ TD3b documents submitted signed by all members or only by lead contractor will be accepted.

The second link in TD1 section 4.2 does not have the expected document. Where can we find it?

- ▶ The links on EC pages have been updated. All documents needed for bullet 1 and 2 in section 4.2 (TD1) can be found here:
https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/forms-contracts_en

The IDF file does not seem to be supported in newest energyplus versions. Could you send us a new version?

- ▶ Up-to-date file formats are now provided as part of the tender package.

TD6a Tender Application Template - Technical – KPIs: In order to upload the results of the reference buildings with all the hourly KPI calculated for each building-climates, should we upload four different .xls files, or a unique .xls files with four sheets called: "Office-cold, "Office-warm, "School-cold", "School-warm"?

- ▶ In accordance with TD1 4.1, please provide as one Excel file naming the sheets accordingly.

TD6a Tender Application Template - Technical – KPIs: Shall we upload this file actually in open, editable excel format, or in a protected and signed pdf?

- ▶ In accordance with TD1 4.1, please provide as an editable Excel format.

We understand that any hardware or equipment installed in/on the building, e.g. photovoltaic panels, are property and responsibility of the bidder. Could you please confirm?

If the pilot-site provider is interested in maintaining the fully functional pilot and its installations, a separate agreement on the terms and conditions of such cession can be negotiated? Please inform about the intentions of the pilot-site providers concerning the continuation/take over of the fully functional pilots of Phase 3.

- ▶ „Installed Equipment“ is regulated in the Framework Agreement (TD8) in Article 6.
- ▶ The Buyers Group intends to continue any successful implementation after the project with negotiations on the terms resulting in or being based on the offer submitted as part of deliverable D3.4 (see TD1 section 2.1).

The dismantling of any equipment on the pilot sites in Phase 3 has to be concluded during phase 3 or can be done after the end of the project?

- ▶ If removal is required, it is expected to take place after the end of the project.

TD5 and TD6a: Contents of TD5 and TD6a are redundant. Considering that by normal contracting law, contents subject to technical evaluation are not to be included in the administrative envelope, we are afraid that following the controversial instructions of the tender documents leads to unfair exclusion, as the Evaluation criterion PROJECT MANAGEMENT PM3 clearly evaluates the resources assigned to meet the objectives. (“PM3 - Feasibility of plan and resources to meet the objectives”).

TD5 Administrative requires: description of relevant reference and /or previous projects (executed during the last 5 years) + summary and overview over personnel with indication on CVs provided + full CV information with focus on relevant areas for procuRE

TD6 Technical Section requires: the same information: Short CV information for key staff members (2-5 lines)... + existing publications, products, services and/or other relevant achievements

Please clarify which content shall be actually informed in which document to present a valid offer, conform with the evaluation criteria and the set page limits.

- ▶ TD5 and TD6 are evaluated independently across two different sets of criteria. This can imply that some detail is repeated. TD5 is evaluated against selection criteria. There is no page limit in TD5. In accordance with TD1 section 3.6 step 2, this detail will be used to assess „*whether the tenderer has the capacities necessary to perform the contract, on the basis of the selection criteria*“. See section 4 in TD5 on expected input as well as section 3.3 in TD1.

Only if the evaluation steps 1-3 are passed, is TD6 evaluated. Section 3.2 is evaluated against PM2: Quality and completeness of the work-plan as well as detail of task and result descriptions and PM3: Feasibility of plan and resources to meet the objectives. Instructions on content expected is described in TD6 section 3.2.4.

The content of TD5 will not be taken into account when evaluating TD6.

TD5: As from the SUGGESTED presentation, CVs in TD5 are optional and in free format. Is it considered sufficient if the full CV of the project leader/key staff is provided and the rest of the team is presented in Short CVs?

- ▶ Yes. Full CVs are expected for *“key personnel and competences the tenderer considers necessary to complete the project”*

TD6 Technical Section 3.2.4 requires to include information about “existing publications, products, services and/or other relevant achievements” and Short CVs. But the complete section is limited to 2 pages. If the buyer group expects a professional, experienced team to carry out the work, 2 pages are clearly unproportionally short to provide meaningful information asked for in this section. Please clarify which type of information will be considered here for the evaluation of the proposal.

- ▶ Section 3.2.4 is to underpin the suppliers operational capacity and quality to deploy the Renovation Approach, develop Renovation Packages and conduct Co-Design and other elements presented in their respective Technical Offer. The tenderer is free to use graphics. 3.2.4 is evaluated in conjunction with content across 3.2.
- ▶ Whether or not the supplier is capable of conducting the service in principle has already been established through evaluation of Selection Criteria (TD5).

TD7 Financial does not foresee the concept of VAT as a separate cost item. RfT TD1 stipulates "the valid Slovenian and EU VAT legislation will be applied in the project. These provisions also apply to suppliers from Turkey, Israel, and other countries outside of EU VAT legislation." We appreciate confirmation that in consequence, unit prices and totals are to be considered INCLUDING Slovenian VAT.

- ▶ In accordance with TD1 section 4.4 all prices are to be provided **EXCLUDING** VAT.
- ▶ Additional information on VAT and pricing:
 - The procurement budget is centralised with Lead Procurer KSSENA which is based in Slovenia, EU. Therefore, suppliers from Slovenia use national VAT procedures.
 - Suppliers from other EU member states: Invoices do not include VAT. The reverse charge procedure is applied, which among other things requires that the invoices include the VAT number.
 - Suppliers from third countries: If the supplier is obliged to charge VAT according to the rules of the home country and the invoice contains VAT, that VAT is non-deductible in Slovenia. For the procurers, the VAT amount is part of the cost of the service and will be taken into account in the evaluation. Suppliers may not exceed the ceiling amount in their invoicing. Example: if the budget ceiling for the procured services is 122, and a supplier must charge 22% VAT, the cost of the services without VAT may not exceed a ceiling of 100.

It is clear that the unit prices for any concept introduced in the original budget remain binding for the rest of the project. However, several cost items in phase 2 and in particular phase 3 depend on the location of the pilot and the associated necessary logistics or local subcontracting. For example, there are significant cost differences in contracting local support for pilots in Germany vs. Portugal. Implementation costs and travelling varies tremendously, whether the pilot site assigned is in proximity/home country of a bidder or abroad. Giving an estimate with binding unit prices at that stage would be neither serious nor realistic. However, TD7 obliges to add such cost already now, in order to total correctly the virtual price for phases 2+3. We understand that it is reasonable and accepted, that we represent those costs as a 'category' which will be broken down into binding unit prices in the upcoming phases. Please confirm.

- Confirmed. Additional unit prices can be added during Call-offs. Price quotes (offers) are binding only for the subsequent phase.

We see that the new date for the notification of results is now 05.04.2022. However, the schedule in Section 2.6 of the new TD1 remains unaltered and implementation of Phase 1 starts before the new contract signature date. It is critical to know, how the 2 weeks extension for presenting an offer affect the implementation period of Phase 1, which de facto was originally only from 01.04.2022 – 30.05.2022. Is this period shortened or delayed to which new dates? Please provide an update schedule with the new implementation dates, at least for Phase 1.

- ▶ The duration of Phase I will not be shortened. The beginning of Phase I is likely to be delayed. The exact timing will be revealed with the award notice. The time schedule is indicative.

Just to avoid misunderstandings between the description of the KPI (RE_PCR) and the formula provided in TD6a, please CONFIRM THAT THE FORMULA IS CORRECT.

- ▶ We confirm that for RE_PCR a ratio is expected for each hour of the year and each energy vector in TD6a based on the formula and definitions provided in TD2.
- ▶ For each energy vector, this indicator refers to the fraction of renewable energy produced on-site as compared to the final energy consumed in the building at the same time, hence reflecting the temporal concurrency of renewable energy production and final energy consumption.