

(CHAFEA)

From: CHAFEA-HP-TENDER
Sent: jeudi 12 mai 2016 17:10
To: [redacted]@everis.com'
Cc: CHAFEA-HP-TENDER
Subject: Reply - Doubts related with the new request Chafea/2015/health/40
Importance: High

Dear Bid team,

Please find below the answers to your questions.
If you would need further clarifications, please do not hesitate to write to us.

Many thanks
Chafea Health Unit Team

Q2.1.a: on WP0 and stakeholder engagement

SANTE will provide the contractor with the lists of the stakeholders involved in:

- (a) the Feasibility Study,
- (b) the Stakeholder Consultation,
- (c) contacts with SANTE during which an interest in the project has been manifested.

SANTE will also inform the stakeholders, via its website, about any prospective consultations and workshops relating to the project. These activities are deemed to provide for the sufficient level of engagement on the part of private parties. It must be recalled that the project has a regulatory character and the full consensus-based approach might not be workable given various vested interests represented by the private operators.

Please note that the specification (page 7) requires that the contractor ensures compatibility with other regulations and requirements beyond the rules of the TPD. To meet this requirement, the contractor may need to engage in contacts with various institutions and organisations at different stages of the project, in particular during WP2 and WP3.

Q2.1.b: on WP1 and clarifications

The contractor's assumptions is flawed. The engagement process and the clarification contacts with pre-defined group of stakeholders, i.e. the respondents to the Commission's stakeholder consultation, are different tasks. The clarification contacts do not require any earlier mapping exercise, the respondents' identity including their contact details are known. Moreover, the clarification contacts are to be only applied in the cases of doubts as to the respondents' views. The contractor should not assume that such contacts will be necessary with respect to all the respondents.

Q2.2: on exclusion from future tenders

The meaning of the 'final product' term should be construed within the project's context, i.e. *"the services will support the European Commission in developing the implementing and delegated acts envisaged by Articles 15 and 16 of the TPD"* (page 2). The Commission does not and cannot outsource the legislative process. This being said, the contractor will not be prevented from taking part in any future tenders related to the subject matter of the present contract provided that it will not be in a conflict of professional interest position.

-----Original Message-----

From: [REDACTED] [REDACTED]@everis.com]

Received: 11 May 17:39

To: CHAFEA-HP-TENDER [CHAFEA-HP-TENDER@ec.europa.eu]; [REDACTED]

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[REDACTED]@everis.com]; [REDACTED]@be.pwc.com [REDACTED]@be.pwc.com]

Subject: Doubts related with the new request Chafea/2015/health/40

Dear Chafea team,

We have reviewed the new request for the analysis of implementation of the system for tracking and tracing tobacco products, and we are currently working to deliver a new offer, adapted to the new request, by the 17th of May.

Although there are some questions we'd like to transmit you to confirm our understanding of the changes and also your expectations.

Please find the attached document with our questions.

Kind regards,

Met Vriendelijke Groeten / Cordialement/ Kind Regards / Saludos Cordiales



an NTT DATA Company

Bid Team

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