

EVALUATION OF THE OFFERS AND AWARD OF SPECIFIC CONTRACT

Request for Specific Services N° EAHC/2013/Health/12 for the implementation of Framework Contract N° EAHC/2013/Health/23 concerning the development of a EU common reporting format for submission of data on ingredients contained in tobacco and related products and disclosure of the collected data to the public

Name of contractor	EUREST	HETOC
Date of the offer	24/01/2014	24/01/2014
Registration number Ares	(2014)177576* (2014)177606 (2014)177655	(2014)177378
Receipt of offer within the deadline	YES	YES
Absence of conflict of interest	YES	YES
Withdrawal of the Framework contractor	NO	NO
Respect of the fee rates	YES	YES
Respect of the maximum budget / estimated	YES	YES
Technical conformity to the Terms of Reference		

*Due to technical problems, the offer was sent split in three emails

AWARD CRITERIA

Contractor: EUREST

Criterion 1: Understanding of the services and general approach to the work to be performed. Conformity of the CV(s) of the expert(s) proposed to the skills required, as described in the Request for Specific Services

Number of points: 17/20

Comments:

The offer demonstrates very good understanding of the services to be provided under the specific request for services. The description of the tasks to be implemented is very comprehensive including an exhaustive introduction as well as well-developed methodology to be applied for each of tasks.

The CVs are on line with the requirements of the specific request for services. The team count on very senior experts as advisors which may however mean that they contribute to a lesser extent in day to day work.

Criterion 2: Proposed methodology and tools.

Number of points:

Work package 1: 8/10

Work package 2: 17/20

Work package 3: 8/15

Work package 4: 14/15

Total number of points: ...47/60

Comments:

Both the methodology and the tools are very extensively described and developed in the offer, including: a clear description of the activities to be implemented under each WP; a clear identification of the products to be objects of the study (with an especial emphasis on e-smoking); and justified choices, when requested. Efforts have been also made to provide inputs other than the ones included in the ToR.

- Work package 1:

The offer presents a comprehensive range of tools to assess experience with current reporting formats in the EU and elsewhere. The method proposed is very well described, especially as far as the *review of the literature, existing formats and international experience* is concerned.

All the tools are clearly developed, including concrete proposals of possible qualitative questions for the questionnaires, a motivated list of persons/groups to be interviewed and a detailed explanation on the literature review.

In this regard, some interesting elements comprise: to look at electronic reporting systems already existing in other areas (i.e. pharmaceutical, toxicological, chemical and risk assessment); other consumer product standards (food and beverages); industry patents and design documents, and patent submissions.

Moreover the EU experience will be confronted with practices in US, Canada, Brazil and Australia, and depending on the results of the "snowball effect" method, best practices from other countries might be included, which is a plus.

However, some concerns are that:

- the questionnaire will be only sent to limited number of Member States,
- the offer refers to EMTOC as a "format" , while this is rather a platform for data submission and access management,
- the SME's should be explicitly included in the sample,
- timelines for questionnaire development, distribution and assessment seem to be overly ambitious,
- Some of the quality indicators cannot be considered as robust indicators.

- Work Package 2

All the elements requested in the specific request for services are included, categorised in logical domains and for each of the domains, the key aspects of submitted data are discussed in detail. The proposal seems to take into account of the specific request as well as possible dimensions for further extension of the format in line with market, technical and scientific development.

The tobacco products to be considered in the development of the new reporting format are clearly identified and grouped in 5 domains, focusing on different approaches and possible critical aspects. In this context it is valuable the development of the "*Domain 3: Electronic cigarettes*" (in general and

also specifically with regard of smaller manufacturers and importers) and the "*Domain 5: Other forms of tobacco products*", which considers possible inclusion of novel products (the example of a forthcoming modified risk tobacco product under development).

The panel of experts covering broad range of relevant expertise is proposed and its working method is outlined. However, no concrete names are suggested.

Some tasks and concepts described in section "*6.5. linkage with population use data, sales data, preferences and market share developments*", while possibly interesting, go beyond ToR and seem to be overambitious in the context of this study.

While the new EU reporting format is the key deliverable, the offer does not specify technical parameters of this deliverable which are critical for WP3. In order to ensure a logical and efficient articulation between WP2 and 3, it would have been beneficial to present diagram representation e.g. for modelling the main actors, behaviours and their interactions/dependencies, including sequences of exchange messages for the interoperability between systems. Other business rules could have been explained, ideally applying the terminology defined in the data/terms, dictionary/dictionary, describing unambiguously each item, its mandatory status, its format, and the nomenclature used.

- Work package 3:

All methodological steps and elements are described. The "semi functional IT solution" seems, in principle, to follow the requirements of the request for services, and the ownership of the final product will belong to the EU in line with the framework contract provisions. However, certain technical parameters are not explicitly acknowledged. In this sense the implementation will require a close step-by-step monitoring ensuring full compatibility of the outcomes with the required specification.

A complete Use Case document should have been included within the deliverables, and the considered fee mechanism should have been better developed, in order to ensure the feasibility and the sustainability of the IT tool. On the basis of the offer it is not possible to assess whether sufficient IT/programming capacities have been foreseen for such complex task.

- Work package 4:

Cost-benefit assessment is well described and considers all relevant impact and stakeholders. The methodology is adequately outlined including links with previous WP's.

Criterion 3: Approach proposed for the management of the work

Number of points: 13/20

Comments:

For each WP, a comprehensive scenario is described, including the tasks to be carried out and the detailed methodologies. Team members involved in each WP are identified and a timeline frame, risk assessment and certain contingency measures are included per WP. The intermediate deliverables are listed and several quality indicators and quality control mechanism are also set up per WP.

However, some of the contingency measures identified in the risk assessment and contingency measures might not be effective in mitigating the risks (i.e. low interview compliance) especially in view of the overall duration of the study.

Whereas the members of the management team are clearly identified, their roles are set up in a rather generic way: their involvement in the project is a key factor in order to ensure the smooth execution of planned activities. In this context the role of the "experts coordinator" is essential to ensure the internal communication and monitoring of the work developed by the scientific team. It is going to be a challenge to coordinate so many experts in such a short period. This is seen as the main risk of the offer: however, this has not been included in the risk analysis.

Regarding the Scientific team, the allocation of man-days does not sound consistently made according to the tasks assigned:

- The offer exhaustively reflects requirements of ToR and in some aspects goes even further. In this regard the execution of the tasks will require a lot of day-to-day work. However, only limited number of man-days are devoted to team members with sound technical background and specific practical experience. On the other hand less than 10 man-days is attributed to multiple subcontractors whose involvement does not seem to be essential for the core tasks (beyond their advisory role).
- Man-days are spread among a large number of team members and there is no breakdown of working days per WP. Considering the limited number of man-days allocated to most team members, it is questionable whether this is sufficient for their involvement in multiple WP's. The issue can be aggravated by geographical and institutional dispersion of the team requiring intensive coordination and frequent teleconferences.

Having said that, some concrete examples of the described concerns are:

- [redacted] are not allocated in any WP despite the fact that they are going to work 10 and 25 days respectively. However, on a basis of their expertise descriptions, it seems that they could be involved in WP4.
- [redacted] will be involved on WP 2, 3 and 4, being presumably the key person for WP3. However, the 35 man days are allocated to him might not be adequate to cover all the tasks.
- [redacted] the "experts coordinator" is allocated only 10 man-days, which does not seem to be enough for such essential and demanding task. The mechanism to ensure the coordination of such a big team should have clearly been assessed in the offer.

Contractor: HETOC

Criterion 1: Understanding of the services and general approach to the work to be performed.
Conformity of the CV(s) of the expert(s) proposed to the skills required, as described in the Request for Specific Services

Number of points: 13 /20

Comments:

- The offer shows a general good understanding of the services to be provided under this specific request for services. However, the tenderer has not acknowledged one of the key requirements: the ownership of the results of the service contract shall belong to the EU (this is a service contract and not a grant). The system solution proposed in the offer does not guarantee delivery

of all pre-existing rights, therefore does not comply with this elementary requirement; while no other alternative solution has been proposed.

- The offer shows a sound knowledge of the area, and proposes a practical approach to the work to be performed. However, the approach is quite poorly developed and a mere repetition of the ToR.
- The CVs of proposed team members comply with the experience and expertise needed. Nevertheless, after the deadline to submit the offer the contractor informed Chafea that [redacted] is not any more a member of the team. However, he is a key person, on whom the proposal is building on, being the responsible for WP 2 and WP3. RIVM's notification only proposes to divide [redacted] tasks by giving the other team members extra days. Therefore it is not clear who is the actual team leader for WP 2 and 3, and nor the impact of this replacement.

Criterion 2: Proposed methodology and tools

Number of points:

Work package 1: 7/10

Work package 2: 13/20

Work package 3: 6/15

Work package 4: 9/15

Total number of points: 35/60

Comments:

Both the methodology and tools are in many cases not adequately described and very little details are outlined in the offer. Proposed methods/tools are mentioned as forthcoming but they are not developed by the tenderer.

- Work Package 1:

The proposal covers all the different tasks and activities requested in the specific request for services. However, it is not clarified what kind of methodology it is going to be used to assess the comprehensiveness and utility of data submitted to MSs.

A well motivated proposal of workshop is included to assess the practical experience with the current reporting system. A list of proposed participants is included and the workshop seems to be a good forum to allow the discussion between experts and stakeholders.

In addition the EU experience will be confronted with practices in Canada, Brazil, US and Australia.

A quite marginal importance seems to be attributed to the literature review. It is poorly developed in the offer and planned in a non-functional way: it is described as to complement the inputs from the workshop participants/experts rather than giving a discussion basis to close any knowledge gap.

It remains unclear why the tenderer attributes marginal benefit to the assessment of the data quality of the data in possession of the Commission.

- Work package 2:

The methodology reflects the ToR requirements; however, is inadequately described and developed. The offer does not sufficiently consider the extension of the format in line with market, technical and scientific development.

The members of the expert panel are proposed and a meeting is foreseen. However, the working methods and panel organisation are not clear.

The main elements mentioned in the specific request for services are included, but inclusion of e-cigarettes, presumably one of the most significant development is merely mentioned. The issue of the "confidentiality" is properly addressed.

Nevertheless, it is not clear how the tasks of the WP2 are going to be carried out.

While the new EU reporting format is the key deliverable, the offer does not specify detailed technical parameters of this deliverable which are critical for WP3.

- Work package 3:

The offer describes the deliverable of WP3: it will be EMTOC 3, which will be built on EMTOC 2. However, this proposal does not sufficiently address two main problems:

- 1- Following the ToR, the ownership of the pilot electronic platform for data submission shall belong to the EU: see Page5: *"The full copyrights and other intellectual or industrial property rights for outcomes of the specific contract will rest with the European Union without any time, geographical or other restrictions except where industrial or intellectual property rights exists prior to the contract being entered into. In such a case the contractor must be able to transfer an irrevocabl cost free licence"*, and this is not the case in the proposed solution.
- 2- The technologies to be used and delivered shall be compatible with general IT specifications and standard technologies used by the Commission services; however, EMTOC 3 does not comply with this condition, and the alternative to adapt it to the EU requirements would reportedly cost approximately 550,000 euros.

No contingency measures or alternative solutions have been proposed.

- Work package 4:

The methodology is outlined, but provides limited detail beyond general requirements listed in ToR. Some indicators are identified; however, most of them are rather outputs than indicators.

Criterion 3: Approach proposed for the management of the work

Number of points: 9/20

Comments:

A general description of the management of the work has been provided.

However, the description of the organisation of the work, description of tasks and functions remains basic. It is not clear how the team is going to be coordinated, and who is working in each task. Taking into account the fact that [redacted] is not going to work in the project, it is unclear who is going to be the team leader for WP 2 and WP 3. Moreover, [redacted] whose CV suggests most specifically the expertise to carry out the cost-benefit analysis, is expected to work only during 5 days, which seems to be underestimated.

In addition, there is not a clear timeline (only a very basic time table is included) and the offer does not include a risk analysis or a contingency plan. Despite the complexity of the tasks, the tenderer actually stated that they could not identify any specific risks. Nevertheless, the uncertainty related to both the hosting of the proposed data submission system and the impossibility to meet any of the EC requests about the IT characteristic of the requested reporting format, represent *per se* a very high risk for the results of the services.

The only solution provided is the "timely action and openness will prevent unpleasant surprises and disappointment" which is not adequate for such proposal

COMPARATIVE TABLE OF TENDERS ON THE BASIS OF THE AWARD CRITERIA

TENDERER	CRITERION 1 (max 20 points)	CRITERION 2 (max 60 points)	CRITERION 3 (max 20 points)	TOTAL (max 100 points)
1. EUREST	17/20	47/60	13/20	77/100
2. HETOC	13/20	35/60	9/20	57/100

Therefore one of the tenders failed to reach the 50% threshold set for each criterion, in the Specific request for services.

FINANCIAL PART

After the technical part was evaluated, only one tenderer (Eurest) passed to the second phase of the evaluation. Its offer was assessed in terms of the total price offered (180,680.00 euros), and it was checked that it positively meets the two criteria requested:

- The unit prices indicated in the Framework Contract are used and respected;
- The maximum budget is respected.

**AWARD OF THE CONTRACT TO THE TENDERER SUBMITTING THE MOST
ECONOMICALLY ADVANTAGEOUS TENDER**

Successful evaluation EUREST

Comments:

The Evaluators concluded that, on the basis of the evaluation and in accordance with the criteria set out in the tender specifications; has presented the economically most advantageous offer.

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