

EUROPEAN COMMISSION
Directorate General Internal Market and Services

RESOURCES AND COMMUNICATION

Brussels, **27 NOV. 2013**
MARKT/A2/ares(2013) 3779975

Institut Mines Telecom
46, rue Barrault
75 634 Paris Cedex 13
France

Dear Mr Jeanneret,

Subject: Open call for tenders MARKT/2013/110/B


After examination of the tenders received in response to the above-mentioned call for tenders relating to the *"Estimating displacement rates of copyrighted content in the EU"*, we regret to inform you that your bid has not been selected. We very much appreciate, however, your having taken time to prepare and submit an offer.

The decision has been taken to award the contract to **Ecorys Nederland BV** for a total amount of EUR [REDACTED]. **Ecorys Nederland BV**'s proposal was ranked the highest in the light of the quality award criteria, as well as offered the best relation quality-price.

You can find sufficient information on the grounds for our decision in the annexed evaluation form concerning your offer. However, without prejudice to any legal appeal, if you so request in writing, you may obtain additional information, in particular, on the characteristics and relative advantages of the successful tender. However, certain details will not be disclosed if disclosure would hinder application of the law, would be contrary to the public interest or would harm the legitimate business interests of public or private undertakings or could distort fair competition between those undertakings. Any request should be sent to the Commission services by e-mail (ec-intmarket-contracts@ec.europa.eu) before the signature of the above mentioned contract. We will not be signing the contract with the successful tenderer for 10 calendar days from the day following the date of this letter. Should it not be possible to conclude the contract with this tenderer or should he withdraw, we reserve the right to review our decision and to award the contract to another tenderer, to close the procedure or to abandon procurement.

Thank you for your interest in the work of the European Commission. We trust that it will be renewed in future procurement procedures.

Yours Sincerely,

A solid black rectangular box used to redact the signature of the authorising officer.

Authorising Officer

Contact: 
E-mail: EC-INTMARKET-CONTRACTS@ec.europa.eu

Annex: Institut Mines Telecom's evaluation form of tenderer.

CALL FOR TENDERS MARKT/ MARKT/2013/110/B

EVALUATION FORM OF TENDERER

Tenderer : Institut Mines Telecom

Date offer: 30/09/2013

A. Verification of supporting documents requested in Section 1.9 of the Tender Specifications

File complete:

☒ Yes

☐ No

Requests for additional information were sent on October 15th (Ares(2013)3310573). The tenderer replied on October 22nd (Ares(2013)3310552), October 24th (Ares(2013)3330958) and October 31st (Ares(2013)3390248).

B. Verification of cases for exclusion and supporting documents requested in Section 2.2 of the Tender Specifications

☒ Accepted

☐ Rejected

C. Verification of financial capacity and supporting documents requested in Section 2.3.1 of the Tender Specifications

☒ Accepted

☐ Rejected

D. Verification of technical and professional capacity and supporting documents requested in Section 2.3.2 of the Tender Specifications

a. Criteria relating to tenderers

Criterion no 1: Tenderer must prove experience in the field of survey design and applied economic analysis of copyright issues (with at least 2 projects delivered in this field in the last three years).

☒ Yes

☐ No

Criterion no 2: Tenderer must prove experience of working in the languages needed to field surveys in the EU countries covered by the study

☒ Yes

☐ No

Criterion no 3: Tenderer must prove capacity to draft reports in English

☒ Yes

☐ No

Criterion no 4: Tenderer must prove experience of fielding surveys in the EU countries covered by the study

☒ Yes

☐ No

Criterion no 5: Tenderer must prove experience in survey techniques, data collection, statistical analyses and drafting reports and recommendations.

☒ Yes

☐ No

b. Criteria relating to team delivering the service

The team proposed by the tenderer shall possess the following combination of qualifications:

Criterion no 6: Understanding of economic analysis of copyright issues, particularly related to consumption copyright-infringing materials, and understanding of the copyright legislative framework at the EU level and at the Member State level for the EU countries covered by the study

☒ Yes

☐ No

Criterion no 7: Knowledge and understanding of welfare economics and economic valuation techniques, as demonstrated by relevant studies or other similar activities

☒ Yes

☐ No

Criterion no 8: Experience and expertise in designing questionnaires, planning and conducting interviews, surveys and market research, proven by previous projects

☒ Yes

☐ No

Criterion no 9: Expertise and capacity to collect and process statistical information and to apply econometric methods required for data analysis as demonstrated by relevant research

☒ Yes

☐ No

☒ Yes☐ No☒ Yes☐ No☒ Yes☐ No

Criterion no 13: - Project Manager: At least 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in a project of a similar size

☒ Yes☐ No

Criterion no 14: Language quality check: At least 2 members of the team should have native-level language skills in English or equivalent as guaranteed by a certificate or past relevant experience

☒ Yes☐ No

Criterion no 15: Expert in Applied Economic Analysis of Copyright Issues:
Relevant higher education degree and 3 years' professional experience in the field of applied economic analysis in the field of copyright issues

☒ Yes

☐ No

Criterion no 16 : The team delivering the service should include - **Expert in Survey Design and Implementation**: Relevant higher education degree and 3 years' professional experience in survey design and implementation

EN
DAN
11
7.11.
SB
js
7145
50
44

☒ Yes☐ No

Criterion no 17: The team delivering the service should include - **Expert in data analysis:** Relevant higher education degree and 2 years' professional experience in econometrics

☒ Yes☐ No

Criterion no 18: **Team for planning and conducting interviews or surveys:** Collectively the team should have knowledge of all languages in the EU countries covered in the study and proven experience of minimum 20 years in planning and conducting interviews or surveys.

☒ Yes☐ No

E. Verification of award criteria mentioned in Section 2.4 of the Tender Specifications

<i>Criterion</i>	<i>Maximum number of points that can be awarded</i>	<i>Number of points awarded (Technical Score)</i>
1: Quality and relevance of the proposed methodology This criterion will assess the quality and relevance of the proposed methodology to achieve the main objectives of the study.	40	19
2: Coverage of targeted populations and copyrighted materials This criterion will assess the means by which the tenderer intends to ensure consistent coverage of the targeted populations and copyrighted materials in the Member States covered by the study.	20	9
3: Adequacy of resources and organisation of the work This criterion will assess the adequacy of human, financial and technical resources allocated to the project, including how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including	30	12

Handwritten notes and signatures on the right margin, including "7.17" and "SR".

subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.		
4: Quality control measures Assess the quality control system applied to the service foreseen in the tender specifications concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of any member(s) of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.	10	1
Total technical score	100	41

Justification concerning the points awarded to each criterion :

1: The offer demonstrates a recognition and understanding of some of the challenges that are involved in the project. The offer examines and justifies different options for addressing the problem of measuring displacement rates focusing on the estimation modelling.

The offer presents interesting theoretical and methodological discussion with the insightful idea to differentiate piracy on popular (hits) and less popular song, potentially leading to considerable difference in the consumers' willingness to pay.

Although the methodological choices made are rather well presented, the offer does not show that the complexity and the challenges embedded in the offer are thoroughly taken into account and discusses the limits of its approach only superficially. The methodology does not demonstrate a proper understanding of the copyright legal framework in the different Member States concerned by the study, and does not discuss how it could be extended to other Member States. Moreover, it is not made clear how the methodology presented will concretely be integrated in the design of the survey, bringing uncertainty about whether the objectives of the study could actually be achieved.

Whereas the offer plans to rely on Netview data, there is no concrete information about how the Netview data would be replaced for the countries in the study that are not covered by Netview (Poland, Sweden and Spain). For these countries, it is assumed that the information can be extrapolated for these countries (3 out of 6) given the global pattern in internet piracy. Such a strong hypothesis should have been further substantiated and evidenced in the offer.

The offer provides very few details on sampling, as well as on designing and fielding of the survey. It is not evidenced how endogeneity between legal and illegal consumption will be addressed in the data collection process and insufficient information is provided on how much the survey design promotes that respondents understand the questions or give honest answers.

The offer does not give any example of possible questions to be used in the questionnaire.

DM
NAN
111
J.M.
SB
P
AM
E

making it difficult to assess how the data to feed the modelling approach would be gathered, and almost no details on pre-field testing and piloting envisaged are mentioned (except a mention in table "Time Frame" p.13: "Test the survey in France and in Germany"). The offer fails to demonstrate how its research would be adapted to the national copyright contexts across the different countries to be covered, which is problematic particularly since testing is only envisaged in France and Germany.

No clear steps are put forth regarding potential extension of the study to other Member States.

2: Overall, the offer provides very scarce information about how the sample would be drawn to ensure adequate coverage of the targeted population. The sample sizes (1000 respondents per country, 750 illegitimate content users, 250 legitimate content users), seems just enough to allow for acceptable error levels, particularly given oversampling of illegitimate content users. Further stratification beyond gender and age, is also mentioned, but without any specifics offered. Nevertheless, the offer does not clearly envisage any stratification also by types of copyrighted material usage, so as to ensure that appropriate coverage of all materials is established. As such, given that the prevalence of online consumption of copyright materials varies from one type of material to another, there is a risk that too few observations are obtained for those types of copyrighted materials which are less widely consumed online (such as books).

Moreover, the offer gives almost no details on any efforts to adequately cover different means of online and off-line consumption of a given type of copyrighted product (for example music is generically mentioned, without always being clear whether it refers to downloads, streaming, physical consumption or live performances) and when it does, it gives rather limited information on the consumption mode and misses consumption modes mentioned in the terms of reference (for example, for audio-visual content, the offer does not mention physical rentals and is not clear about physical purchases).

3: Although there are some details regarding the broad distribution of responsibilities, the organisation of the work is not adequately laid-down (the only information about the organisation of work consists of a time frame) and no details are given on resources to be dedicated to each task by each team member.

There seems to be too little involvement of the experts in economics of copyright in the survey design. This raises the risk that the data collected through the survey may not be fully targeted at the econometrics analysis to be done later.

Although the composition of the team would indicate that the appropriate expertise and resources are available to adequately field the survey and to conduct the analysis, it is not clear from the offer that it is also the case for the survey design.

The offer is not explicit as to whether the tenderer will deliver all raw data collected and used in the analysis, or the codes used in the estimation. Moreover there is a clear statement that Netview data, which would in fact be used in the analysis, would not be released to us in the end, which is a drawback of significant importance.

4: The offer does not discuss quality control measures, except when it comes to language

checks on translations of the different language version of the survey instrument, to be done by native speakers at Nielsen.			
		Offer considered to be further evaluated on the basis of price	
Minimum number of points necessary for further evaluation	70	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

41
 DA
 147
 3.11
 SB
 JS
 1767
 39/50
 €