



EUROPEAN COMMISSION
Directorate General Internal Market and Services

RESOURCES AND COMMUNICATION

27 NOV. 2013

Brussels,
MARKT/A2/ares (2013) 3780521

Bech-Bruun
Langelinie Allé 35
2100 København K,
Denmark

Dear Mr Norgaard,

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. 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,

[REDACTED]
Authorising Officer

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

Annex: Bech-Bruun's evaluation form of tenderer.

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

EVALUATION FORM OF TENDERER

Tenderer: *Bech-Bruun*

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)3425080), October 17th (Ares(2013)3286038), October 23rd (Ares(2013)3327822), October 24th (Ares(2013)3327637) and October 25th (Ares(2013)3369000). The tenderer replied on October 17th (Ares(2013)3286038), October 18th (Ares(2013)3312137), October 22nd (Ares(2013)3327822), October 24th (Ares(2013)3327637), October 29th (Ares(2013)3369000) and November 5th (Ares(2013)3425080).

Missing documents were all received except for the following documents for one subcontractor (Lexidale): supporting evidence for Signed Legal Entity Form; the original of the Letter of Intent; and the original, standardized (without changes in our text), completed and signed version of Annex 3 - declaration honour. A reminder for the outstanding documents was sent on November 5th with a deadline for reply of November 8th (Ares(2013)3415806). We received a holding reply on November 5th (Ares(2013)3425080), but these outstanding documents have not yet been received.

The evaluation committee decided that at this stage, this did not prevent them from continuing the evaluation in the light of the other criteria, since the documents in question could be received later, in case this tenderer would be selected for the award of the contract.

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

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☒ 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

Criterion no 10: Capacity to include different Member States in the analysis taking into account the different institutional features and language regimes

☒ Yes

☐ No

Criterion no 11: Ability to carry out projects of this scale and scope, proven by previous projects of similar nature carried out

☒ Yes

☐ No

Criterion no 12: Strong record of independent and high-quality research as demonstrated by publications, previous research and/or other activities

☒ Yes

☐ No

The team delivering the service should include, as a minimum, the following profiles:

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

Justification: On October 25th (Ares(2013)3369000) the European Commission requested: 1) clarifications on whom the tenderer nominated as the "Project Manager"; and 2) that for that "*Project Manager*", please provide the list of projects *over the last 10 years* which this person has managed (including

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overseeing project delivery, quality control of delivered service, client orientation and conflict resolution), with clear indication of the dates, size of the project (both financially and geographically) and roles played by this person.” (bold added). Both clarifications are in accordance with points laid-out in the tender specifications (pages 12 and 13, respectively).

The tenderer replied on October 29th (Ares(2013)3369000) to the effect that [REDACTED] is the project manager.

Based on the elements on the offer as well as the supplementary elements received by email on October 29th, it is clear that [REDACTED] has had no experience in managing projects of a similar size until 2009.

[REDACTED] The submitted list of projects for which [REDACTED] was the manager starts only in April 2012. It is not clear when in 2010 [REDACTED] became a Partner at Lexidale, but even if that was in January 2010, and even if [REDACTED] experience in managing projects of a similar size had started when [REDACTED] became a Partner at Lexidale, that would still mean that [REDACTED] would only have just under 4 years’ experience managing projects of a similar size.

As such, the information submitted regarding the Project Manager leads to the conclusion that the proposed individual does not have 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 (as specified in page 12 of the tender specifications).

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

☒ 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

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☒ 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

Conclusion regarding technical and professional capacity and supporting documents requested in Section 2.3.2 of the Tender Specifications:

The tenderer was not compliant with all the technical and professional capacity criteria (re: criterion 13 above). The offer was therefore not analysed in the light of the award criteria.

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