



EUROPEAN COMMISSION
Directorate General Internal Market and Services

RESOURCES AND COMMUNICATION

27 NOV. 2013

Brussels,
MARKT/A2/2013(ares) 3779912


Ecorys Nederland BV
Watermanweg 44,
3067 GG Rotterdam,
The Netherlands

Dear 

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

I am pleased to inform you that, after examination of the tenders received in response to the above-mentioned call for tenders relating to *"Estimating displacement rates of copyrighted content in the EU"*, your bid has been selected for the award of the procurement contract.

This letter informing you of the award of the contract to **Ecorys Nederland BV** for a total amount of **EUR 369.871,-** does not constitute a commitment on the part of the Commission. As the contracting authority, we may, until such time as the contract is signed, either abandon or cancel the procurement procedure without this entitling you to any compensation.

All the bidders have been informed of the result of the present call for tender. If they so request in writing, they may be informed of 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.

We will not be signing the contract with you for 10 calendar days from the day following the date of the letter by which the results were communicated to all the bidders (i.e. the date of this letter).

The contract will be sent to you for signature in due time. If requests or comments made by the unsuccessful tenderers or any other relevant information justifies it, we reserve the right to suspend signing the contract to allow further examination. In this case, you will be informed within three working days.

Please provide by **10/12/2013** the valid originals of the documentary evidence demonstrating that the exclusion criteria referred to in the tender specifications (Annex 3) are met.

The documents to be provided are:

Evidence to demonstrate that tenderer is not in any of the situations detailed in points (a), (b), and (e) of Annex 3 of the Invitation to tender.	A recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision-making or control in relation to the tenderer.
Evidence to demonstrate that tenderer is not in any of the situations detailed in point (d) of Annex 3 of the Invitation to tender.	Recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.
	Where any document described above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

We would like to draw your attention to the fact that if the valid documentary evidence confirming the declaration on honour is not sent to the contact address below by the above-mentioned deadline, we may refuse to sign the contract and, if appropriate, award it to another tenderer or cancel the procedure.

The results of the contract award procedure will be sent to the Office for Official Publications of the European Communities within 48 days from the date of signature of the corresponding contract, in order to be published in the in the “S” series of the Official Journal of the European Communities.

Yours Sincerely,

A large black rectangular box redacting the signature of the Authorising Officer.

Authorising Officer

Contact:

A black rectangular box redacting the contact name.

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

Annex: Individual evaluation form

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

EVALUATION FORM OF TENDERER

Tenderer : Ecorys Nederland BV

Date offer: 23/09/2013

F. 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)3311606), October 17th (Ares(2013)3286213) and October 22nd (Ares(2013)3312988). The tenderer replied on October 17th (Ares(2013)3286213) and October 22nd (Ares(2013)3311690) and Ares(2013)3312988).

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

☒ Accepted

☐ Rejected

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

☒ Accepted

☐ Rejected

I. 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

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

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 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

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

Criterion	Maximum number of points that can be awarded	Number of points awarded (Technical Score)
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	28
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	18
3: Adequacy of resources and organisation of the work	30	22

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 24/7
 11/7
 3/7
 5/8
 2/3
 1/4/7
 1/4/7

<p>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 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.</p> <p>The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.</p>		
<p>4: Quality control measures</p> <p>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.</p>	10	6
Total technical score	100	74

Justification concerning the points awarded to each criterion :

1: The offer demonstrates recognition and very good understanding of the different challenges that are involved in the project. The offer presents a detailed methodology which is extensively discussed and different options for addressing the problem of measuring displacement rates are examined and justified.

The main choices made (cross-section data collection using reduced form econometric model at the level of types of copyrighted materials) are consistent with the choices most commonly made in the literature, although they are arguably not sufficient to completely control for all omitted factors and eliminate the risk of biased estimations.

The proposal discusses the econometric modelling chosen, including the difficulty in identifying appropriate instrumental variables for the exercise and the concrete solutions planned to explore in his regard.

They propose to conduct a 100% CAWI cross-section data collection exercise, with large sample sizes (5000 respondents per country), and very detailed stratification, also by types of copyrighted material usage.

The draft questionnaire proposed shows that there is a very good understanding of many of the difficulties in designing an appropriate questionnaire, in particular involving truthful replies and addressing recall issues. Solutions proposed aim at effectively addressing these difficulties (e.g. questions identifying potentially inconsistent answers, focus of willingness to pay around last consumption event). The wording used in some questions in the draft questionnaire is at times ambiguous (e.g. 'file-sharing is safe': what would 'safe' mean in this context? Safe in a technical sense or legally, i.e. no risk of enforcement?) While the draft questionnaire appears to be too long, there is a clear understanding that in the final questionnaire the burden on the respondent will have to be limited. It is also very good that it is planned to develop a shorter questionnaire for younger respondents. The fielding strategy is described in details and demonstrates the

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ability of the tenderer and the subcontractor to effectively carry out a representative survey to estimate displacement rates for all types of content. Different methodological challenges are spelled out in detail and workable solutions are proposed to each of them.

The offer also adopts appropriate methods to elicit willingness to pay (using conjoint analysis) and reveals a good understanding of the care needed to incorporate it in the survey. The choice of basing willingness to pay estimates around the last transaction is an honest solution to address recall issues.

The offer recognises the complexity of the topic and variations across the different countries to be covered, whilst being sometimes imprecise about the legal environment with regard to Internet piracy across all Member States to be covered (for instance HADOPI has in fact not been revoked), the offer includes in the work plan some steps to mitigate at least certain of those shortcomings (interviewing national authorities and content providers) to inform on the survey design.

It is positive that the work plan includes a final comparison of the results with literature, but no clear steps are put forth regarding potential extension of the study to other Member States.

The methods proposed to test the survey are very good, with extensive country-specific pre-field testing and piloting planned.

2: The offer has excellent coverage of both population (with stratification on gender and age) and copyrighted materials usage. This is obtained through large sample sizes (5000 respondents per country) and particular care to ensure that an appropriate oversampling of respondents using some types of copyrighted material allows for sufficient coverage of all copyrighted materials (with at least 400 respondents per country downloading books and videogames).

3: The work plan is well laid out in the offer and appears sufficient to guarantee the execution of the tasks in a timely manner. The allocation of resources, the timing of each step, as well as division of responsibilities for each team member, including subcontractors is clear and explained in very detailed terms.

However, few members of the team demonstrate experience in dealing with economics/regulation of copyright, with little redundancy/overlapping in expertise in this area. Whereas it is positive that the work plan includes specific steps to ensure that the survey instrument will be fully adjusted to the specific copyright contexts of the different countries to be covered (including offer specifically identifying members of the team who will help in that regard), some of the measures may be insufficient (for example one interview with an official in a national authority may not adequately cover sufficient detail to regarding variations in regulation for the purpose of the study), and other means could also be used (for example desk review of existing rules).

The offer explicitly commits to deliver all raw data and codes used in the estimation.

4: The offer presents a well-designed and comprehensive quality control and assurance plan with regard to the conduct of the survey and of the final deliverables. The different elements of the quality assurance process are extensively discussed from a procedural point of view and sound convincing. The persons responsible are clearly identified. The

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appointment of a highly experienced economist, not otherwise involved with the project, for the role of Quality Assurant Expert, who will monitor the work at all stages and whose green light is needed before deliverables are sent to DG MARKT adds value with regard to additional reflection on the appropriateness of methodology and its implementation. Language check of all deliverables is also ensured. The tenderer pays particular attention to putting forward robust mechanisms ensuring the quality control of data collection.

Business continuity has been ensured with a potential back-up team identified and described. However, there appears to be no specific provisions to assure business continuity in case the expert in the field of copyright economics should become unavailable. This could be problematic, especially in the design stage of the project.

		Offer considered to be further evaluated on the basis of price	
Minimum number of points necessary for further evaluation	70	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Price	369.871,00 €	Financial Score	74.00
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Technical Score		Financial Score		Total score of this offer	Total score of the offer selected
74	x 70%	74	x 30%	74.00	74.00
	51.80		22.20		

67
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34
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