



**EUROPEAN COMMISSION**  
Directorate-General for Structural Reform Support  
A1 Budget and Finance

## **MINUTES OF MEETING**

### **MEETING WITH FRAMEWORK CONTRACTORS UNDER FRAMEWORK CONTRACT SRSS/2018/01/FWC/002**

Date & time: 21 October 2020, 15:00 – 16:30 h  
Venue: Videoconference connection  
Those present: Representative of all framework contractors  
Representatives of the Contracting Authority

#### ***I. Opening remarks:***

##### **Opening remarks by Mario Nava (Director General of DG Reform):**

Mr Nava thanked the participants for sharing in advance the points of interest to be addressed during the meeting and informed that this meeting has been organised in the context of the governance of the framework contract (FWC2) (as set out in section 1.8 of the Tender Specifications annexed to the signed FWC2).

Mr Nava confirmed the position of DG REFORM that all framework contractors under the above contract are considered extremely important partners, and that DG REFORM values the overall quality of the work delivered through the FWC2, taking into account the technical complexity of most projects. DG REFORM also appreciates the professionalism shown by the framework contractors vis-a-vis the beneficiaries' authorities in the EU Member States.

#### ***II. Future perspective of the FWC2***

Ms Judit Rozsa, Director of Directorate A pointed out the following issues:

- The Commission proposal on the establishment of the Technical Support Instrument, which is planned to succeed the Structural Reform Support Programme, is still under negotiations with the European Parliament and the Council.
- The scope of the FWC2, including the services to be provided, are clearly defined in the Tender Specifications annexed to it. The future adoption of the Regulation on the TSI would have no impact on the types of the services to be procured under the FWC2 neither on the procedures to be followed for the award and implementation of specific contracts.
- In view of the increased needs expected as of 2021, DG REFORM is not excluding a potential increase of the budgetary ceiling of the FWC2 by maximum 50% of the initial amount. Such potential increase of the budgetary ceiling of the FWC2 will not alter the subject matter of the FWC2. In any case, any increase of the ceiling poses no commitment on behalf of DG REFORM to send requests for services.

### III. Use of the FWC2

In line with the applicable rules, for specific contracts awarded following reopening of competition, the unsuccessful contractors<sup>1</sup> can ask for the name of the winning contractor but not for the characteristics and relative advantages of the winning tender and the price paid or contract value.

- As of 8 October 2020, 45% (€44.7M) of the budget envisaged under the FWC2 (€100M) has been committed in the form of specific contracts (SCs) awarded (153 SCs in total) under the FWC2.
  - In addition to the already awarded specific contracts, 37 requests for services were sent for the amount €12.5M, being currently at different stages of the procurement procedure (tender preparation, evaluation, contracting).
  - As an indication, there were 12 projects in the DG REFORM internal pipeline for the total amount of €3.2M;
- As of 8 October 2020 the following distribution of awarded specific contracts among the 7 contractors exist (in a descending order):

Contractor	Total number of awarded SC	Total number of awarded SC in %	Total value of awarded SC EUR	value range (rounded to 10K) EUR	
A	36	24%	11,105,381	110,000	700,000
B	33	22%	8,961,421	30,000	700,000
C	29	19%	8,742,629	130,000	510,000
D	27	18%	7,614,173	110,000	800,000
F	17	11%	4,874,164	180,000	530,000
G	7	5%	1,982,352	150,000	480,000
E	4	3%	1,459,442	150,000	820,000

#### Indicative overview of the requests for services under preparation\*

Sectorial Areas	Indicative average amount	Number of upcoming requests	Indicative list of Countries
Governance and Public Administration	270 000	4	Bulgaria, Greece, Belgium, Poland, Spain
Growth and Business Environment		3	
Labour Market, Education, Health and Social Services		1	
Revenue Administration and Public Financial Management		1	
Financial Sector & Access to Finance		3	

<sup>1</sup> Who are not in an exclusion situation, who are not rejected under article 141 FR, whose tender is compliant with the procurement documents and who make such a request in writing (Article 170(3) FR)

\* the figures in the table reflect a pool of requests currently envisaged to be launched in Q4 2020. Neither their proportionate distribution per sectorial areas, nor their average value or countries of implementation shall be regarded as more than an indication of the values, thematic or geographical distribution of the requests for services to be launched during a part of, or during the entire duration of the framework contract.

DG REFORM clarified that it provides information on the individual tenders through the notification letters, making available all the relevant information from the evaluation report, and that further individual debriefs are not foreseen.

#### ***IV. General feedback from DG REFORM***

##### ***IV.1 Feedback on the specific tenders***

provided the representatives of the framework contractors with the following feedback from the DG REFORM units:

- a) Overall all teams point to the good quality of offers received by tenderers:
  - Strong willingness to adjust to the local context
  - The mix of local and international experts is highly appreciated
  - Subcontracting/partnering with specialised companies is well appreciated.
  
- b) Certain possible improvements are identified:
  - More tailor-made offers would be appreciated.
    - The analysis of the local context could be improved.
    - In some instances, a substantial part of the offer repeats the request for service, in particular sections related to the methodology. In some instances, tasks to be performed by the contractor were not sufficiently detailed.
  - The readability of the section on resource allocation could be improved: contractors are invited to avoid abbreviations (or add an easy to read legend). The presentation and rationale behind the allocation of time and resources across deliverables should be elaborated in greater detail.
  - A combination of international and national expertise is overall regarded as positive. However, in certain cases the Requests for services require that contractors offer a combination of international and national expertise but this requirement is not fully addressed;
  - Given the specificity of certain projects, subcontracting to more specialised companies (when considered necessary) would be appreciated;
  - In some offers the distinction between quality control and team specialisation could be better made;
  - The quality control measures are rarely tailor made to the specific project.
  - Expertise could be reinforced in 2 areas:
    - taxation and Public financial management
    - Insolvency, insurance undertakings and pensions, crisis management and green finance).

In these areas, targeted expertise is needed such as drafting legislation, raising awareness and communication campaigns and digitalisation.

The Contractors were reminded to perform robust consistency checks between the technical and financial offers.

## ***IV.2 Feedback related to the quality of project implementation***

Positive feedback by all teams: overall good experience.

- DG REFORM appreciates the fact that implementation issues are addressed very quickly and in an appropriate manner. Technical reports are, in general, of good quality
- The Contractors should be aware of the specific roles of the beneficiaries in the MS and the contracting authority. The Contractors should continue working closely with the beneficiary Member States, however DG REFORM is the contracting authority with whom there is a contractual relation and should be always informed proactively of issues, invited to meetings and consulted when needed.
- Projects' issues are well-handled: rapidly reported and addressed. Contractors show a high level of flexibility and adaptability to the demanding environment of the beneficiary Member State's authorities.
- Reports and deliverables are of good quality.

Some improvements can be identified:

- Quality of the team is crucial: in highly technical projects, the expertise of the consultants is crucial. It is crucial that at all times the very same level of expertise, if not higher, is provided within the team at all levels and not on average or through quality assurance.
- Quality control of the reports: structure, English could be better reviewed.
- Good capacity to manage the complexity of projects. A need to improve the quality of project management and quality control has been raised in the area of finance and access to finance.
- It is reminded that DG REFORM should be invited to key meetings and in particular to any meeting that may affect the terms of the technical support and/or the terms of the contract.
- Contractors are reminded of the requirement to ensure compliance with the provisions on visibility and intellectual property rights set in the FWC2.

## ***IV.3 Questions and Answers***

*Q.3.1.: Please clarify the distinction between quality control and the team of experts.*

A.3.1: DG REFORM expects that quality control is applied vigorously e.g. in the case of replacement of an expert, quality control is applied to ensure that the replacement expert has equivalent expertise.

*Q.3.2. Can DG REFORM provide the framework contractors with advance information on the pending projects to be launched?*

A.3.2. DG REFORM can consider sending all contractors information about the fields in which RfS are planned to be launched, indicative number of RfS per field, beneficiary Member States and indicative total maximum amount per request. Such information is expected to help contractors prepare better tenders.

- DG REFORM would like to suggest two levels of information to be provided in advance of the transmission of the requests for service. The information will be provided by the same channel (email), simultaneously to all contractors without, however, binding the Commission to actually proceed with the issuing of these requests for services.

Table including the requests for services

Field	Indicative number of upcoming requests for services	Member State for delivery of the service	Indicative total maximum amount
e.g. Governance and public administration	e.g. 3	e.g. BE, XX, XX	X EUR

In addition, for projects that DG REFORM will consider that they require, for example, specialised knowledge/expertise, DG REFORM may provide in advance the following information:

Field	Project Title	Short description	Indicative amount	MS for delivery of the service	Indicative time for sending the request for service
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#### *V. Requests for services – evaluation, deadline extension, page limits, etc.*

discussed the following points, which were raised by contractors prior to the meeting:

##### **a) Evaluation**

Member States' representatives do not participate in the evaluation of the specific tenders. The evaluators reach a consensus with regard to the merits and drawbacks of each evaluated tender. All offers submitted under the same RfS are evaluated by the same evaluators. Evaluators are fully sovereign in their work. Different teams of evaluators perform the evaluation of tenders under different requests for services, and this explains why sometimes there is a difference in the marking of offers submitted by the same tenderer under different request for services.

In addition, only the defined award criteria are applied. The CVs are only used for checking that minimum requirements of each profile are met. Nevertheless, for the implementation of contracts, it is important to have as much as possible experienced and skilful members of teams.

##### **b) Deadline extensions**

The extension of the deadline to submit offers is treated in accordance with the applicable provisions of the Financial Regulation. The standard time to prepare offers is 3 weeks. The contracting authority could extend the submission deadline based mainly on requests requiring a substantial modification of the request for services or in cases where a clarification requires additional time to be duly addressed.

##### **c) Page limitation and annexes**

The maximum number of pages is determined specifically for every request for service based on their complexity and specificities. It is a minimum requirement that all tenders have to comply with. This limitation is clearly specified in every request for services (i.e. the description of the elements of the specific tender).

The only annexes that should be provided together with the technical offer are:

- i) Annex IV – “Organisation of the work and resources” and
- ii) the CVs.

No other annex to the technical offer will be taken into account.

## ***V.1 Questions and answers***

*Q.V.1.1 Does DG REFORM take into account during evaluation the quality of projects already implemented by the respective contractors?*

A.V.1.2 While high-quality of implementation of previous projects is an important issue, it is not one of the award criteria applied for the evaluation of specific offers

## ***VI. Payments***

████████████████████ discussed the issue raised by several contractors about the possibility to request a pre-financing payment or an interim payment earlier in the project.

As set out in Article I.6.1 of the framework contract pre-financing is not applicable to this framework contract. In line with Article I.6.2, the contractors may claim an interim payment. The interim payment of 40% is envisaged to be made after the submission and approval of certain deliverables, which will be defined in the request for service.

The contracting authority considers that it will not be possible to bring back interim payment too early in project's implementation.

## ***VII. E-procurement and qualified electronic signature***

### ***VII.1 E-Procurement***

████████████████████ explained that DG REFORM is in the process of on boarding FWC2 in the EC's new tool called e-Procurement. The overall objective is the use of an electronic exchange with framework contractors of specific requests for service, offers, Q&A, specific contracts, and invoices. The tool will also allow for the electronic signature of the specific contracts.

All new elements will be communicated to the framework contractors in writing, followed by the processing of the contract amendments.

Trainings for framework contractors on eProcurement are envisaged and will be scheduled shortly after FWC2 is fully on boarded in eProcurement and amendments to the framework contracts are signed.

eProcurement will allow for reliable and timely notifications, tender submission, evaluations, contract signatures and processing of invoices.

### ***VII.2. Qualified Electronic Signature***

DG REFORM decided to opt for using Qualified Electronic Signature (QES), compliant with the eIDAS Regulation (Regulation (EU) No 910/2014).

- This QES aims at replacing blue-ink signatures on official contractual documents like Contracts & Amendments.

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<sup>2</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).



- The goal is to use electronic transmission of documents, rather than printing signing and dispatching the signed documents by surface mail.

- It is of our interest to know if the FWC2 contractors are also able to use an equivalent (eIDAS compliant) feature for electronic counter-signature of the documents.

### ***VIII. Presentation by DG DIGIT of the Funding and Tenders Portal***

Once the FWC2 is in production in the Funding and Tenders Portal, contractors will be able to see all invitations (RfS) once DG REFORM starts publishing them in the portal. LEARs will receive notifications by email with a link to the portal (the e-mail contractors have indicated in their EU Login account). Contractors will also see the notification in the portal about any related activity thus they will not have to visit the portal every day to see if something has been published.

DG DIGIT's presentation is annexed to the present Minutes.

### ***IX. Closing remarks***

DG REFORM participants thanked all parties for taking part in this meeting.

### ***X. Questions raised by framework contractors in writing during the meeting***

***Q.X.1*** Will there be a dedicated REFORM FWC space in the Funding and Tenders portal?

**A.X.1** -No this is not provisioned but contractors will be able to add criteria in their search to filter it.

***Q.X.2*** How does this apply then to the current FWC2, since there will be no page dedicated to the current contract - do we expect all FWC2 requests will be posted there only and visible to us as pre identified contractors via the PIC number and all login processes?

**A.X.2** – Once the FWC2 is on boarded in the Funding and Tenders portal, and once DG REFORM starts sending requests for services via the portal, LEARS will receive notifications to their email addresses with a link to each launched RfS. A training will be provided to all framework contractors prior to the start of sending RfS via the portal.

***Thank you for your participation!***

***Annex:*** Presentation by DG DIGIT of the Funding and Tenders Portal