



Call for tender for translation services for the Translation Centre
Frequently asked questions (FAQs)

FL/LEG17

Question no. 1:

Could you send us the relevant documents for call for tenders FL/LEG17?

Answer no. 1:

All the necessary information regarding the above mentioned call for tenders is available on our website and can be consulted at the following address:

<http://www.cdt.europa.eu/en/tenders/LEG17>

Question no. 2:

The specifications state that the opening of offers is public and that the tenderers may attend or delegate a third party to attend the opening. Is attendance compulsory?

Answer no. 2:

No, there is no obligation to attend the opening. This opportunity is given to tenderers in accordance with the rules applicable relating to the coordination of procedures for the award of public service contracts. Only, one person per tenderer may attend. Tenderer's representative who will attend the opening session must present his authorization from the tenderer.

Question no. 3:

Does the tenderer need to sign each page of the bid, or is it sufficient to sign the cover page only?

Answer no. 3:

The tenderer does not need to sign each page of the bid. However, the tenderer MUST sign the print out of the on-line registration form (cover page of the tender), the "Legal entity form" and the "Financial identification form" (points 1.4 and 1.5 of the Tender submission form), the Declaration on Honour (point 1.6 of the Tender submission form) and the financial offer (point 3.2 of the Tender submission form).

Question no. 4:

Our company already has a contract with the Translation Centre. The Translation Centre should therefore have all the information on our company, its working methods, staffing, etc. Are we still obliged to send a full bid or will the Translation Centre take into consideration the information it already possesses?

Answer no. 4:

You must, as requested in the specifications, provide all the information required. Each call for tender is considered as a completely separate procedure, as regards both documentation and the results of previous calls for tender. Whether you have been selected or not in a past tender procedure will have no influence on the present procedure.

Question no. 5:

As a proof of social security payment, I have documentary proof of payment issued in December 2016. Can I use it in my submission file?

Answer no. 5:

No, all documents serving as evidence of your social security situation must have been issued not more than 12 months prior to the date for submission of tenders. Ideally, such documents should be issued after the publication of the calls for tender.

It should be noted that in some countries the competent authorities can provide a special form for the purpose of responding to calls for tender.

Question no. 6:

Is it necessary for the certificates to be translated into English?

Answer no. 6:

As regards your question, please note that any supporting documents (e.g. personal references of the translators, certificates in relation with the exclusion and selection criteria etc) can be produced in any of the official languages of the European Union.

Only, if the original document is drafted in a language other than one of the official languages (which are specified in the tender notice, published in the Official Journal), a translation (certified or authenticated) of the document has to be provided.

Question no. 7:

Is there any form or document that can be used to present the economic and financial capacity of our company? Or can we decide how to present this information?

Answer no. 7:

In order to prove their economic and financial capacity, tenderers may provide appropriate statements from banks (indicating clearly details concerning their solvency) OR/AND evidence of relevant professional risk indemnity insurance OR/AND balance sheets or extracts from balance sheets for the last two years for which accounts have been closed (where publication of the balance sheet is required under the company law of the country in which the economic operator is established) OR/AND a statement of overall turnover and turnover concerning the services covered by the contract during the last three financial years.

Please note that it is sufficient if you provide at least one of the above listed documents.

Question no. 8:

Point 3.2.4 from the Tender specifications stipulates a minimum requirement of a university degree. Could you please clarify what do you mean by a university degree?

Answer no. 8:

In point 3.2.4 of the Tender specifications, the reference to a university degree refers to the completion of a course of university education evidenced by a degree or diploma giving access to doctoral studies or equivalent qualification.

In case of tenderers having doubts about their qualifications, tenderers should check the level of their degree with the competent national authorities.

Question no. 9:

Is it possible to send copies of the reference letters, having received them as scanned copies from clients, or would you require the original letter?

Answer no. 9:

Please note that the copies of letters of reference are considered as sufficient proof. We do not require the original documents or the certified copies thereof. Nevertheless, the Evaluation Committee can at any time during the evaluation process ask for the original of the mentioned documents.

Question no. 10:

Can we submit the on-line registration form at the same time as our main tender submission, or do you need it earlier?

Answer no. 10:

As regards your question please note that there is no deadline for on-line registration. You should however proceed with your on-line registration as soon as possible, keeping in mind that *"tenders must be dispatched no later than 19 January 2017 (the postmark serving as proof of dispatch)"*.

Question no. 11:

Is it necessary to send curriculum vitae as an original or a scanned version is acceptable?

Answer no. 11:

Please note that the scanned copies of CVs signed by the translators are considered as sufficient proof.

Question no. 12:

Would it be possible to receive an editable and separate CV form to be sent to our translators in order to compile it?

Answer no. 12:

Please note that a word file comprising only the standard CV form is available for download on our website.

Question no. 13:

One question regarding the Specification file page 15, p 3.2.4 states the following: „Provide the signed curriculum vitae with the contact details (postal address, telephone number and email address) of each translator“.

These very precise contact information of the translators are considered as a confidential information and we are not allowed to publish it. Can we still participate?

Answer no. 13:

Please note that as stated in the tender specifications, under point 5.3 the personal data enclosed in the tender files will be processed pursuant to Regulation [EC] N° 45/2001:

"If processing your reply to the call for tenders involves the recording and processing of personal data (such as names, addresses and CVs), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the Specifications of the call for tenders and will be processed solely for that purpose by the Centre's Legal Affairs Section (tenders@cdt.europa.eu).

Details concerning the processing of your personal data are available on the Specific privacy statement for processing of personal data related to procurement procedures at: http://cdt.europa.eu/sites/default/files/documentation/pdf/privacy_statement_procurement_en.pdf

Question no. 14:

Can we use a previous submission for the new tender? Might save us a bit of time.

Answer no. 14:

You may re-use part of your previous file if so you wish. Please pay attention however that the tender specifications and requirement may have changed between these two calls for tenders. Please pay attention also to the fact that the documentation to be provided as requested in PART A of the tender submission form shall be issued less than 12 months before the deadline for submission of tenders for the calls for tenders LEG17.

However, please note that the CV should be signed by the translator/reviser for participating in the FL/LEG17 calls for tenders. As a consequence, you should not use in your file, the CVs signed by the translator for another procedure.

Please note that this requirement is needed in order to assess whether the translators proposed are aware that they are included in a team proposed for this call for tender.

Question no. 15:

Could you please clarify the concept of principal language used in the CV template? Is it synonymous to mother tongue, or does it refer to translator's main target language?

Answer no. 15:

In point 4.4.1 of the tender submission form, the translator has to complete the field "principal language". As mentioned by you, "principal language" should be understood as "mother tongue".

Question no. 16:

According to point 2.1.1 of the Specification of the tender: "the copies of the relevant supporting documents (CV, diplomas, certificates or other documents attesting of the professional experience) are accepted. However, at any time the originals of these documents may be asked by the Evaluation Committee." Does this also refer to all the evidence regarding the exclusion and selection criteria or just evidence regarding the professional experience of the tenderer? Do we need to provide the original versions of all the evidence documents (Extract from the Judicial Record, Certificate from tax department, Bank statements etc.) or are the copies of these documents also acceptable?

Answer no. 16:

I confirm that for the relevant supporting documents (CV, diplomas, certificates or other documents attesting of the professional experience), the copies are accepted. However, at any time the originals of these documents may be asked by the Evaluation Committee.

Concerning the evidence related to the exclusion criteria (Extract from the Judicial Record, Certificate from tax department, Social Security contributions, Bank statements etc.), an original or a certified copy is required. As regards the VAT number, Registration Number, acts of foundation and balance sheets, a simple photocopy is enough.

Question no. 17:

Kindly let us know if our translation company which is registered in the USA and provides services worldwide can participate in this tender.

Answer no. 17:

As stated in point 3 of the tender specifications: *"Tenderers must be nationals of a Member State of the European Union or have their head office or domicile in a Member State of the European Union, or of the European Economic Area, or in another state which has concluded an agreement on public procurement for the same category of services with the European Union, and must provide proof thereof in accordance with their national legislation. EU nationals established in non-EU countries may therefore also tender. Any individuals tendering will be required to provide proof of their nationality."*

As you mentioned in your email, your company is located in the USA and the USA have not yet signed an agreement on public procurement with the EU, applicable to translation services. Therefore, the companies registered in the USA are not eligible to EU public procurement procedures in the field of translation services.

Since no agreement has been currently signed between the USA and the European Union on this topic, we are not in the position to accept tenders submitted by a company registered in the USA.

Question no. 18:

Section 4.3.1 of the tender submission form refers to translation experience and requires evidence to be provided. Where a tenderer is already a contractor under the previous contract (FL/LEG14), it may be assumed that the CdT have knowledge of the work done, its quality and adherence to timescales.

Answer no. 18:

Please note that each procurement procedure launched by the Centre is an independent procedure with its own Evaluation Committee and specific Contract Notice, tender specifications and contract conditions. That means that a complete new application must be submitted for each call for tenders.

Question no. 19:

We would like to know if the required translation experience must be exclusively based on the tenderer's experience or if, alternatively, the translator's experience may be used instead too?

Answer no. 19:

According to point 3.2.4 of the tender specifications *"The tenderer's translation experience must be equivalent to 2000 standard pages in the language combination for which the bid is submitted, in the legal field"*

No translation experience is required for the translators involved in the team proposed and therefore the translation experience of the translators proposed in your offer cannot be taken into account for the tenderer's translation experience required in the tender specifications.

Question no. 20:

Could you please specify point 3.2.4 of the Specifications, when the translators have a university degree in translation or languages if the languages must be according to the lot or could it be any language?

Answer no. 20:

Please note that, according to point 3.2.4 of the tender specifications:

"Each translator involved in the project must comply with the minimum level of qualification described below:

Either Profile 1:

A university degree or equivalent qualification in law (or a qualification giving access to employment as an advocate, barrister or solicitor).

Or Profile 2:

A university degree or equivalent qualification in translation or languages. "

Please note that these are the minimum levels of qualification for the proposed translators, regardless the lots you are applying for.

Question no. 21:

What evidence of work done for CdT is required in order to satisfy the requirements of section 4.3.1 of the tender submission form?

Answer no. 21:

As regards the evidence to be provided for the tenderer's work experience, according to point 3.2.4 of the tender specifications: *"For experience to be taken into account, it must be accompanied by some acceptable form of proof, such as reference letters or certificates; all of which must clearly indicate **the volume of work done, the task executed (translation work), the language combination, the name of tenderer and the field concerned** in order to be considered valid.*

Letters of reference and certificates must be issued on paper with the letterhead of the certifier's entity. They must be signed and the contact details of the certifier must be clearly indicated in order to be considered valid.

In this context, self-declarations or evidence not endorsed by a third party cannot and will not be accepted.

Attention is drawn to the fact that the Translation Centre reserves the right to follow up with the third party on the validity of certificates submitted."

Please also note that a certificate mentioning the translation work done for the Translation Centre may be requested to our Workflow Management Section at the following email address: freelance_flosys@cdt.europa.eu.

Question no 22:

I would like to know if this tender is for companies or for individuals.

Answer no. 22:

Please note that not only companies but also freelance translators can participate in this call for tenders.

Please note, however that in order to be valid the offer must comply with the requirements listed in the tender specifications.

Question no. 23:

As we are participating in more than one bid, is it possible to enclose originals of certificates necessary as evidence, such as judicial records, tax payment certificates, etc. (I mean documents listed under point 3.1 of the specifications) only once and to refer to these originals in the other bids including a simple copy, or shall we send an original or a certified copy for each bid?

Answer no. 23:

As regards your question, please note that if you wish to submit an offer for each call for tenders concerned, it's possible to include the originals in one offer and to include a copy of each of the certificates in the other offer(s) by referring to the included originals.

Question no. 24:

According to page 15 of the specifications, the tenderer must "provide the signed curriculum vitae with the contact details (postal address, telephone number and email address). Would you be so kind to confirm that in case the translator is an in-house translator (under employment contract) these details will be the company's details? And in case that the translator is a freelancer working for the company (not a subcontractor), the details will be also the company's details (or not?)?"

Answer no. 24:

For internal translators of the tenderer, it's enough to state the address of the tenderer and state the in-house translator's company email addresses as well as their company telephone numbers instead of their private ones.

And when the translator is a freelancer working for the company, his/her contact details have to be filled in.

Question no. 25:

Regarding the published tender „Call for tenders for translation services regarding texts in the 'legal' field“ I would like to know if it is possible to bid as a subcontractor and in the same time as independent company?"

Answer no. 25:

Regarding your question, please be informed that "Only one tender may be submitted per tenderer (freelancer or translation agency) to ensure genuine competition (see paragraph 2.2 of the tender specifications)."

Indeed, according to point 5 of the tender specifications, the offers must be done in accordance with the principle of fair competition and equal treatment of tenderers, which is a prime concern for the Translation Centre.

" By signing and submitting a tender, the tenderer or, in the case of a group, each member of the consortium, certifies on behalf of his undertaking or group that:

the price quoted in the tender has been fixed independently without consultation or communication on any point relating to price, with any other tenderer or competitor;

unless otherwise required by law, the price quoted in the tender has not been and will not be knowingly communicated by the tenderer to any other tenderer or competitor either directly or indirectly before the opening of the tenders;

the tenderer has not made and will not make any attempt to induce any other person or undertaking to submit or refrain from submitting a tender with a view to restricting competition. "

Question no. 26:

In case we made a mistake in the Registration Form we filled in on the call for tenders portal (form required as per paragraphs 2.2 Submitting tenders and 3.2.4 Professional capacity) – namely, in the online form “Linguistic Team” we provided the name of only one translator for a certain lot, when in fact our Linguistic Team is composed of several translators for that lot, would it be possible to correct this Registration Form?

If yes, what is the method for correction – could we perhaps fill in a new Registration Form with the correct details (or could you suggest a proper method for undertaking this correction)?

Answer no. 26:

Until the deadline, your forms concerning all language combinations submitted are available on the tenders portal.

Please find enclosed the link to the “Tender Portal's User guide”: https://calltenderportal.cdt.europa.eu/Docs/user_guide.en.pdf

The procedure in order to change the online form “Linguistic Team” is explained on page 14 of this guide.

Do not forget to print again the up-dated version of the linguistic form in order to insert it in your tender.

Question no. 27:

According to point 1.8.2 of the Specifications “Individual translators working for a tenderer as freelancers are not to be considered as subcontractors. It depends on the contractual agreements between the parties concerned”. Does this mean that I cannot bring freelancers onto my team as subcontractors or is there a type of contractual agreement I can sign with them to bring them on board as subcontractors?

Answer no. 27:

Please note that individual translators working for a tenderer as freelancers are not necessarily to be considered as subcontractors. In fact point 1.8.2. of the specifications states that the delimitation between subcontracting and freelance relationship mostly depends on the contractual obligations between the parties concerned.

On the one hand, subcontracting means the situation where a contract has been or is to be concluded between a tenderer and a subcontractor who, in order to carry out the services, enters into legal commitments with another entity to provide part of the service. It requires a formal contractual relationship between the main tenderer and the subcontractor. The subcontractor is, therefore, legally obliged to honour the contract entered into with the main tenderer. The main tenderer himself may only act as a kind of intermediate agent, but retains full liability for the execution of the contract towards the contracting authority and of course, is our only contractual partner.

On the other hand, in the freelance relationship, neither the formal element nor the legal obligation exist for the freelancer. The latter can refuse the jobs offered by the tenderer. Therefore, if a tenderer relies on a number of freelancers who work more or less regularly but not exclusively for him, this shouldn't be considered as subcontracting. *“Individual translators working for a tenderer as freelancers are not necessarily to be considered as subcontractors.”*

Question no. 28:

Could you, please, confirm if these references will be counted as valid: purchase orders issued by our customer where it is clearly stated that the area of translation is one of the requested ones

Answer no. 28:

In order to answer the question, please note that the order forms/purchase orders "issued by our customer where it is clearly stated that the area of translation is one of the requested ones" will not be taken into account by the Evaluation Committee because an order form is not an evidence that the translation work has been carried out by the tenderer.

Furthermore, please note that it is the sole responsibility of the Evaluation Committee to examine if your offer complies with the requirements of the tender specifications including exclusion and selection criteria and it is up to the Evaluation Committee to consider if the provided evidences constitute a "sufficient proof" in the framework of the examination of your tender.

Question no. 29:

"The tenderer's translation experience must be equivalent to 2000 standard pages in the language combination for which the bid is submitted", does the 2000 pages part mean, if we apply with a subcontractor, 2000 pages per main contractor and subcontractor collectively, or 2000 pages separately per subcontractor and 2000 pages per main contractor?

Answer no. 29

According to point 1.8.2 "[...]The selection criteria for economic, financial, technical and professional capacity will be evaluated in relation to the combined capacities of the tenderer and all proposed subcontractors as a whole.[...]"

According to point 3.2.4 of the tender specifications "The tenderer's translation experience must be equivalent to 2000 standard pages in the language combination for which the bid is submitted, in legal field."

means that the translation experience requirement:

- could be met by the tenderer alone;
 - could be met by the subcontractor alone;
 - could be met by combining experience from the tenderer and the subcontractor.
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Question no. 30:

"Our company (in collaboration with our mother company) provides translation services to European Commission. EC has provided a reference letter to our mother company indicating the volumes and language combinations of all parties involved into our consortium, however without distinguishing our subsidiary specifically. Would this reference letter be considered as valid if it would be accompanied by more detailed confirmation letter from our mother company? In other words, please confirm that a letter from our mother company would not be treated as self declaration and will be considered as valid within the realm of this Tender."

Answer no. 30

As regards your question, please note that point 3.2.4 of the tender specifications states that:

"For experience to be taken into account, it must be accompanied by some acceptable form of proof, such as reference letters or certificates; all of which must clearly indicate the volume of work done, the task executed (translation work), the language combination, the name of tenderer and the field concerned in order to be considered valid.

- Letters of reference and certificates must be issued on paper with the letterhead of the certifier's entity. They must be signed and the contact details of the certifier must be clearly indicated in order to be considered valid.

- In this context, self-declarations or evidence not endorsed by a third party cannot and will not be accepted."

Please also note that a letter from your mother company might be considered as self-declaration by the evaluation committee.

Furthermore, please note that it is the sole responsibility of the Evaluation Committee to examine if your offer complies with the requirements of the tender specifications including the exclusion and selection criteria and it is up to the Evaluation Committee to consider if the provided evidences constitute a "sufficient proof" in the framework of the examination of your tender.

Question no. 31:

We have redone the whole submission procedure for LEG17-01DE in the tender portal, and now it is shown under "My tenders".

However, the submission form for LEG17-02ES still contains data from LEG17-01DE (language combination and names of translators).

I hope this is not a problem.

Answer no. 31

Please note that the electronic registration in the call for tenders portal is a tool designed to help the tenderers with their application to the calls for tenders.

Please note that as described in point 2.1.1 of the tender specifications: *"It should be noted that tenderers shall be judged solely on the content of the written offers submitted as part of the current call for tenders. All supporting documents must be included. "*

Question no. 32:

Can I send several tenders for different call for tenders within one parcel post?

Answer no. 32

For administrative reasons and also to avoid any shortcomings in the delivery of the tenders, tenderers are advised to submit tenders related to different procedures in separate postal packages.
