**ADVERTISEMENT OF EVALUATION OF EFFICACY STUDIES OF WOOD PROTECTION PRODUCTS UNDER THE BIOCIDAL PRODUCTS REGULATIONS**

**24 November 2021**

# PURPOSE

The Ministry of Environment of Denmark, Environmental Protection Agency (hereinafter referred to as the "contracting authority") requires the performance of a task concerning evaluation of efficacy studies of wood protection products under the Biocidal Products Regulation.

The Danish EPA (DEPA/Miljøstyrelsen) is the Danish Competent Authority under the Biocidal Product Regulation (Regulation (EU) No 528/2012 as amended by Commission Delegated Regulation (EU) 2021/807 of 10 March 2021) (hereinafter referred to as BPR) when it comes to evaluation of biocidal products in Denmark, as well as certain active substances at the EU-level.

As a part of the evaluation, the efficacy of the biocidal product must be assessed. DEPA has drawn upon external experts regarding the efficacy of wood protection products (product type 8 under the BPR) the last few years. This contract is up for renewal for 2022-2023, with the possibility for an extension for an additional two years.

The contract will be a framework agreement that contain product evaluations for national and Union applications where Denmark is evaluating Member State, as well as mutual recognitions of evaluations that have been conducted by other member states. It is also expected that some assistance regarding the renewals of the active substances IPBC and Tebuconazol relevant for PT 8, including follow-up questions regarding the evaluation of reference products for the active substances, will be a part of the contract.

The evaluations involves the implementation of efficacy assessments of wood preservatives according to the current guidance in "Guidance on the BPR: Volume II Efficacy, Assessment + Evaluation (Parts B+C), version 3" from April 2018.

Denmark receives applications for EU approvals, national approvals and mutual recognition of wood preservatives covered by Regulation 528/2012 of 1 September 2013, Product Type 8. All types of applications may regard a single product or a product family, consisting of several products.

Another part of the evaluation that may be required is a comparative assessment report for products including active substances that fulfil the exclusion criteria in Article 5 of the BPR, or candidates for substitution as described in Article 10. In these evaluations the efficacy experts will be expected to review the claims and documentations made by the applicant.

The contracting authority hereby invites interested eligible companies to submit offers for the solution of this task. The contracting authority’s eligibility requirements can be found in the advertisement at [www.udbud.dk](http://www.udbud.dk).

# SCOPE OF THE TASK

The advertisement includes the procurement of a framework agreement regarding evaluation of efficacy studies regarding wood protection products (product type 8) under the Biocidal Products Regulation, as well as contributions to comparative assessments of biocidal products and contributions to the development of guidance or consultations. The task is described in more detail in Annex 1.

# PERSONAL DATA

The contracting authority processes personal information in connection with receiving offers, typically contact information for one or more employees of the bidder. The General Data Protection Regulation grants rights to the registered, and the contracting authority’s processing of personal data are described in the privacy notice at udbud.dk.

Together with the offer, the bidder is requested to submit a declaration of notification of processing of personal data in connection with the advertisement process, cf. Annex 3. The declaration is requested completed and signed by the bidder.

# PROCEDURE FOR THE ADVERTISEMENT

The contracting authority advertises the task in accordance with Title IV of the Danish Public Procurement Act, as the contracting authority has determined that this contract has a clear cross-border interest.

The process for submitting offers is organised as shown below.

## **Advertising material**

The material that forms the basis for the submission of offers consists of the following:

* 1. Advertising conditions (this document)
  2. Annex 1 - The contracting authority’s description of the task
  3. Annex 2 - The contracting authority’s draft contract
  4. Annex 3 – Template for declaration of notification of personal data.

## **Submission of offers**

The bidder must prepare a written offer. Only one offer may be made per bidder.

The offer must not exceed 20 pages, excluding CVs. Pages beyond the maximum number will not be included in the evaluation. In the event that more than the specified number of pages are submitted, only the first 30 pages will be considered in the evaluation.

Offers must be received **no later than Friday 10 December 2021 at 5 pm**. Offers received after this date will not be considered.

Offers shall be submitted in writing to The Danish Environmental Protection Agency att. **Henrik Svenstrup, by E-mail to:** [**hesve@mst.dk**](mailto:hesve@mst.dk) **and biocides@mst.dk**

The offer shall include, but not limited to:

1. The business's references. A maximum of five references shall be enclosed for projects similar to the tendered contract. The reference list shall include a brief description of the project and its relevance with respect to the tendered project. Each reference must not exceed one A4 page in length and must relate to tasks that have been performed within the past 3 years.
2. Description of the tenderer's organisation, number of employees, / professional qualifications of the employees (not CVs).

If the applicant is unable to present the required documentation of references for a valid reason, e.g. that the business in a new operator in the area concerned, the applicant shall seek to otherwise prove its technical capacity by submitting appropriate documents. In such case, the tenderer shall also refer to the circumstance relied on by the tenderer as valid grounds for not presenting the required documents.

The offer must include descriptions in relation to the award criteria below, and the offers will subsequently be assessed based on these criteria.

The Contracting Authority reserves the right to contact the references stated to check the content of the references stated.

The offer and all related material shall be in English.

The bidder must abide its offer for three months after the deadline for submission of offers.

The bidder’s costs associated with submitting the offer are irrelevant to the contracting authority, also if the contracting authority decides to cancel the advertisement without awarding a contract.

The contracting authority is not obliged to return the offers to the bidders.

* 1. **Negotiation**

The contracting authority reserves the right to negotiate on the basis of the offers received.

## **Contract award**

The supplier is selected on the basis of the award criterion: best price-quality ratio (the financially

most advantageous tender).

The evaluation of the financially most advantageous tender will be based on the criteria below with

the weighting stated:

**1. Price 20 %**

The tender price, calculated as a binding average hourly rate of all the included employees.

The tender price will be converted to points following a non-linear model, where the tender with the lowest price will be given 9 points, and the other tender prices will be converted to points using the following formula: the tenders’ point = 9 \* lowest price /the tenders’ price”.

**2. Staff-related qualifications 70 %**

The professional competences of the performing team: The bidder must submit CVs containing the relevant professional qualifications and experience of the participants in the team, which will be responsible for the performance of the task. The bidder can maximum submit four CVs. Each CV can maximum consist of two A4 pages. It will be weighted positively that the team responsible for the performance of the task has relevant, in particular experience with the Biocidal Products Regulation and wood protection studies.

The tender shall describe how they will approach the task and describe an overall plan for the performance of the project, including a description of the measures taken by the tenderer to ensure quality. It will be weighted positively in the assessment of this criterion that the description as far as possible meets the contracting authority’s needs as described in the task description.

**3. Time of delivery 10 %**

State the number of days from receipt of the request for each of the types of request listed in the section on Delivery (Annex 1 hereto).

Please note the Specification of Requirements, Section on Delivery (Annex 1 hereto). The timelines presented is the maximum timelines, if shorter delivery times is offered, it will be evaluated positively.

**Point model**

On evaluation, it is estimated how many points each tender should have for each of the quality subcriteria, using the following absolute point scale of 1 to 9:

9 Best possible compliance with the criterion

8 Excellent/superior compliance with the criterion

7 Good/highly satisfactory compliance with the criterion

6 Above average compliance with the criterion

5 Average /satisfactory compliance with the criterion

4 Below average compliance with the criterion

3 Less satisfactory compliance with the criterion

2 Inadequate compliance with the criterion

1 No compliance with the criterion or minimum requirements

When the tenders have been received, a specific evaluation will be made of the tenders received,

and on this basis it is decided which tenderer has submitted the economically most advantageous

tender.

# EVALUATION OF OFFERS

After the deadline for submission of offers, the contracting authority will evaluate the received offers on the basis of the above mentioned award criteria and decide, to which bidder to award the contract.

All the bidders will be notified simultaneously, and as soon as possible, of the decision regarding the contract award. The contracting authority intends to conclude the contract following the award decision.

## **Contract conclusion**

The contract will be concluded on the basis of the draft contract in Annex 2.

The contract sets out the obligations and rights that will apply between the parties in connection with the performance of the task covered by this advertisement. It should be noted that the substantial terms of the draft contract cannot be changed.

The bidder’s standard terms and conditions will not form part of the contract basis.

# QUESTIONS

Any questions about the material or process may be addressed in writing to Henrik Svenstrup, E-mail: hesve@mst.dk and [biocides@mst.dk](mailto:biocides@mst.dk) no later than Wednesday 1 December 2021. Questions received after this date will not be answered.

Questions will be answered in writing and as soon as possible after they are received.

Both questions and answers will be uploaded in anonymized form to [www.udbud.dk](http://www.udbud.dk).

# CONTACT INFORMATION

The contracting authority is:

The Ministry of Environment of Denmark

Miljøstyrelsen (Danish Environmental Protection Agency)

Tolderlundsvej 5

5000 Odense C

Contact person: Henrik Svenstrup, E-mail: hesve@mst.dk.

All communications must be sent by e-mail and be written in English.

# TIMETABLE

The advertisement is expected to be completed according to the timetable below. It should be noted that the contracting authority reserves the right to make changes. Bidders will be notified of such changes.

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| Thursday 25 November 2021 | Advertisement on [www.udbud.dk](http://www.udbud.dk) |
| Wednesday 1 December 2021 | Deadline for asking questions |
| **Friday 10 December 2021** | **Deadline for submission of offers** |
| Friday 17 December 2021 | Expected provision of notifications regarding the award decision to bidders |
| Wednesday 22 December 2021 | Contract signing |
| Saturday 1 January 2022 | Expected entry into force of the framework contract and eventual kick-off meeting |