

TA Consultants United

STAY INDEPENDENT, BUT NOT ALONE

St. TA Consultants United
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Reg. nr. CoC 53369785

The Hague, 8 December 2011

Dear Laurent,

At our meeting on 19th September 2011 one of the issues that arose was the lack of information about two matters:

1. The extent to which tender evaluations are late;
2. The extent to which experts are replaced.

We carried out a survey of our supporters on these matters and we also polled a number of contractors concerning late evaluations.

We attach the brief report on the survey concerning delays. Although the sample was not statistically representative of the population (self-selecting respondents) the findings can nonetheless be considered indicative, especially as the scale of the problem is confirmed by the separate survey of contractors' experiences. There is no doubt that there is a very serious failing in the tender evaluation process. Our survey shows that over half of all evaluations are late, on average by a very long time. This should be as unacceptable to the European Commission as it is to us. We therefore urge you to introduce the necessary measures to deal with this issue as a matter of urgency. We strongly wish to see, as part of these measures, effective sanctions applied to contracting authorities who persistently fail to meet their own deadlines.

If there are any doubts about the reliability of the results we are submitting, we propose that EuropeAid should examine its own records, which presumably will present a complete and accurate picture.

In the meantime, the alarming and unacceptable level of delays shows that the Statement of Exclusivity and Availability is not only unfair and anti-competitive in its own right but, when taking these delays into consideration, highly damaging to the interests of independent experts. It should therefore be abolished immediately and replaced with a fair and efficient system, such as we have proposed in the past. This should be done now, within the terms of the present Framework, as it is clear that the present system cannot be allowed to continue.

We look forward to an authoritative response in the immediate future setting out what concrete measures the Commission will now undertake to address this issue. Our survey revealed no particular problem over the replacement of experts. Many experts have been replaced or acted as replacements of others, but in the cases reported to us these were simply part of the normal turnover of staff that one would find in any organization. If the Commission is concerned about the replacement of KEs between the time of contract award and expert deployment, we propose that the Commission's own records should be reviewed as we have had no cases reported in our survey.

Kind regards,
Henry