

Frequently Asked Questions (FAQs) Document

1. What is the purpose of a Preliminary Market Consultation?

This Preliminary Market Consultation (PMC) seeks the submission of innovative proposals aimed at responding to the challenge posed by the use of technologies that exceed the performance of those currently available on the market.

These proposals will be used to assess market capacities and define the functional and technical specifications that involve innovation and are feasible enough to achieve through a possible Public Procurement of Innovation (PPI).

The purpose of this type of procedure is not to receive bids, but to receive solutions that help resolve the needs not covered by the Basque Energy Agency (hereinafter, EVE for its initials in Spanish).

2. How would participants who do not have a registered office in Spain participate in the PMC?

The PMC call is open to any natural or legal person who can submit their response in English, Basque or Spanish.

3. How would participants who do not have a registered office in Spain participate in the future tender?

For the possible future tender, the capacity to contract non-Spanish entrepreneurs who are nationals of Member States of the European Union or signatory States of the Agreement on the European Economic Area will be accredited by their registration in the appropriate Registers in accordance with the legislation of the State where they are established, or by the submission of a sworn statement or certificate, under the legally established terms, in accordance with the applicable Community provisions and with the list of Registers included in Appendix I of the General Regulations of the Law on Public Administration Contracts.

Natural or legal persons from States not belonging to the European Union or from signatory States of the Agreement on the European Economic Area will accredit their capacity to be contracted by means of a report issued by the Permanent Diplomatic Mission or Consular Office of Spain in the place where the company is domiciled, which states, after accreditation by the company, that they are registered in the local professional, commercial or similar Register or, failing this, that they frequently act locally in the field of the activities to which the purpose of the contract extends.

They must also include a reciprocity report (prepared by the corresponding Spanish Economic and Commercial Office abroad), except in the case of contracts subject to harmonised regulations, in which case it will be replaced by a report from the Permanent Diplomatic Mission or the General Secretariat for Foreign Trade of the Ministry of Economy on the status of a signatory State of the World Trade Organisation's Agreement on Public Procurement.

In any case, they must accredit their economic, financial and technical or professional solvency that may be required in the same way as is required of Spanish entrepreneurs, without prejudice to the provisions on entry into the corresponding Registers.

4. Can additional documentation be included with the response to the PMC?

Proposals can be accompanied by any supporting documentation deemed appropriate. This supporting documentation may be designated as confidential, clearly specifying in such documents the aspects that are affected by this declaration of confidentiality.

5. Is it possible to submit a proposal in partnership with another company to the PMC?

It is possible to submit proposals in response to the consultation either individually or jointly with other companies. In the case of a joint presentation, the participants' answers will be made in a single questionnaire in which each of the participating companies will be identified.

6. Can foundations or public institutions (research institutions, universities, etc.) participate in the tender?

Yes, but with the following considerations in mind: Natural or legal persons, Spanish or foreign, individually or in a Temporary Joint Venture (TJV), who have the full capacity to act and are not subject to the procurement prohibitions set forth in article 71 of the Law on Public Sector Contracts (LCSP), may submit themselves for the future possible tender.

Legal persons may only be awarded contracts whose services are included within the aims, purpose or scope of activity that, according to their by-laws or founding rules, are specific to them.

7. Will EVE get back to me on the assessment of my proposal for the PMC?

EVE will not respond with its assessment of the proposals received in the PMC, given that the purpose of this consultation is not to qualitatively assess and weight bids in comparison with those submitted by other participants. Only an e-mail will be sent informing the proposer that it has been received.

8. Are there any technological approach restrictions?

No. The approach is free so long as the requirements established in the selected technological CHALLENGE are followed. The technological approach considered most appropriate, according to the published CHALLENGE (the description of the CHALLENGE appears in section 4.2 of the Preliminary Market Consultation document) can be submitted.

9. Does this procedure include an informative meeting with each of the applicants for technical discussion?

Prior to the development of the PMC concluding report, the possibility of holding meetings with the companies to find out more about the proposals put forward in the PMC is being considered.

10. Could I NOT participate in the Preliminary Consultation but COULD in the foreseeable future tender?

Yes.

11. Can I submit a solution that is patented?

Proposals for the PMC must be free of commercial patents, copyrights or any other copyright or corporate right that would prevent their future free use by EVE or any other collaborating company in the development of future projects. In other words, solutions that are patented may be submitted, so long as the participants have the necessary rights for the correct execution of the Project in the event that they are awarded the contract.

In any case, the definition of technical specifications by EVE in future procurement processes will be based on functional requirements that will not be limited by the existence of a patent, always respecting the principles of competition.

12. If a participant cannot mention patented solutions or trademarks in their proposal, is it better to submit the solution as an explanation thereof, its functionalities, etc. without using any trademark?

The conclusions of the PMC will be used as a basis for drafting the subsequent invitation to tender, which may not restrict competition due to the fact that the PMC has taken place. The inclusion of trademarks or specific products subject to patent in the tender could restrict competition and that is why the resolution governing the PMC requests that proposals do not include them.

13. Where will the information regarding progress in defining the technological challenges be publicised?

EVE, in order to guarantee transparency and equal opportunities among the participants in the possible procurement procedures that may be called, will publish information on the progress made in defining each technological challenge on the SPRI website (<https://www.spri.eus/es/innovacion-comunicacion/reto-undimotriz-proyecto-turbowave/>).

As the technological challenges mature, with the internal work of the EVE and SPRI teams, and based on the proposals for innovative solutions that are considered to be of interest gathered during the PMC, new information will be published on the SPRI website, which in no case will explicitly include these solutions.

14. Where do I send the forms?

The forms will be available within the challenge corresponding to EVE hosted on the SPRI website, located in the “Forms” section.

(<https://www.spri.eus/es/innovacion-comunicacion/reto-undimotriz-proyecto-turbowave/>).

15. What is the deadline for delivering the proposed solution?

The deadline for submitting proposals is 2 (two) months from the date of publication in the Contractor's Profile and on the SPRI website.

What will be sent by the economic operators in response to the PMC are only proposed solutions (see model form), in no case will they have the status of bids.

16. Is there going to be an information day or event?

Yes. During the validity period of the PMC, an informative event will be held to explain the initial situation and the specific objectives and needs of the project, and there will be an opportunity to resolve any doubts and clarify queries from companies, institutions and entities interested in participating in the process. (website).

17. Is the submission of a proposal linked to a future procurement process?

Possible future procurement procedures will be open to all possible bids that meet the established conditions, whether or not they have been linked to the PMC. The submission of proposals in the PMC will not result in the generation of incentives or advantages for participating companies when awarding future contracts, nor will it be recognised as an award criterion or as a favourable weighting value.

18. How is confidentiality addressed?

Participants, in the information they provide, will include their express consent for EVE to disseminate their participation and the issues and/or solutions raised in the PMC for the sole purpose set forth in FAQ no. 1.

However, EVE cannot disclose any technical or commercial information, if any, that has been provided by the participants and designated and reasoned by them as confidential.

It is the participants who will identify the documentation or technical or commercial information that they deem to be confidential, and it is not acceptable for them to make a generic statement or declare that all documents or all information are confidential.

Participants may designate any of the documents provided or, where appropriate, any specific section thereof as confidential. This should be clearly reflected (in any way, or in the margin) in the document designated as such.

19. How can I stay informed about the PMC and the possible future tender?

By registering your interest through the SPRI website.