




Invitation to Tender

The Independent Inspector

to the

Voluntary Industry Agreement to improve the energy
consumption of Complex Set Top Boxes under the EuP
Directive

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1. Document details

Amendment History

Version	Date	Remarks
0.1	05/01/2010	First Draft to Steering Committee
0.5	18/01/2010	Second draft, modified by B SkyB (MCC)
0.6	06/04/2011	Third Draft, modified by B SkyB (DD)
1.0	07/04/2011	Published

Key Related Documents

Version	Date	Document
2.0	12/06/2009	
		The Voluntary Agreement on CSTB - http://www.difgroup.eu/index.php?mact=DocsAndMediaManager,cntnt01,details,0&cntnt01documntid=30&cntnt01dateformat=%25d%20%25b%20%2C%25Y&cntnt01returnid=58

1. Background

The Ecodesign Directive (2005/32/EC) for Energy-using Products (the “EuP”) sets out requirements for the improvement of the environmental performance of energy related products. Such requirements can be introduced and enforced by implementing measures or by self-regulation. Self-regulation can take the form of voluntary agreements.

The Voluntary Industry Agreement to improve the energy consumption of Complex Set Top Boxes within the European Community (the “VA”) is an industry-led self-regulating instrument that seeks to contribute to the achievement of the EU Action Plan on Energy Efficiency and in particular of the EuP Directive by reducing the potential environmental impact of CSTBs.

Signatories to the VA include Service Providers, Equipment Manufacturers, Software Providers, Conditional Access Providers and Component Manufacturers . An integral part of the VA process is the appointment of an Independent Inspector, who will carry out the tasks assigned by the VA and its Steering Committee, on behalf of all Signatories.

All defined terms shall have the meaning as set out in the VA unless otherwise indicated.

“**Contract**” means agreement to be entered into as a result of successfully submitting a Response to the ITT and being awarded the position of Independent Inspector.

“**Response**” means the response submitted by a party to this Invitation to tender or ITT.

“**Tenderer**” means a party that submits a response to this Invitation to tender or ITT.

2. Key Requirements for the Independent Inspector role

2.1 The Role

The Independent Inspector will be an independent third party appointed by the Steering Committee on behalf of the Signatories to the VA and in accordance with the provisions of the VA. It will be the responsibility of the Independent Inspector to collect and process the information supplied by Signatories, and tasks will include the monitoring of compliance by Signatories and the conducting of audits when instructed. The obligations relating to reporting, monitoring, revision and compliance are set out in Section 5 of the VA and the form of reports is set out at Annex G.

- a. The Tenderer will be expected to demonstrate its independent status with regards to the VA, as well as full details as to how it will maintain all the confidentiality requirements of the VA. The Role of the Independent Inspector

will require the ability to preside over disputes and a dispute resolution process. Assurances and methodology for the secure maintenance of records of compliance and the preparation and archiving of reports will also be required as will the means of reporting findings to the Steering Committee.

2.2. Information Provided by the Signatories to the Independent Inspector

Each Signatory of the VA shall provide information to the Independent Inspector detailing the energy consumption of each type of CSTB it manufactures, supplies, distributes or uses within the European Community in compliance with the VA, as applicable, and taking into account the relevant provisions of Annex C (*Measurement Method and Conditions*) of the Voluntary Agreement. Reporting will also apply to CSTBs manufactured outside of the European Community, but supplied, distributed or used within the European Community, in compliance with the Voluntary Agreement.

Frequency of Submission of Information by Signatories

Each Signatory shall provide the required information for the relevant Reporting Period in the format specified in Annex G of the VA.

2.3 Confidentiality and Non-Disclosure

The Steering Committee shall engage the services of the Independent Inspector upon terms and conditions that shall require undertakings of confidentiality from the Independent Inspector, and which shall also set out any requirements or applicable mechanisms for a process of appeal, should this ever be necessary. This is because it is recognized that some elements of reporting compliance under the VA are likely to require the provision of commercially sensitive information to the Independent Inspector. The receipt of information supplied by a Signatory to the Independent Inspector shall therefore always be subject to obligations of confidentiality. For the avoidance of doubt this will include maintaining confidentiality of information from other Signatories, while ensuring confidence in the compliance of individual Signatories with this VA.

The Independent Inspector shall also be bound by the obligations of confidence as set out in Section 5.1 of the Voluntary Agreement and may be instructed to conduct an audit of the information supplied by any individual Signatory.

2.4 Compliance and Verification

Compliance with the Voluntary Agreement by individual Signatories, including with the commitments set out in Section 4 of the VA, shall be assessed by the Independent Inspector at the end of each Reporting Period on the basis of the information provided by each Signatory in accordance with Section 5.1 of the VA.

The Independent Inspector will provide the appropriate summary reporting to the Steering Committee.

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The Commission, assisted by the Steering Committee, shall consider whether the objectives of the Voluntary Agreement have been met, taking into account the results of audits produced by the Independent Inspector. To preserve business secrets and commercial confidences, any official report produced by the Commission in connection with the information supplied by any individual Signatory shall not refer to the performance of individual companies.

The Independent Inspector may be instructed to conduct a detailed audit of the information supplied by any individual Signatory.

3. Tender Details

3.1 Responses

Responses to this Invitation to Tender (ITT) for the position of Independent Inspector for the VA are hereby invited. Responses are to be submitted to the Chair of the Steering Committee, David Daniels (david.daniels@bskyb.com) by Friday May 13th 2011.

Selection Process

The following Process shall be followed:

- 1 Stage 1 - Responses to be submitted by Friday May 13th 2011
- 2 Stage 2 - Shortlist to be created by Friday May 20th 2011
- 3 Stage 3 – Query resolution
- 4 Stage 4 – Selection of Independent Inspector to be notified to successful Tenderer by Wednesday June 1st 2011

The following evaluation methodology will be used in selecting the Independent Inspector:

- a. Tenders will be checked for completeness and compliance. Tenders that do not contain all information requested may be excluded from evaluation. A Response from a Tenderer will be expected to demonstrate
 - (i) full credentials as to its independent status with regards to the VA;
 - (ii) full details as to how it will maintain all the confidentiality requirements of the VA;
 - (iii) details of a process for the resolution of disputes; and
 - (iv) full details as to how it will maintain records of compliance with the VA and how it will report its findings to the Steering Committee.
- b. Where Tenderers are short-listed then they may be required as part of Stage 3 to clarify the offer, make a presentation, or demonstrate the solution offered;
- c. References may be requested and referees may be contacted by the Steering Committee prior to the selection of the successful Tenderer;
- d. The Steering Committee is not bound to accept any Response to this ITT and it reserves the right to exercise sole discretion and judgment in respect of whether or not to proceed with a Response;

3.2 Selection Criteria

In assessing Responses, all information requested together with any relevant additional information made available by Tenderers to the Steering Committee or provided in Response to this ITT, will be taken into account.

In assessing a Response, the Steering Committee will apply a scoring system for the qualitative (non-price) criteria. The score of each Response will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

3.2.1 Qualitative

Tenderers are required to submit their Responses in accordance with the format and headings detailed below.

Suitability of Proposed Service

In answering this criteria, Tenderers must demonstrate and provide the following in relation to the proposed service:

- a. A comprehensive design plan;
- b. A comprehensive specification; and
- c. Their suitability and fitness for purpose against the contract requirements.

Demonstration of Understanding of the Required Tasks and Organisational Capacity

Tenderers must demonstrate an appreciation of the requirements of this work and provide an outline of the proposed methodology and approach. The methodology will then be assessed in terms of its appropriateness and its ability to achieve the work's objectives.

Tenderers must also demonstrate that they have the organisational capacity to complete the contract requirements. Tenderers shall provide a comprehensive project timeframe, with key dates and milestones based on the Voluntary Agreement milestones, outlining how the required work time requirements will be met.

Skills and Expertise of Key Personnel

Tenderers must provide information relevant to the skills and expertise of key personnel who will be involved with this project.

The following information should be provided for key personnel:

- a. qualifications;
- b. professional or business associations;
- c. Industry experience – with a particular emphasis on activities of a similar nature

Demonstrated Track Record in Successfully Performing Similar Work

Tenderers must provide a detailed description of similar work undertaken by them. As a minimum the following information should be provided:

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- a. A detailed description of the scope of work undertaken;
- b. Similarities between those projects and the project requirements of this tender;
- c. When the work was undertaken; and
- d. Tenderers should also provide a minimum of two referees for which contracts of a similar nature have been successfully completed by the proposed consultant. These references may be used to verify claims of relevant experience.

3.2.2 Contract Price

Price will be considered along with related factors affecting the total cost to the Steering Committee. The Tenderer must supply their tender price in the following format and should specify a daily rate for any additional work that may occur beyond the contractual work.

Description of Service	Cost
Total	

The contract price shall be no more than €40,000 and must include all expenses to be incurred in order to fulfil the contractual obligations.

3.3 Contract Start Date and Term

Start Date

The Independent Inspector shall be able to commence in the role by no later than 1st, July 2011.

Term

The term of the Independent Inspector Contract shall commence on the Start Date listed above and shall continue indefinitely, subject to annual review unless terminated earlier under the relevant clauses in the future contract between the VA Steering Committee and the Independent Inspector.

3.4 Submission of Response

Conditions of Tender

Costs and Expenses

The Tenderer is responsible for obtaining all information necessary for preparing its Response and shall bear all costs, expenses and liabilities incurred in connection with its preparation and delivery.

Delivery of Tender

The Response must be duly completed and delivered to the address shown. **A Response must be delivered no later than the date specified.**

Copies of Response

Tenderers must provide an Electronic Version of the Response on a disk, CD or emailed in either word/excel format or as a PDF file, as applicable.

Validity Period

All Responses shall remain valid and open for a minimum period of **ninety (90)** days from the closing date of this ITT.

Ownership of Responses

All documents, materials, articles and information submitted by the Tenderer as part of, or in support of a Response shall become upon submission the physical and intellectual property of the Steering Committee in right and will not be returned to the Tenderer at the conclusion of the ITT process.

Presentations

Tenderers may be invited to present their Responses to a panel convened by the Steering Committee. Presentations may be used to clarify Responses, query methodologies and approaches proposed by Tenderers, determine organisational compatibility, and in some cases will be considered as part of the evaluation scoring process.

Queries

Queries concerning this tender should be e-mailed to David Daniels (david.daniels@bskyb.com). They will be submitted anonymously to the Steering Committee via its email reflector for evaluation and response. The response time will be kept as short as possible but will naturally depend on the nature of the query and the detail required in any response.

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Contacts

Name	Organisation	Number	Email
David Daniels	BSkyB		david.daniels@bskyb.com

Return of Tender

Deadline Friday 13 of May 2011

Place David.daniels@bskyb.com

Any Response submitted after the closing date shall not be considered.

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