

Brussels, 16/02/2024

Joint Action on Harmonised Products 2022 JAHARP2022-01
Washing Machines (WP2) and
Professional Refrigerated Storage Cabinets (WP3)
(Grant Agreement No. JA2021-2-01)

Summary of questions received and answers to the Call for Tenders for Test Bodies

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Rounds of answers - 1st publish 16/02/2024

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Questions for Lot1 and Lot 2

Ref	Date	Question	Answer
1	15/02/2024	We would like clarification on the legal basis and the place of jurisdiction in the event of a dispute. According to the specific conditions, the contract is interpreted in accordance with Belgian law. However, the general terms and conditions state that any disputes will be governed by Dutch law and settled by arbitration in the Netherlands. Can you explain this and is it possible to agree on one law to avoid a mix?	Please consider that in the case of a discrepancy between the Call for Tenders and the PROSAFE General Conditions, the terms of the Call for Tenders have prevalence over the terms in Appendix I. Therefore, in this case only Belgian Law will apply.
2	15/02/2024	Would it be acceptable to include a limitation of liability? The purpose of this limitation would be to ensure that our economic opportunities and risks are appropriately balanced, as is customary and practiced by limited liability companies.	Yes, a clause establishing a limit to the liability of the contractor is included in our standard contract.
3	15/02/2024	Are we allowed to include a copyright clause, particularly regarding rights of use? As a global testing services provider, we do not grant exclusive usage rights. This would limit our ability to use pre-existing accreditation-approved templates for various services and customize them for different clients. Therefore, a clause is needed to ensure that we follow the requirements of the accreditation bodies and also ensure the protection of the company's intellectual property.	For the test reports created in this EU funded Joint Action, PROSAFE and the market surveillance authorities must hold exclusive rights.
4	15/02/2024	Would it be acceptable to include our Testing and Certification Regulation based on ISO/IEC 17025 as an appendix and accordingly as a contractual component in the offer? Certainly, this would ensure that the requirements of ISO/IEC 17025 as accredited testing laboratory are fulfilled and that we follow the requirements of the accreditation bodies.	Yes, you can include your Testing and Certification Regulation based on ISO/IEC 17025 as an appendix to your tender application. However, this should not replace the elements in the Qualifying and Assessment criteria which need to be presented with a high level of detail
5	15/02/2024	Would you please tell us how non-confidential information will be marked?	Please consider that all documents exchanged between the laboratory, the MSAs and PROSAFE should be in principle considered as confidential and therefore treated as such, unless otherwise specified.

Questions for Lot 1

Ref	Date	Question	Answer
6	15/02/2024	As per point <u>5.8 Subcontracting</u> , can you confirm that we would not be able to submit our offer if we cannot test the products for airborne noise internally, but we would need to subcontract this test to our partner lab, which is ISO 17025 accredited?	The Qualifying criterion <u>5.8 Subcontracting</u> requests tenderers to have the capability to test airborne noise internally and to not have to subcontract this externally unless within the same group. Any applicants failing to fulfil this qualifying criterion would be rejected in the evaluation step number 2 as per Section 9 Evaluation and award procedure.

Questions for Lot 2

Ref	Date	Question	Answer
7	15/02/2024	Our Lab is accredited for EN 16825:2016 but not for EN 16825:2016 A1:2019, the only difference is on the Regulations references, not on the test method. Can we still apply for the tender?	The Qualifying criterion <u>5.1 Accreditation</u> , for Lot 2, requires the tenderer to be accredited to either EN 16825:2016+A1:2019 or EN ISO 22041:2019+A1:2019. Laboratories which do not fulfil this criterion would be rejected in the evaluation step number 2 as per Section 9 Evaluation and Award procedure
8	15/02/2024	Our Lab is not accredited for EN ISO 22041:2019+A1:2019. Considering that EN 16825 is still valid, can we apply for the tender?	Please see reply to the question 7 above.
9	15/02/2024	Our door opening equipment is built to test products with 1 door and 2 doors, can we apply only for these product categories?	Yes, you may apply because the list of products to sample and their specificities is still under preparation. The laboratory is invited to explain in the technical offer Assessment criterion 6.7 Optimising throughout point iv. any limitations they might have with regards to the type of products they can test, the maximum number they can process per period and any other restrictions on the capacity we should bear in mind.
10	16/02/2024	What are the criteria to decide to go to triple testing after a non-compliance of volume or energy consumption?	The final decision on noncompliance is made by the concerned Market Surveillance Authority for each model tested and they are the one that will determine whether testing of the three additional items is necessary.
11	16/02/2024	Is the laboratory responsible for managing transportation of samples to and from the laboratory? If so, should transport costs be included in the quotation?	No, transport costs should not be included in the financial offer, as per Sections of the Call for Tenders below: <u>Section 3.1 Prior to testing, point iii</u> of the Tender specifications, requests the laboratory to make the necessary arrangements to ensure the safe reception of the samples which will be delivered to the lab free of charge in original packaging, brand new. In addition, <u>Section 7 Financial Offer</u> specifies what should be included in the price per model (Comprehensive testing, test reports, summary progress report, responses to occasional enquiries from PROSAFE and/or the MSAs, hosting of one physical meeting, storage and/or disposal of the products).

12	16/02/2024	<p>Two tests are described in the price list:</p> <ul style="list-style-type: none"> o Test to EN 16825 or EN ISO 22041 o Temperature test for heavy duty cabinet at Climate Class 5. <p>We assume that the first test is the energy consumption test at climate class 3 or 4. Is this correct? Is measurement of the Net Volume also required?</p>	<p>Yes, the test to EN 16825 or EN ISO 22041 includes the energy test at CC4 (or CC3 in the case of a light duty cabinet). A temperature test at CC5 will also be required for cabinets declared as heavy duty.</p>
13	16/02/2024	<p>Is measurement of the Net Volume also required?</p>	<p>Yes, net volume measurement is required.</p>
14	16/02/2024	<p>Would it be interesting to add verification of the attached energy label to the investigation, since we have the experience that sometimes mistakes are being made with the information of the label? (e.g. the rated value on the label do not always result in in the correct energy label)</p>	<p>No, the relevant MSA will conduct checks on the products' technical documentation, including the Energy label.</p> <p>A picture of the label supplied with the appliance should be included in the test report prepared by the laboratory as requested in Section 3.1 Prior to testing, point iv, of the Tender specifications: <i>"A photograph of the EU Energy Label included with the product should also be taken and the details recorded in a separate document alongside test results."</i></p>
15	16/02/2024	<p>Would it be interesting to add an energy label check with the EPREL database label information?</p>	<p>No, the relevant MSA will conduct checks on EPREL data.</p>
16	16/02/2024	<p>Would it be possible to send "cabinets that comply with their compartment temperatures and climate class specifications", that fail on Net volume or energy consumption, to charity institutions as well? These cabinets are still functioning properly. Destroying them would have a much more negative impact that keeping them in use by charity organisations who use them for a very good purpose.</p>	<p>Yes, your proposal is sensible and describing in detail how you plan to manage this and what charities you suggest is of added value in the technical offer when evaluation the Assessment Criterion <u>6.4 Storage and disposal</u>.</p> <p>However, please note that the decision on disposal or donation of tested samples will be taken on a case-by-case basis by the relevant MSA and PROSAFE.</p>
17	16/02/2024	<p>Will the answers of all submitted questions be made public to the interested laboratories?</p>	<p>Yes, according to Section 10 Questions about this specification, we explain that Anonymised question(s) and response(s) will be circulated to interested tenderers and posted on the PROSAFE's website: Calls for tender (prosafa.org).</p>