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Joint Action on Harmonised Products 2021 - GA n. JA2021-04

Scissor Platform Lifts

Summary of questions received and answers to the Call for Tenders for Inspection and Testing

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Ref	Date	Question	Answer
1	07.02.2023	Which countries the inspectors need to visit for the inspection and how many MEWPs will there be available on location?	<p>Section 4 - Lot A of the call for tender, explains that the on-site inspections will take place during national visits to countries listed in brackets in paragraph 3. These countries and the partner governmental institutions are listed in more detail in Section 3. The selected expert(s) will travel to each country and inspect approximately 6 models of scissor lifts in each country (2 in each Spanish region) as described in Section 4, Lot A paragraph 3. The configuration of the inspections/visit, number of scissor lifts inspected by site and the number of sites will be discussed and decided with the Market Surveillance Authorities and might differ from a country to another. The most important element is that there will not be more than 6 scissor lifts per country inspected and the total number of days per country for all inspections will be capped at 3 days for each country. Some variations might still occur depending on the situation on each national market if again the total cap for the 7 countries will be kept at 21 days of inspections and 42 scissor lifts.</p> <p>For Lot B, the comprehensive inspections and tests of 2 models of scissor lifts will take place at the premises of the inspection body selected following the call for tender.</p>
2	07.02.2023	On which legislation basis should the reports of the MEWPs be presented by the inspector? Is the report needed for granting the authority to use the product by the client or is it an investigation of the safety of the MEWPs for the government? It is not possible to send an inspector who is qualified only for one country to perform inspections in other countries. How will this be organized?	<p>The inspections and tests will be based on the applicable essential health and safety requirements of Annex I of the Machinery Directive 2006/42/EC as described in Section 1, supported by the specifications of the relevant European harmonized standard EN 280 (as indicated in Appendix 3 to the call for tender). The inspections and tests are carried out on behalf of the national market surveillance authorities, hence governmental institutions. Since the legislation and standards concerned are totally harmonized in the EU, the results of the inspections and tests may be used as a basis for market surveillance action by any of the national authorities participating in the project. In the case of LOT A for the national visits, the expert selected through the call for tender will conduct each inspection side by side with a team of national market surveillance officers.</p>
3	07.02.2023	Are the inspections foreseen in LOT A "periodic inspections"? Do these inspections require performing an overload test to check if the load limiter	<p>The inspections and tests foreseen for Lot A are market surveillance checks on the safety and conformity of scissor lifts with the requirements of the legislation which shall be applied by the manufacturer of the machinery or the person</p>

		functions in a proper manner?	<p>responsible for placing the machinery on the market. They are not periodic inspections according to national regulations. Such periodic inspections concern the state of repair and correct functioning of machinery in service and are the responsibility of the user.</p> <p>Since overload tests may damage the machinery, they are not foreseen in the inspection programme for the on-site inspections of LOT A. On the other hand, overload tests are foreseen in the comprehensive inspection and test programme of LOT B, where accreditation for conformity assessment is prerequisite.</p>
4	07.02.2023	Did each MEWP of the LOT A and LOT B have a CE-Type examination according to the Annex IX of the Machinery Directive 2006/42/CE or has the manufacturer followed entirely the harmonized standard EN 280?	<p>According to Article 12 of the Machinery Directive, manufacturers of devices for the lifting of persons or of persons and goods involving a hazard of falling from a vertical height of more than three meters have a choice of conformity assessment procedures, depending on whether the relevant harmonized standard is applied in full. One of the objectives of the joint market surveillance action is to monitor how these procedures are being applied by the manufacturers of scissor lifts.</p>
5	07.02.2023	How detailed the inspections shall be? In a CE-Type inspection, we perform test measurements which are not performed during periodical inspections (e.g., inclination according to CE-Type inspection needs to be measured by a calibrated inclinometer, but for periodic inspections we look for the action if it stops the movement while MEWP is inclined without measuring).	<p>Appendix 3 to the call for tender presents an indicative inspection and test programme. The definitive inspection and test programme will be agreed with the selected expert(s) or inspection body at the meeting foreseen in Section 2, Lot A paragraph 1 and Lot B paragraph 2 of the call for tender. At that meeting, detailed questions will be discussed, such as how to check the correct functioning of the device limiting the inclination of the chassis of the MEWP. The objective is to carry out checks that are as complete and precise as possible, taking account of the constraints of an on-site inspection.</p>
6	16.02.2023	Exact locations of on-site inspections for LOT A have not been selected yet. Correct? In case they have been selected, is it possible for us to see them already now in order to be able to make an even more accurate estimate?	<p>The exact locations for the on-site inspections in each of the participating countries have not yet been determined. Each national authority will choose the locations, in cooperation with the owners of the scissor lifts to be inspected (importers, distributors, rental companies or users) with a view to facilitating the organization of the inspections. However, please note that all travel costs will be borne by us separately and they should not be included in the financial offer.</p>
7	16.02.2023	You refer to a one-day review meeting with the MSAs at the end, which should be included. We assume this will take one day with all nine together, not seven or even nine days, one day with each of the MSAs?	<p>The meeting to present and discuss the outcome of ALL the inspections and tests together, mentioned in Clause 2 - Lots A and B [6], will be a single meeting of the project group with all of the participating market surveillance authorities.</p>
8	16.02.2023	May we assume, that our company's General Terms and Conditions of Supply will be ruling? We find that essential due to the independent nature of our company, being an accredited Notified Body.	<p>PROSAFE will propose a contract to the selected inspection body or expert based on standard contracts used for inspection and testing in the framework of Joint Market Surveillance Actions.</p> <p>The PROSAFE General Terms and Conditions published together with the tender will have priority over the internal General Terms and Conditions of Supply of the tenderer. Although the selected inspection body may be a Notified Body, the task of inspection and testing in support of market surveillance activity is distinct from the role of a Notified Body.</p>
9	16.02.2023	It is stated that actual incurred travel expenses are paid separately according to the EU rules. What are these rules? Are	<p>For the national visits described in Clause 4 - Lot A of the call for tender, PROSAFE will reimburse travel expenses (economy class air tickets or first-class train tickets or if by car the</p>

		they listed somewhere? We find it important of course to be reimbursed for the real costs made and no less. Will those payments/reimbursements also cover overnight stays in each country to be travelled to/in?	equivalent of a first-class train ticket) and hotel expenses within the limits fixed by the European Commission for each Member State. Only travel/transport and accommodation unit costs and rules can be consulted in the Commission Decision of 12/01/2021 authorising the use of unit costs for travel, accommodation and subsistence costs under an action or work programme under the 2021-2027 multi-annual financial framework.
10	16.02.2023	The on-site inspections (LOT A) will certainly involve travelling. Do we understand correctly that costs of travelling time (different from travel expenses) should be included in daily rates for on-site inspection?	For the on-site inspections, PROSAFE will pay the contractual daily rate for the inspections and reporting on the basis of the durations indicated in Clause 4 of the call for tender. Travel time is not paid or considered separately.
11	16.02.2023	Is it correct to assume, that for LOT B the two samples will be shipped to a location (where comprehensive testing and inspection will take place) within the EU to be decided on by us?	The comprehensive testing and inspection foreseen for Lot B will include tests, such as overload and kerb tests, that require special equipment and conditions in order to ensure safe and effective execution. Tenderers for Lot B shall have the necessary test facilities within the EEA (see Clause 6 of the call for tender) and these test facilities shall be described in the Tender documentation (see Clause 8 - Lot B [6] of the call for tender).
12	17.02.2023	There are some meetings defined with a Project Group and PROSAFE. Are these meetings meant to be virtual or where they are going to be held?	The call for tender foresees 2 meetings of the contractor with the Project Group and PROSAFE: <ul style="list-style-type: none"> - An initial meeting to agree on the inspection programme (Clause 2 - Lots A [1] and Lot B [2] of the call for tender); - A meeting to present and discuss the outcome of the inspections and tests (Clause 2 - Lot A [6] and Lot B [6] of the call for tender). These meetings may be held online, at the premises of the selected body or at the PROSAFE offices in Brussels. Only travel/transport and accommodation unit costs will be covered according to the rules in the Commission Decision of 12/01/2021.
13	17.02.2023	The inspection body shall store the samples in Lot B. What would be the time for storage? Are costs of storage shown directly to subscriber or is it necessary to include them in offer?	The inspection body shall keep the samples from the time of delivery by the shipper selected either by the market surveillance authority or by PROSAFE until the end of the Joint Action in August 2024. The cost of reception and storage of the samples is to be included in the price per model of the comprehensive inspection and test programme (Clause 7 - Lot B [a] of the call for tender).
14	17.02.2023	Inspection body shall ensure the disposal of test samples in Lot B. Are costs of disposal shown directly to subscriber or is it necessary to include them in offer?	The modalities of disposal of the test samples will be discussed and agreed with PROSAFE and the corresponding Market Surveillance Authority in light of the outcome of the inspections and tests. The cost of disposal of the test samples is not to be included in the price per model of the comprehensive inspection and test programme but listed in the offer as stand-alone item. To this end the Appendix 3 Indicative Inspection and test programme and financial offer has been revised and re-published.
15	17.02.2023	Travel costs are reimbursed according to EC rates. Where these rates and terms can be found?	PROSAFE reimburses travel expenses (economy class air tickets or first-class train tickets) and hotel expenses according to the rules and unit costs presented in the Commission Decision of 12/01/2021. This is not to be factored in the prices presented in the Appendix 3.

16	21.02.2023	Can we assume that several experts from the company - meeting the qualification criteria - can be proposed?	Yes, Clause 1 of the call for tender states that tenders from inspection bodies shall designate <u>one or more</u> named expert(s) to carry out the inspections included in Lot A, but they each should meet the minimum qualifying criteria.
17	21.02.2023	In case of selection, will we have the possibility to choose which of these experts will perform which inspections?	If more than one expert has been designated by the selected body, it will be for the body to decide which expert carries out each of the national visits mentioned in Clause 4 - Lot A, as long as the expert designated by the body still fulfills the minimum qualification criteria.
18	21.02.2023	Will more than one expert of the same company be allowed to perform the inspections?	The budget for the Joint Action foresees that <u>one expert</u> will travel to each participating country to carry out the on-site inspections in a team with the inspectors from the national market surveillance authority.
19	21.02.2023	In case of selection, will we have the possibility to propose additional experts meeting the qualification criteria if the original proposed experts are no longer available during the full inspection program?	Since the Award criteria listed in Clause 9 - Lot A of the call for tender include the qualifications of the designated experts, it is expected that the experts effectively carrying out the on-site inspections <u>will be those designated in the tender</u> . Any change due to unavoidable circumstances (such as, for example, the fact that one of the designated experts is no longer employed by the inspection body) must be notified to PROSAFE and the replacement must receive prior approval.
20	22.02.2023	Is the total amount of inspections in LOT A related to the number of experts you approve? For instance, if we propose three possible experts and you award this Contract to us, approving two of them, are we supposed to perform the inspection of 84 platforms (42 per expert, separately)?	No, the number of scissor lifts to be inspected on-site in Lot A is based on the budget available for the Joint Action. If the contract for Lot A is awarded to an inspection body that designates more than one expert, the 42 on-site inspections will be shared among those experts.
21	22.02.2023	May we know the exact locations of the platforms to be inspected for LOT A before the proposal issue date or it's not going to be revealed until the start of the Contract?	<u>See Q & A (6)</u> : The exact locations for the on-site inspections in each of the participating countries have not yet been determined. Each national authority is still meant to choose the locations, in cooperation with the owners of the scissor lifts to be inspected (importers, distributors, rental companies or users) with a view to facilitating the organization of the inspections.
22	22.02.2023	In LOT A, are we supposed to have a reasonable continuity in the inspections to be made in each country, completing all six inspections before proceeding to the next country and without waiting gaps within those six national inspections?	Yes, every attempt will be made to ensure that the inspections are organized with reasonable continuity during each of the national visits mentioned in Clause 4 - Lot A of the call for tender.
23	22.02.2023	Regarding the reimbursement of travel expenses according EU rules for LOT A, besides travel tickets and hotel accommodation, are we going to be reimbursed also for subsistence costs (as shown on table 5.5 of the Commission Decision)?	<u>See Q & A (9)</u> : Subsistence costs are not foreseen to be covered.
24	22.02.2023	In LOT A, are platforms to be inspected going to be fully available and accessible in the moment of the inspection?	The on-site inspections will be organized by the national market surveillance authorities who will ensure that the scissor lifts will be available and accessible at the moment of inspection.

25	23.02.2023	<p>In tendering for the service relating to Lot B, we would like to ask shall there be representatives from the manufacturer and/or National Surveillance Bodies, also attending site, during such inspection & testing activities? If so what public and/or other insurance guarantees shall be supplied to the testing body, for the safety of those attending?</p> <p>There are clauses within our own NB insurance limiting exposure to third parties during such activities.</p>	<p>Whereas in other actions we may foresee that representatives of manufacturers or of national market surveillance authorities may be present during some tests, in the Action JAHARP2021-04 Scissor Platform Lifts this is not foreseen for Lot B.</p>
26	24.02.2023	<p>In order to proceed with the certification of the mobile electrifying platform you enquired about according to EN 280, the following matters must be confirmed.</p> <ol style="list-style-type: none"> 1. Checking whether it is possible to provide data necessary for certification, such as calculation data, etc. 2. Verification test shall be conducted in the field and the location for the test and the load used for each test shall be provided. 	<p>There is a misunderstanding with regards to this question. The framework and the objectives of the Call for Tenders are misread.</p> <p>PROSAFE is not a manufacturer seeking certification of a particular machine. PROSAFE is coordinating a Joint Market Surveillance Action during which 42 machines will be inspected on-site by national market surveillance authorities in order to check their safety and compliance with the applicable requirements of the Machinery Directive and the relevant harmonised standard (Lot A). We are seeking expert(s) to carry out these on-site inspections together with the inspection team of the national authorities concerned.</p> <p>In addition, 2 machines will be subject to comprehensive inspection and testing at the premises of an Inspection Body (Lot B).</p> <p>An indicative inspection programme is provided in Appendix 3 to the call for tender.</p>
27	27.02.2023	<p>Please describe the necessary measures to ensure the safe receipt, storage and testing of test samples with regards to the <i>Requested services Lot B point 3</i>).</p>	<p>The shipment of the scissor lifts to be tested will be arranged by the market surveillance authority or PROSAFE. The selected inspection body shall make the necessary arrangements, in cooperation with the transporter, to ensure that the samples can be safely unloaded and transferred to the premises of the inspection body while awaiting inspection. The scissor lifts shall be stored in such a manner as to avoid damage to the samples themselves (for example, by exposure to bad weather) and to prevent risks to persons. The necessary precautions shall be taken during testing to avoid risks to persons (for example, due to the collapse or tipping over of the scissor lifts). After the testing, the samples shall be stored in a safe place until a decision on disposal will be made by the corresponding authority and communicated by PROSAFE or until the end of the contract.</p>
28	27.02.2023	<p>Lot A - What is the overall timeline of the inspection period ? Are all 42 inspections scheduled consecutively to one another ? Or is the time for reports scheduled in between ?</p>	<p>The inspections will be carried out during national visits (see Clause 4 - Lot A of the call for tender). Every effort will be made to ensure that the inspections carried out during each national visit are organised consecutively. If there is no time between inspections to draft the inspection reports, the reports shall be drafted after the national visit has been completed. Then a new round of inspections within a national visit shall be planned and carried in a similar fashion. The duration in between can be discussed and adjusted with the winning candidate to ensure feasibility but also answer to the requirements of MSA.</p> <p>Thus, the scheduling of each national visit and the dates of the</p>

			6 inspections comprised within, will be determined by PROSAFE, the national market surveillance authority concerned and the selected expert(s) or inspection body after having discussed and having found the best solution for all parties. The timing of the national visits will also depend on the number of experts assigned to the on-site inspections.
29	27.02.2023	Lot B - There seems to be less focus on the contents of technical dossier and of Risk-Assessment. Are these subjects taken into account ?	It is not expected that the inspection body carrying out the comprehensive inspections of scissor lifts will have access to the manufacturer's technical file. Consequently, the inspection body will not be expected to verify the manufacturers strength and stability calculations. On the other hand, the inspection body will have access to the manufacturer's instructions.
30	27.02.2023	Lot B - Should the test location for lot B, be an indoor location?	Certain scissor lifts are designed for indoor use only. Such machines should be tested indoors. Other scissors lifts may be tested outdoors.
31	27.02.2023	As an inspector with long-standing experience in the certification of MEWP and member of the corresponding technical committee, would like to express interest in the said tender.	All tenderers, be they individual experts of inspection bodies that designate experts, shall provide the documentation described in Clause 8 of the call for tender and submit their tender by the deadline according to the requirements set in Clause 12.