



2 August 2010

Clarification No 2 for open call for tenders:**Framework contract(s) for the provision of IT consultancy services for the European Environment Agency (EEA)****Reference number: EEA/OSE/10/003****Question 1:**

Following Annex 3 of the Tender Specifications, price award criteria will be evaluated as an average of the price for senior consultant extramural and price for senior consultant intramural (50% each).

Answer No 9 in the Clarifications No 1 document states that tasks covered by Lot 3 will be performed at the European Environment Agency in Copenhagen. Will also in this lot the price for consultant extramural be evaluated? Would it be admitted that a tenderer proposes a price of 0 euro in order to improve its pricing, knowing that extramural services will not be required?

Answer 1:

Please be informed that all fields in the price quotation (annex 3 to the tender specifications) are compulsory and non-compliance will lead to exclusion. Tenderers should therefore quote daily rates for senior consultant working intramural (P1) and extramural (P2) for all lots. As for lot 3, the daily rate for senior consultant working extramural will be included in the price calculation and if it is competitive, the EEA will consider outsourcing helpdesk functions and request frequent travel to Copenhagen of the extramural senior consultant.

Question 2:

In view of your answer 3 in the clarification 1, we wonder to what extent other parts of the offer could be submitted in electronic form (on CD) as well.

For instance:

- Could we submit the technical part as the economic and financial capacity one, on CD only?
- If not, could we submit only the original version in paper form, and the 2 copies on CD?
- In case you accept electronic format, would you prefer a scanned copy of the paper version (with signature when appropriate) or a searchable PDF file or both?

Answer 2:

With reference to the invitation to tender, sections 1 and 10 of the tender specifications, and answers 2 and 3 of clarification No 1 of 14 July 2010, the section giving the technical offer and the section giving the all-inclusive financial offer shall be submitted in hard copy, in triplicate (one original unbound and two copies), whereas the supporting evidence in relation to the selection criteria (i.e. legal status, economic and financial capacity, technical and professional capacity, section 7.2 of the tender specifications) may be submitted in electronic format preferably as a scanned copy of the paper version showing signature and/or stamps/seals where appropriate.

Question 3:

Referring to section 7.2 (c) 6th bullet, section 10, 3rd to 5th bullet points of the tender specifications and article II. 13 of the draft framework service contract, are resources provided from affiliated companies to the tenderer considered a subcontractor?

Answer 3:

In accordance with section III.2.2, last paragraph, of the contract notice, tenderers may involve affiliates to carry out the work or parts thereof, which indeed will be considered subcontracting. In this respect and pursuant to section III.2.2, last paragraph of the contract notice and section 10 of the tender specifications, the tenderer shall provide a clear description and evidence of the company structure showing the relationship with the affiliate(s) (with indication of the legal name, address, and person(s) responsible) and specify the role, qualifications and experience of each affiliate envisaged to provide the services.

Question 4:

With Reference to Answer 1 of No 1 Clarification document could you please clarify the following issues:

- i. You mention that "*Tenderers are therefore required to elaborate on all points addressed by the tender specifications...*", and also, "*The mere repetition of mandatory requirements...*". We understand that by "points" and "mandatory requirements" you refer to the areas listed for each Lot at pages 5,6,7 of the Tender Specifications. Is this correct? If no please clarify.
- ii. Which of these areas/points/requirements should be considered as essential?
- iii. In which document of the Selection / Award Criteria should Tenderers elaborate on all points addressed by the tender specifications?

Answer 4:

In consideration of the three stages procedure for the award of the contract, as described in answer 1 of clarification No 1 of 14 July 2010, tenderers are required to provide the evidence requested in section 7.2 of the tender specifications to demonstrate that they have sufficient financial and technical capacity to provide the requested services. With a view of determining the most advantageous tender in terms of its quality (technical merits) and financial value (price), tenderers are furthermore required to elaborate on each award criterion listed under sections 8.1 and 8.2 of the tender specifications. The maximum number of points for each criterion shows the relative weight when awarding score for technical merit.

Question 5:

With Reference to Answer 7 of No 1 Clarification document could you please clarify the following issues:

- i. Could you please confirm that in response to award criterion 8.1.(b) Tenderers should submit ONLY one project reference?

- ii. While in the first sentence you state that "The award criterion section 8.1.(b) of the tender specifications requires tenderers to summarise in maximum 2 pages per lot...", the second sentence of the answer mentions that "This one page summary...". Please elaborate on the length of this summary. What should that be?
- iii. In the second sentence you state that "...should contain one representative project showing the tenderer ability to develop effectively the object of the contract". The "object of the contract" we understand that it refers to the object of the contract that will be offered by EEA. If so, we understand that the presented project reference should include activities similar to the ones of the Lot. Could you please confirm.
- iv. In the first sentence you mention "...and their ability to work with a European/International institution". Also In the third sentence you state that "In this respect, a project is deemed representative by reference to the financing institutions (EU institutions or similar)...". From these we understand that the new requirement that is imposed is that the project reference should concern an EU institution or similar entity and not other type of organisations (e.g. Private sector). Is this correct? If yes, could you please specify what other institutions shall be considered as 'similar'? Are Public Sector clients considered as 'similar'?

Answer 5:

- (i) *As stated in answer 7 of clarification No 1 of 14 July 2010, it is sufficient to provide one example of a representative project to address section 8.1.(b) of the tender specifications.*
- (ii) *As provided in section 8.1.(b) of the tender specifications, the short presentation of a representative reference project undertaken by the tender within the areas listed for each lot shall be maximum two A4 pages per lot.*
- (iii) *For a description of the object of the contract, please refer to section 4 of the tender specifications and the non exhaustive list of tasks for each lot provided therein. With a view to score as many points as possible under the award criterion 8.1.(b), the reference project should preferably include activities in line with the areas described for each lot.*
- (iv) *For the purpose of a meaningful assessment of the tenderer's technical capacity and experience, and its capability to deliver the required service, tenderer are requested to summarize in maximum two pages per lot their expertise and experience in the field through a reference project. The reference to "European/international institutions" in answer 7 of clarification No 1 of 14 July 2010 is merely informative to help tenderer understand what is meant by "representative project"; nevertheless, reference to projects carried out for private sector or other public sector organisations are equally acceptable.*

Question 6:

In the context of the current call for tender, should a consortium have a separate legal entity? Or can it acquire its legal entity afterwards, in case a framework contract is awarded to an association of companies that participate as a consortium, but with no legal entity?

Answer 6:

Please note that at the time of the submission of the offer, a consortium does not need to adopt a particular legal form; it suffice that the members of the consortium designate one of them as coordinator and provide evidence (letters of intent to form a consortium) confirming their participation as member of the consortium led by the coordinator. If awarded the contract, the consortium may be

required to adopt a particular legal form. Please refer to section III.1.3 (page 5) of the contract notice reference No 2010/S 113 – 170900.

Question 7:

On page 5 of the tender specifications, it is written “CVs detailing the educational and professional qualifications of the firm’s managerial staff”. Are we correct in understanding that this refers to higher level consultant profiles such as Project Manager and not the company CEO and CFO? If no could you please specify exactly which functions or roles you refer to with “managerial staff”?

Answer 7:

Please refer to answers 4 and 11 of clarification No 1 of 14 July 2010. For the purpose of a meaningful assessment of the tenderer technical and professional capacity (in terms of relevance of business activity, available resources, etc ...) it is requested to provide the CVs of both the managerial staff and the senior consultants per lot who will be responsible for providing the services.

As such, it is sufficient to provide one example of a representative project to address this section of the tender specifications, as the tenderer may elaborate further on his expertise and experience under the section related to the selection criteria (see in particular section 7.2.(c) – Technical capacity of the tender specifications).

Question 8:

In the technical specifications, page 5, CVs of managerial staff are requested; we have to include in this section only CVs or also a company profile?

Answer 8:

Please note that the provision of CVs of the managerial staff and of the senior consultants who will be responsible for providing the services (minimum 3 CVs demonstrating a minimum of 3 years’ professional experience of relevance for the lot) will suffice.

Question 9:

In relation to technical capacity, a proven experience in development methodologies is required; besides Agile development, what others similar work procedures are considered satisfactory for that technical capacity criterion?

Answer 9:

Please note that Agile – which is a collective name for several methodologies such as Scrum, Crystal Clear and XP – is the methodology that EEA has determined as being the most ‘compatible’ with the way it plans its software systems. If a tenderer uses a different methodology, then he should provide a detailed description that the EEA will assess to determine whether this work procedure meets its needs.

Question 10:

Evidence criteria for bullets (a), (b), (d) and (e) of the exclusion criteria have to be provided with tender documentation or they will be requested later? In case they have to be provided, do they have to be copies, true copies or originals?

Answer 10:

With regard to the exclusion criteria, please refer to the last but one paragraph of section 7.1 of the tender specifications: when submitting their bids, each tenderer (including subcontractor(s) or any member of a consortium or grouping) must provide a declaration on their honour, duly signed and dated, stating that they are not in any of the exclusion situations mentioned under section 7.1. For that purpose, they shall complete and sign the form attached as annex 1 to the tender specifications.

The tenderer to whom the contract is to be awarded shall provide within 15 calendar days following receipt of the letter informing him of the proposed award of the contract and preceding the signature of the contract, the evidence specified in the last but one paragraph of the form attached as annex 1 to the tender specifications confirming the declaration aforementioned.

Question 11:

With reference to answer 2 of clarification No 1 of 14 July 2010, in case a tender is submitting a tender for several lots, shall he provide the part of selection criteria (list of services and CVs) for all lots in one document? If this is the case, could you clarify how you will assess each lot just having a sole document, since the profiles requested in each lot as well as the list of services are quite different?

Answer 11:

With regard to the structure of the tender, all tender shall include three sections, i.e. an administrative, a technical and a financial section, and shall be submitted in triplicate (one original unbound and two copies).

The administrative section must provide the following information set out in the standard forms attached to the tender specifications: (1) Tenderer's declaration on exclusion criteria (annex 1) and (2) Tenderer's identification sheet (annex 2); in addition the administrative section shall contain documentation related to the legal status of the tenderer and evidence of his economic and financial capacity and technical and professional capacity. In this respect and owing to the variety of profiles and services required, tenderers may choose presenting the evidence related to their technical and professional capacity in one or more sub-section(s) for each of the lot for which they want to submit an offer.

The technical and financial sections relate to the award criteria and would be assessed separately, lot by lot as to their technical merits and financial value. For that reason, the technical and financial sections shall be submitted for each lot for which the tenderer wishes to submit an offer.

Question 12:

We plan to involve subcontractors from Ukraine. Ukraine is not a member of EU and has not joined the Government Procurement Agreement. Can EEA please confirm that, as long the subcontractor

fulfils the condition 7.1 Exclusion Criteria and 7.2 Selection Criteria, we are allowed to use subcontractors from Ukraine?

Answer 12:

In principle yes; pursuant to section 10 of the tender specifications, tenderers are required to provide a description of the services they intent to subcontract and their scope and in addition evidence that the subcontractors meet the exclusion and selection criteria set in the tender specifications. Pursuant to Article II.13 of the draft framework service contract (annex 4 to the tender specifications), the tenderer to whom the contract is to be awarded shall ensure that the contractual provisions applicable to him are also applicable to the subcontractors, in particular Article II.17, and he shall retain sole responsibility for the proper performance of the contract.