



14 July 2010

**Clarification No 1 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:**

In the CONTRACT NOTICE chapter III.2.3 bullet (d) is asked for "A description of the way the quality [...]". In Annex I chapter 8.1 bullet (b) is asked for a two page description of "The understanding of the [...]". Are these two description one and the same or two different?

**Answer 1:**

*Please be informed that section III.2.3.(d) of the contract notice which is mirrored in section 7.2.(c) 4<sup>th</sup> bullet point of the tender specifications refers to the evaluation of the selection criteria which are applied for the purpose of assessing the capability of the tenderer to provide the required services, whereas section 8.1.(b) of the tender specifications refer to the award criteria which aim at determining the tender offering the best value for money taking into account criteria justified by the subject of the contract such as the technical merits of the tender and the price quoted.*

*Hence the descriptions referred to under sections 7.2.(c) and 8.1.(b) respectively are different from one another.*

*The procedure for the award of the contract, which will concern only admissible bids, will be carried out in three successive stages. The procedure foresees:*

- 1. To check, on the basis of exclusion criteria, whether tenderers can take part in the tendering procedure;*
- 2. To check, in the second phase (selection criteria), the technical and professional capacity and economic and financial capacity of each tenderer who has passed the previous stage;*
- 3. To assess, in the third stage, on the basis of the award criteria, each bid which has passed the exclusion and selection stages.*

*Tenderers are therefore required to elaborate on all points addressed by the tender specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in the tender specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of the tender specifications are not expressly covered by the tender, the EEA may decide to give a zero mark for the relevant criteria.*

**Question 2:**

Is it correctly understood that for each lot all documentation regarding supporting evidence of economical and financial strength together with declarations (Annex 1 and Annex 2) plus price quotations has to be submitted in triplet?

**Answer 2:**

With reference to the invitation to tender and sections 1 and 10 of the tender specifications, tenders should preferably be drafted in English (supporting documents do not need to be translated) and submitted in triplicate (i.e. one original unbound and 2 copies) and must comprise:

1. **For each lot** a section giving the technical offer and a section giving the all-inclusive financial offer drawn up in accordance with the price quotation attached as annex 3 to the tender specifications.
2. The administrative section giving detailed information on the exclusion and selection criteria and accompanied by the signed Declaration on exclusion criteria and the signed identification sheet (annexes 1 and 2 to the tender specifications) shall be submitted in triplicate (i.e. one original unbound and 2 copies) but do not need to be submitted for each lot.

For example, where a tenderer is submitting an offer for lots 2, 3 and 7, his offer shall contain the following:

1. Administrative section covering all three lots and accompanied by annexes 1 and 2 in 1 original and 2 copies;
2. For lot 2: a technical offer and financial offer (annex 3) in 1 original and 2 copies
3. For lot 3: a technical offer and financial offer (annex 3) in 1 original and 2 copies
4. For lot 7: a technical offer and financial offer (annex 3) in 1 original and 2 copies

**Question 3:**

To spare the environment we intent to place some of the financial reports on CD instead of attaching printed version. Would this be accepted and should we attach one or three CD's pr. lot?

**Answer 3:**

The supporting evidence to demonstrate the economic and financial capacity of the tenderer may be submitted in electronic format, in which case one copy will suffice for all lots (please refer to reply to question 2 above). Please note though, that the EEA reserve the right to request any other document relating to the proposed tender for evaluation and verifications purposes within a delay determined in its request.

**Question 4:**

A question was received as to the format of the CVs to be submitted in response to the requirements set under section 7.2.(c), first bullet point of the tender specifications.

**Answer 4:**

Please note that under section 7.2.(c) of the tender specifications, there is no preferable format for the CVs to be submitted.

While the CVs should demonstrate sufficiently the level of educational and professional qualifications of the person who will be responsible for providing the services, you should however bear in mind the environmental considerations highlighted in section 11 of the tender specifications and in particular the recommendation to limit attachments to what is required in the technical specifications.

**Question 5:**

A question was received as to the requirement for providing a bank guarantee for each lot.

**Answer 5:**

*Please be informed that not any bank guarantee will be required for each lot under the open call for tenders reference No EEA/OSE/10/003.*

*Please refer to the provisions of Article II.4.1 of the draft framework service contract where it is stated that where provided by Article I.5.1, the contractor shall provide a financial guarantee. Such provision however is not foreseen in Article I.5 of the draft framework service contract.*

**Question 6:**

In the Invitation to Tender it is stated in article 8 that "Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specification and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions". In this context can EEA confirm that is it possible to make reservation in the draft contract?

**Answer 6:**

*Please note that the terms and conditions set out in the draft framework contract may not be altered, as clearly stated in the invitation to tender under section 8 and in the tender specification under section 6.*

**Question 7:**

A question was received as to the award criteria for the technical merit of the tender for each of the seven lots where a short presentation is required (maximum 2 A4 pages per lot). Are references included in the two pages?

**Answer 7:**

*The award criterion under section 8.1.(b) of the tender specifications requires tenderers to summarize in maximum 2 pages per lot their experience in the field and their ability to work with a European/International institution. This one page summary should contain one representative project showing the tenderer ability to develop effectively the object of the contract. In this respect, a project is deemed representative by reference to the financing institutions (EU institutions or similar), the approach to the tasks, the type of deliverables, the total funding of the project, the resources allocated, etc....*

*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:**

Does one senior consultant has to posses qualifications that cover all tasks specified for a lot or is it possible that the tasks of a lot are covered by two or three consultants?

**Answer 8:**

*Under section 7.2.(c) of the tender specifications, tenderers are required to submit CVs of at least three senior consultants per lot who will be responsible for providing the services (with at least three years relevant professional experience); hence the qualifications of the consultants could be complementary.*

**Question 9:**

Are the tasks covered by Lot 3 only performed at the European Environment Agency in Copenhagen?

**Answer 9:**

Yes.

**Question 10:**

Is it possible for the CV of the same consultant to be presented in two different lots?

**Answer 10:**

Yes.

**Question 11:**

What posts do you mean by managerial staff (Tender specifications, page 5, paragraph 7.2, point c)?

**Answer 11:**

*This could be for example the Managing Director, Chief Executive Officer, The project manager, a Senior expert, etc ...*

**Question 12:**

In case of work performed at the contractor premises, do the contractor has to supply himself software licenses?

**Answer 12:**

*In principle yes; for lot 4 it is necessary that the contractor has access to his own licenses but can in addition also access EEA's system via remote access. Lots 5 and 6 are Open Source development and therefore license costs should be none or neglect-able. For lot 7, the contractor would have to pay for licenses for development tools but in some cases (e.g. Share point and BizTalk) remote access to EEA's systems could be provided. In the case of a product with a high license cost and the contractor won't purchase it for himself, then the necessary funds will be taken from the EEA software development budget, the product procured, the license will belong to EEA and be loaned to the contractor. The contractor can then expect to see a correspondingly lower value on the next specific agreement on tasks to do.*

**Question 13:**

In case of software development or modification, in what form the specification of work to be performed will be presented to the contractor?

**Answer 13:**

*In most cases this will be as tickets in a case of tracking system. Meetings (videoconferencing or face-to-face) with written and verbal specifications can also take place.*

**Question 14:**

Could you specify minimum requirement for hardware and (if applicable) software for each lot which have to be used in case contractor works extramural?

**Answer 14:**

*Regular modern PCs will suffice as development platforms. Please refer also to answer 12 above and the software suppliers' specifications.*

**Question 15:**

In what form the role, qualification and experience of subcontractors is to be presented (Tender specifications, page 5, paragraph 7.2. point (c))?

**Answer 15:**

*Tenderer may provide CVs, list of similar services, certificates, quality description, reference to previous work, etc ...*

**Question 16:**

Are there any limitations for number of pages for: (a) Consultants CV (tender specifications paragraph 7.2.(c). first bullet point)?; (b) a description of the way the quality of work will be guaranteed and company's approach to its area of business (tender specifications paragraph 7.2, point (c), forth bullet point)?; A description of the tenderer's environmental policy (tender specification paragraph 7.2, point (c), 7<sup>th</sup> bullet point)?

**Answer 16:**

*There are no limitations, however tenderer shall bear in mind the environmental considerations highlighted in section 11 of the tender specifications and in particular the recommendation to limit attachment to what is required in the technical specifications.*

**Question 17:**

Can you confirm that there is not any preferable format for the CV to be submitted under section 7.2, point (c) first bullet point?

**Answer 17:**

*Please refer to answer 4 above.*

**Question 18:**

Some of the administrative tendering documentation (e.g. VAT registration, social security, declarations ....etc) is available only in a different EU language and not English. Could you please confirm that it is acceptable for these documents to be in a different language than the language of the tender documentation?

**Answer 18:**

*The supporting evidence to demonstrate that the exclusion and selection criteria are complied with does not need to be translated. Please refer to section 10 of the tender specifications.*

**Question 19:**

We understand that an electronic copy of the offer is not required for submission. Could you please confirm this?

**Answer 19:**

*Please refer to paragraph 2 of the invitation to tender: tender should be submitted in paper form in 1 original unbound and two copies.*

**Question 20:**

In the Invitation Letter paragraph 6, p.1, it is referred that "Tenders must be: signed by the tenderer or his duly authorised representative;". Could you please specify if the whole offer should be signed in each page separately or where necessary (only specific declarations, forms, annexes etc)? Moreover, could you please specify whether a full name signature is required or just the initials of our legal representatives?

**Answer 20:**

*The duly authorized legal representative of the tenderer (i.e. the person empower to commit legally the tenderer) shall sign the section giving the technical offer (first or last page) and the section giving the financial offer (annex 3 to the tender specifications), as well as the Declaration on the exclusion criteria (annex 1 to the tender specifications) and the identification sheet (annex 2 to the tender specifications); as for the last two forms, the signatory shall also give his full name and title.*

**Question 21:**

Regarding the structure and packaging of the offer:

In the Invitation Letter, p.1, we understand that the outer envelope should be marked only with the postal address of the Contract Authority and the inner envelope only with the 'Reply to Tender EEA/OSE/10/003 – not to be opened ...' text. Could you please confirm that our understanding is correct?

**Answer 21:**

*The outer envelope shall display the EEA address and the name of the contact person as provided in the invitation to tender in paragraph 3, first indent, whereas the inner envelope shall be marked as follows: "Reply to tender EEA/OSE/10/003 – not to be open by the internal mail department".*

**Question 22:**

In case a tenderer intends to reply to several lots, should the administrative information (i.e. identification and Exclusion) be enclosed only once (i.e. one original plus copies) for all lots or should it be produced as many times as the number of lots the tenderer bids for? Please clarify.

**Answer 22:**

*Please refer to answer 2 above.*

**Question 23:**

Tender Specifications, page 2, section 3, states that "For Lot 2 only it is necessary for the tenderer to be able to offer consultants in the vicinity of the Agency". Could you please specify if presence at the Agency's location / city is mandatory; for example could you please specify the "short notice" at which the Contractor will be requested to be present at the Agency's premises?

**Answer 23:**

*For Lot 2, the primary place of work is expected to be at the EEA premises. With respect to the estimated value of lot 2, the equivalent of one full-time person is foreseen. It is however also possible for the contractor to do some of the work at his own location. If so, the contractor must be able to get to the EEA premises on short notice (within 1 hour) in case of computer failures.*

**Question 24:**

Tender Specifications, page 5, section 7.2 (c), states that the tenderer should provide "CVs detailing the educational and professional qualifications of the firm's managerial staff". Could you please clarify the following:

- i) It is our understanding that by 'managerial staff' you mean the Framework Contract Management Team (e.g. Framework Contract Manager, etc.) and not the company's managerial staff (e.g. CO, CFO). Is this correct?
- ii) Could the CVs be in the Europass format or another format is required?

**Answer 24 (i) and (ii):**

*Please refer to answers 11 and 4 above.*

**Question 25:**

Tender Specifications, page 5, section 7.2 (c), states that the tenderer should provide "a list and description of similar services offered by the firm in the last three years". From this we understand that a brief description of each project is required. Could you please confirm?



**Answer 25:**

Please refer to answers 1 and 7 above.

**Question 26:**

Tender Specifications, page 5, section 7.2 (c), states that the tenderer should provide “certificates as requested for Lot 2”. Could you please clarify whether these certificates should just be identified OR copies should be also attached to the tender? In the latter case, should they be attached both for the Company and the Engineers or a reference in the Engineers relative CVs would be adequate?

**Answer 26:**

*The certificates only have to be identified, however the EEA reserves the right to verify that they actually exist, e.g. by asking the certificate issuer.  
If copies of certificates are provided, they should be attached to whoever acquired them, e.g. a Microsoft Partner certificate is attached to the company.*

**Question 27:**

Tender Specifications, page 5, section 7.2 (c), states that the tenderer should provide “a description of the way the quality of the work will be guaranteed and the company’s approach to its area of business”. Could you please clarify whether a reference to the firm’s adopted quality assurance standards, methodologies and frameworks would be adequate or a brief description of the aforementioned is also required? Furthermore, what do you mean by ‘the company’s approach to its area of business’? Could you please elaborate further on this?

**Answer 27:**

*Please refer to answers 1 and 7 above. With a view to ensure a meaningful assessment of the tender, it is recommended to provide a short description of the quality assurance systems and procedures in place rather than making a mere reference to it.*

**Question 28:**

Tender Specifications, page 5, section 7.2 (c), states that the tenderer should provide “proven experience with iterative and Agile development methodologies or similar work procedures for Lots 5, 6 and 7”. Could you please specify what evidence should be provided in order to adequately cover this requirement? For example should a list of projects previously undertaken suffice or a brief presentation of the Tenderers’ related methodologies should also be included?

**Answer 28:**

*Please refer to answer 7 above. With a view to ensure a meaningful assessment of the tender, it is recommended to provide a list or reference to earlier projects (including contact person) with a short description of the methodology that was used, how it was applied, and what tools – if any – were used.*



**Question 29:**

Tender Specifications, page 5, section 8.1 (a), requests for "The general environmental policy of the company". However, a description of the tenderer's environmental policy is also requested under the "Technical Capacity" criteria. Could you please elaborate on this issue and on what exactly is requested by the Tenderers to present under each section, Selection and Award Criteria, as regards their Environmental Policy?

**Answer 29:**

*The reference to the description of the tenderer's environmental policy in section 7.2.(c) of the tender specifications aims at verifying that the tenderer has developed and implement such a policy, whereas the reference to the general environmental policy of the company in section 8.1.(a) of the tender specifications aims at assessing how the said environmental policy can contribute in determining the most advantageous tender in terms of its technical merit, by allocating points (maximum 10) as an award criterion.*

**Question 30:**

Tender Specifications, page 5, section 8.1 (b), requests for "The understanding of the objectives and the complexities of the work to be carried out as documented in a short presentation of a representative reference project undertaken by the tenderer within the areas listed for each Lot". We understand in response to this Award Criterion Tenderers should submit a two-pages description of the project undertaken by the Tenderer which covers some of the listed areas and/or technologies. Could you please confirm? Furthermore, is there a minimum number of listed areas that should be covered by each referenced project per Lot?

**Answer 30:**

*Please refer to answers 1 and 7 above.*

**Question 31:**

We are planning to bid for more than one lot but we also want to subcontract other lots to one of our partner company. As per the requirement from the "draft framework service contract" Article II.13 – Subcontracting, we need prior written authorisation from the agency. Could you please let us know the procedure in order to get this authorisation for the lots concerned?

**Answer 31:**

*Please refer to section 7.2.(c) 6<sup>th</sup> bullet point and section 10, 3<sup>rd</sup> to 5<sup>th</sup> bullet points of the tender specifications requiring tender to provide a description of the services to be subcontracted and their scope, and to specify the legal status, role, qualifications and experience of each of the subcontractor and to provide a letter of intent from the subcontractor to provide the tenderer with the resources necessary for performance of the contract. In addition, Declaration on exclusion criteria must be supplied by each subcontractor.*

*Please note that the provisions of Article II.13 of the draft framework service contract cover for the situation where, while the framework contract is being implemented, the tenderer would see a need to subcontract part of the services to be provided.*

**Question 32:**

In case bidder consist of a consortium should Annexes 1, 2 and 3 and the evidence of legal and financial capacity be prepared and enclosed for all the consortium partners, sub-contractors or only the lead partner?

**Answer 32:**

*Please refer to section 10, third and fourth bullet points of the tender specifications where it is stated that declaration on exclusion criteria (annex 1) and documents on selection criteria must be supplied by each member of the consortium of firms or group of service providers submitting a single tender.*

**Question 33:**

With regard to the financial and economic capacity, which document should be enclosed: the annual report or the annual account, or both, for the last three years or only for the year 2009?

**Answer 33:**

*Please refer to section 7.2.(b) of the tender specifications which provides that tenderer may demonstrate their economic and financial capacity by submission of **one or more** of the documents listed in that section (the list is not cumulative). Furthermore, if for some exceptional reason, which the EEA considers justified, the tenderer is unable to provide the reference(s) requested, he may prove his economic and financial capacity by any other means which the EEA considers appropriate.*

**Question 34:**

Is a signed annex 1 and a six month old 'Serviceattest' sufficient as documentation for section 7.1 – Exclusion criteria?

**Answer 34:**

*Please refer to section 10, second bullet point of the tender specifications and to the last but one paragraph of the Declaration on exclusion criteria (annex 1 to the tender specifications) which provides a list of the evidence that may be produced in support to the declaration.*

*Please note however that the contractor to whom the contract is to be awarded may be requested to provide additional evidence prior to signature of the contract to ascertain that the requirements on the exclusion criteria are still met.*

**Question 35:**

Could you please indicate per lot the amount of work to be carried out off-site (at the contractor's premises) and the amount of work to be carried out on-site (at the EEA premises)?

**Answer 35:**

- *For Lot 1, the primary place of work will be the EEA premises, and up to about half of the work can be carried out extra-mural (the Eionet helpdesk)*

- *For Lot 2, the primary place of work will be the EEA premises and at times at Contractor's location. Due to the nature of work this area of expertise requires add-hoc interventions and presence at EEA premises at short notice and for shorter periods down to half a day, therefore presence in the vicinity of EEA is required.*
- *For Lot 3, the primary place of work will be the EEA premises.*
- *For Lot 4, the primary place of work will be the Contractor's location and EEA premises.*
- *For Lot 5, the primary place of work will be the Contractor's location*
- *For Lot 6, the primary place of work will be the Contractor's location*
- *For Lot 7, the primary place of work will be the EEA premises and the Contractor's location*

**Question 36:**

Page 8 of the tender specifications indicates consecutive page numbering. Could you please clarify (a) if all types of continuous page numbering would be accepted; and (b) if document separators, dossiers covers, cover letter, etc ... should also be included in the continuous page numbering?

**Answer 36:**

*Please bear in mind that your tender should be self-explanatory and easy to understand. Its assessment will be based on your descriptions, not taking into account any information elsewhere (e.g. websites). It is in your interest to keep your tender concise and well structured; in this respect, the tenderer is free to choose the page numbering which he considers best.*

*Maximise your chances: edit your tender tightly, strengthen or eliminate the weak points. Put yourself in the position of an evaluator who has only a few hours to assess each tender. Remind yourself again of the selection and award criteria given in the tender specifications.*

**Question 37:**

Page 7 of the tender specifications, last paragraph of the section on performance, could you please clarify the following:

- (i) Against which indicators / metrics will the competence of the contractor in both selection and award criteria be evaluated?
- (ii) If the contractor fails to remain competitive during the framework contract, what criteria will be used to select substitute?

**Answer 37:**

*The last paragraph of section 9 of the tender specifications refers to situations where the contractor's performance would suffer due to e.g. lay-offs, resignations of key personnel, reorganisation, bankruptcy and many other possibilities. The indicator of such a situation is whether the performance has deteriorated when compared to the contractor's capacity as described in the tender and at the time of the signature of the framework contract.*

**Question 38:**

Should CVs be anonymous and related personal data enclosed in a separate folder?

**Answer 38:**

*For easy reference, CVs should not be anonymous and the personal data contain therein (such as name and contact details, etc ...) will be process solely in pursuance with Regulation (EC) 45/2001<sup>1</sup> on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. For further information please refer to section 13 of the tender specifications.*

**Question 39**

May the service provider use global resources, e.g. resources placed outside EU?

**Answer 39**

*Please be informed that according to Articles 106 and 107 of the applicable Financial Regulation (EC) No 1605/2002 as last amended by (EC) No 1995/2006<sup>2</sup>:*

*"[106] Participation in tendering procedures shall be open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has with the European Communities a special agreement in the field of public procurement under the conditions laid down in that agreement."*

*"[107] Where the Multilateral Agreement on Government Procurement concluded within the World Trade Organisation applies, the contracts shall also be open to nationals of the States which have ratified this agreement, under the conditions laid down in that agreement."*

*According to Section II.1.7 of the Contract notice, the Contract at issue is not covered by the Government Procurement Agreement (GPA).*

*Without prejudice to the above, tenderer may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the EEA that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal (section III.2.2 last paragraph of the contract notice).*

*It is assumed for lots 1-3 (and partly for lot 7) that the consultants are available from 9:00 to 17:00 Central European Time-zone.*

**Question 40**

Will servers and other equipment be placed in the service provider's datacenter or in EEA's datacenter with remote operation?

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1.

<sup>2</sup> (<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2002/R/02002R1605-20070101-en.pdf>)

**Answer 40**

*The servers required for EEA's production environment are located at EEA premises. For software development lots (i.e. lots 5, 6 and 7) it is expected that the company has the servers necessary for the task of doing software development.*

**Question 41**

Which languages should be supported in delivery 3 "Helpdesk for Windows desktop"?

**Answer 41**

Only English is a requirement.

