



15 December 2010

**Clarification No 2 for open call for tenders:**

**Framework contract(s) for the provision of canteen and catering services to the EEA**

**Reference number: EEA/OSE/10/009**

**Question 1:**

Does the law 'virksomhedsoverdragelse' (translated from Danish into English: business transfer) apply to the current canteen staff? And if yes, is it possible to get a list of their current salaries, union agreements, copy of their contracts, etc ...?

**Answer 1:**

*The European Environment Agency will enter into an agreement with a service provider for the provision of canteen and catering services. Although the services will be provided in its premises, the EEA will not enter into any employment contract with the staff member of the service provider to whom the framework contract will be awarded.*

*In drawing up a bid, tenderers should bear in mind the provisions of the standard framework contract and specific contracts attached as Annex 3 to the tender specifications and in particular Articles II.1.1 and II.1.2 which read as follows:*

**II.1.1** *The Contractor shall perform the Contract to the highest professional standards. The Contractor shall have sole responsibility for complying with any legal obligations incumbent on him, notably those resulting from employment, tax and social legislation.*

**II.1.2** *The Contractor shall have sole responsibility for taking the necessary steps to obtain any permit or licence required for performance of the Contract under the laws and regulations in force at the place where the tasks assigned to him are to be executed.*

**Question 2:**

Are the given prices (tender specifications section 4.5) paid by the employees and guests inclusive VAT (moms)?

**Answer 2:**

*No. For further information please refer to section 7 of the tender specifications (first paragraph on page 5) where it is stated that the EEA is exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted.*

**Question 3:**

Is it possible to get a list of the 17 holidays/closing days (tender specifications section 4.3)?

**Answer 3:**

*The EEA holidays for 2011 – 17 days in total – are listed below:*

21	April	Maundy Thursday
22	April	Good Friday
25	April	Easter Monday
9	May	Monday, Anniversary of the Declaration made by President Shuman in 1950
20	May	Friday, Store Bededag
2	June	Thursday, Ascension Day
03	June	Friday, day following Ascension Day
13	June	Whit Monday
31	October	Monday, day before All Saints' Day
1	November	Tuesday, All Saints' Day
2	November	Wednesday, All Souls' Day
23	December	Friday
to		} 6 days Christmas and end of year
30	December	Friday

*Work will resume as normal on Tuesday 3 January 2012*