

CLARIFICATION No 1

Reference: EEA/OSE/12/008

Title: Transformation software to support reporting and exchange of air quality data under Decision (2011/850/EU) – (e-Reporting)

Question 1

With reference to the tender specifications section 6.2 'Scope of call for tenders' (page 5), it is stated that the country-end of the existing tool should be maintained. However, there is not any statement of the license and the source code availability of the existing tool. Please inform us on these two aspects in order to understand in what way we could build up on the existing tool?

Answer 1

The Air Quality Data Exchange Module (AQ-DEM) source code is available from the SVN repository at: <https://svn.eionet.europa.eu/repositories/Reportnet/>. Additional information is available at: http://acm.eionet.europa.eu/country_tools/aa/aa-dem/index.html. The AQ-DEM does not require a licence.

Question 2

With reference to the tender specifications section 7.1 'Mandatory requirements' (page 6), it is stated in bullet point 6 that "The source code of the transformation software developed through this call for tenders will be the property of EEA. EEA will make it publically available through its SVN repository at <https://svn.eionet.europa.eu/>."

- 1) Does this requirement imply that any commercial, proprietary, closed-sourced software solutions are excluded from this tender?
- 2) The source code for Snowflake Software's products may be accessed under an Esrow agreement. Would this be allowed under requirement 6?

Answer 2

- 1) *In accordance with Article 102 of the applicable Financial Regulation (EC) No 966/2012, 'All public contracts financed in whole or in part by the budget shall comply with the principles of transparency, proportionality, equal treatment and non-discrimination'. Therefore, commercial, proprietary or closed-sourced software solutions are allowed. However, tenders shall bear in mind that the aim of the contract is a specially developed transformation software which will provide an interface for e-Reporting. EEA seeks therefore a solution that can be as widely and freely as possible disseminated. An open source solution would therefore be preferred. When drawing up their bids tenderers shall pay attention to the contractual provisions laid down in Articles I.10 and II.7 of the Service Contract (see Annex 6). Tenderers shall bear in mind as well that their bid will be assessed in terms of their understanding of the work to be performed and their adequacy and completeness with regard to the requirements set in the Tender Specifications (see section 6 and 11.3)*

2) In line with the above, accessibility under an Esrow agreement will not meet satisfactory the requirements set in the Tender Specifications.