

Helsinki, 09/12/2011
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CLARIFICATIONS 3

Open call for tender ECHA/2011/103: Provision of IT services for the IT Applications of the European Chemicals Agency (ECHA)

Question 3.1:

Regarding the locations of the contract execution

- a. Page 20 of the tender specification reads: *“As a rule the Agency requires that when implementing off site specific contracts the Contractor shall provide the service from a single location/site”.*

This means that the team for a specific contract (the “project team”) needs to be co-located.

- b. Page 24 of the same document reads: *“ECHA may define for off-site specific contracts, which profiles of the Contractor personnel required for the execution of a specific contract (the “project team”), including subcontractors, must be working so that the time difference between the work hours at the place of performance and the ECHA normal working hours does not exceed two hours.”*

Given that some profiles of the project team need to be within Finland time zone+2hours (point b) and that the project team, as a whole, needs to be co-located (point a), we understand that the delivery of services from locations that do not belong to these timezones is excluded. Is this indeed the case? If not, could you please elaborate on the conditions that would remove such restrictions?

Answer.

Both the location of the Contractors team (point a) and the need for specific profiles of the project team to be within Finland time zone+2hours (point b) will be decided by the Agency at the level of specific contract based on the nature of the related work.

As provided for in Section 1.11 of the Specifications in exceptional cases the contractual parties may enter into negotiation in the Steering Group (as described in section 4.2.6.1) to identify the best alternative organisation of the work and for the location of the Contractor’s resources. The decision making on this matter will ultimately lie with the Agency.

Question 3.2:

Question regarding the endorsement by Parent companies.

“An economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case, evidence must be provided that it will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those entities to place those resources at its disposal.”

For reasons of clarity, please confirm that a letter of undertaking is adequate proof in case of an economic operator being endorsed by its Parent company and that no other document is needed by the latter.

Answer.

Referring to the Specifications (page 31, Section 3.2), an economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case, evidence must be provided that the economic operator will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those entities to place those resources at its disposal.

If a tenderer intends to rely on its Parent Company, it is to the tenderer to decide whether the Parent Company will be a partner in a consortium or subcontractor of the tenderer. In case of joint offer a power of attorney, and in case of subcontracting a letter of intent, will have to be submitted with the tender, as provided for in the Specifications (Sections 1.12. and 1.13).

Question 3.3:

Question regarding the contract references under the Selection criteria.

We understand that Tenderers are allowed to use the same contract references across different Lots. Is this correct?

Answer.

Tenderers are allowed to use the same contract references across different Lots provided that the project meets the selection criteria 2.1.2, 2.2.2 and 2.3.2 requirements specific to those Lots, as laid down in section 3.2.1 of the specifications.

*Please note, however, that, as indicated in the Specifications (Page 29, Section 3), when bidding for several lots the Tenderer is to be aware that, **to be awarded** more than one framework contract, he must demonstrate in the offer the aggregated financial and economic, professional and technical capacity defined in the selection criteria for all the relevant lots together. In this respect we refer to Clarification 2.1.*

Question 3.4:

Question regarding the submission of a common folder for Section 1, 2 & 3 in case of submission for several Lots.

a. Regarding the common submission of Section 3:

- Regarding Section 3 – 2.1.manpower, Annex 5.11 is to be provided three times with the corresponding figures per Lot.

- Regarding Section 3 – 2.2, a document indicating for which Lot(s) each contract reference is relevant to.

Can you please confirm that this approach is acceptable or please provide us with alternatives that best meet ECHA requirements?

- b. In case the same companies submit an offer for several Lots but in a different consortium structure per Lot (e.g. company A is leader for Lot one, company B is leader for Lot two), could you please confirm that the submission of a common folder is still applicable, given that clear description of the consortium structure is given under Section 1 – Roles and responsibilities of the consortium members?

Answer.

- a. *The proposed approach is acceptable.*
- b. *As indicated in Section 2.3 of the Specifications if a tenderer bids for several lots one single tender dossier may be submitted for all the lots. If the composition of the Consortium varies per lot a tender will have to be submitted separately for each lot.*

Question 3.5:

Question regarding the page limit of AW1 under the Technical bid.

Cover page and table of content of the document are typically not included in the page limit of the award documents. Please confirm that this is the case for this offer (AW1) too.

Answer.

Cover page and table of contents will be taken into consideration when applying the page limit for award criterion 1. Please see also clarification 3.11.

Question 3.6:

Question regarding Annex 5.14 Software tools.

Tenderers are requested to include in their offers, a list of the Software tools available for this contract, using the template of Annex 5.14.

Could you please clarify at which part of the proposal this Annex must be presented? Is it under Section 3 - Selection criteria, technical and professional capacity, or under Section 4 - Technical bid? In the latter case, under which Award Criterion?

Answer.

The list of Software tools available for the contract will not be basis for assessment for the selection or award criteria. As part of the Framework Contract the Specifications (Annex I) and the winning tender (Annex II) define the requirements of ECHA and the commitments taken by the Contractor for the stage of implementation. We refer here in particular to Section 4.2.4 of the Specifications. If the work is performed off site on the contractor's premises, the Contractor shall provide all necessary infrastructures on his premises (hardware and software) for the successful execution of the work (page 18).

The Table of software tools can be added at the end of the technical bid (Section 4).

Question 3.7:

Tender Specifications, 3.2.1 Selection Criteria, “2.x.2 - *The Tenderer must (at the time the tender is submitted) have a minimum of 3 years of experience in IT services relevant to the type of services covered by this call, with at least 5 completed projects*

- ...

- *During which the working language was English (i.e. contractual documents, documentation and deliverables were written in English)”*

We have successfully implemented a plethora of projects very relevant to the business and the technical perspectives of the services that will be requested by ECHA framework contracts (all three lots). However, even though the projects' working language was English including specific technical documentation and deliverables, some of the contractual documents (e.g. the Contract and its amendments) were in the language of the Country in which our Customer was based. We would like to turn your attention to the fact that the contractual documentations cannot evidence the Tenderer's knowledge and familiarisation with English language.

- a) Given that such projects clearly demonstrate the Tenderer's relevant technical expertise and even prove the Tenderers experience in working with English language, could you please modify the requirement 2.x.2 (for all lots) as the aforementioned projects to be eligible as evidences of the Tenderer's technical and professional capacity, even though their contractual documents are in a different language than English?

Given that you will accept our rightful position (point (a) above) and you will eventually modify accordingly the requirement, regarding at least the contractual documents, we kindly ask you to consider as well the following case. Our company demonstrates considerable experience in successfully undertaking similar projects, where although the working language was not English, all the project team is absolutely able to work in English. In particular, all the team was very familiar with English due to its hands on previous experience in projects for EU Institutions, including the European Commission, and the studies of the individuals in UK Universities. Such projects evidence the tenderer's capacity to provide similar services for ECHA. Could ECHA modify further the requirement regarding the working language of the projects as to be inline with the aforementioned position? For example, could we submit as evidences for the technical and professional capacity, projects, where the working language was not English, accompanied with a declaration, clearly stating that the working team of the projects was adequately familiarised with English?

Answer:

In order to be accepted as proof of capacity to provide the services in English, as in the Tender Specifications, 3.2.1 Selection Criteria, the working language of the project must be English, namely the documentation and deliverables must be in English language. The relevant documentation and deliverables shall cover one or more of the services mentioned in section 4.2.1 of the Specifications. The fact that the language of the contract itself is not English is not to be taken into consideration.

Question 3.8:

Tender Specifications, 3. Assessment and Award of Contract, “...when bidding for several lots the Tenderer is to be aware that, to be awarded more than one framework contract, he

must demonstrate in the offer the aggregated financial and economic, professional and technical capacity defined in the selection criteria for all the relevant lots together”

To our understanding, when a Tenderer bids for all the three lots, the aforementioned requirement applies to the criteria 2.1.2, 2.2.2 and 2.3.2 (for Lot 1, Lot 2 and Lot 3 respectively) regarding the technical and professional capacity of the Tenderers, as follows:

“2.x.2 - The Tenderer must (at the time the tender is submitted) have a minimum of 3 years of experience in IT services relevant to the type of services covered by this call, with at least 5 completed projects

- *of minimum 6 months duration;*
- *related to software development and involving technology falling into the scope of this framework contract;*
- *that have closed during the period 2009-2011;*
- *of minimum of 1.000.000 EUR (resulted from the sum of 500K for Lot 1, 200K for Lot 2 and 400K for Lot 3) corresponding to the value undertaken by the tenderer;*
- *during which the working language was English (i.e. contractual documents, documentation and deliverables were written in English).*

Out of these 5 projects, at least 2 of them should have resulted to a software product being used in production by the date of the tender submission deadline.”

Concluding, the aggregated value applies only to the minimum value undertaken by the Tenderer and it does not apply to the number of years of experience (they remain 3 years), to the minimum duration of the projects (it remains 6 months) and the number of the relevant projects (they remain 5 and at least 2 of them should have resulted to software product). Please confirm that our understanding is correct.

Answer.

Please see clarification 2.1

Question 3.9:

3.3.2 Basis for assessment of award criteria

It is specified in the section ‘Scenario’ the ‘Size and composition of the team of the Agency’. In particular, it is indicated regarding the Lot 1 that ‘*the team of the Agency that will participate in the project consists of 12 persons. This team includes the following profiles: Project Manager, Business Analysts, Quality Manager, Information Systems Testers.*’

To our understanding,

- a) The aforementioned team is the Agency’s team that will participate in the project. The Tenderer’s team may be composed of more profiles than those, given that they are between the profiles list of section 4.3. For example, the tenderer’s team may include Developers, Technical Writers, etc.
- b) The Agency’s team will be composed of 1 Project Manager, 1 quality Manager, more than one Business Analysts and more than one Information Systems Testers, where collectively will be 12 persons.
- c) The resources plan for the scenario will NOT include the effort required for the Agency’s team. The resources plan must indicate ONLY the effort per profile and per work package of the tenderer’s team.

Please confirm that our understanding is correct.

Answer

- a) *Yes, the above mentioned section of the description of the scenario for Lot 1 indicates the Agency's team that will participate in the project. The Contractor's team may be composed of more profiles than those, given that they are among the profiles listed in section 4.3.*
- b) *The team of the Agency that will participate in the project consists of 12 persons. This team includes 1 Project Manager, Quality Manager and a number of Business Analysts and Information System Testers.*
- c) *As explained in the Section 3.3.2.1, paragraph 1.5 for each lot 1, 2, and 3, the resource plan should include the estimation of person days of the **contractor's** resources per profile (as listed in section 4.3) per work package. It is not required to include the effort of the team of the Agency.*

Question 3.10:

In AW1, Tenderers are requested to submit an infrastructure plan regarding the IT Environments to be built both at the Agency and at the Contractor's premises. Due to the fact that information about the infrastructure and environments available currently at the Agency are provided in the Tender Specifications, could you please specify in detail what information should be presented under the Infrastructure Plan for the Agency's environments? Should new environments / infrastructure be proposed for the Agency? Furthermore, with the reference to the infrastructure implementation schedule could you please specify whether this refers only to the Contractor's environment or also to the Agency's environments? Will the Contractor be involved in the infrastructure set-up services for the Agency's environments?

Answer

At least the following information should be presented under the infrastructure plan for all IT environments (both the ones to be built at the Agency and the ones to be built at the Contractor's premises) suggested by the Contractor for the implementation of the requirements of the specific scenario:

- *what environments will be built and for which purpose*
- *how the transfer of components among different environments (e.g. from a test to the production environment) will be achieved*
- *infrastructure implementation schedule*

(In accordance with section 3.3.2.1, point 1.6 for Lot 1, Lot 2, Lot 3)

For the purpose of preparing the proposal for the implementation of this scenario, the tenderer's may assume that no relevant environments are available in the Agency yet.

The infrastructure implementation schedule is part of the infrastructure plan and it should refer to both the Contractor's site and to the Agency's site.

The Contractor and the Agency will agree on the requirements for the Agency's infrastructure set-up; the Agency will implement the environments at the Agency site.

Question 3.11:

It is requested in the context of the AW1 the '*structure/layout of the project plan document is to be defined by the Tenderer*'. To our understanding, a ToC for the Project Plan is required in this regards. Please confirm; otherwise advice us what additional information are needed to be provided regarding the Project Plan. Does the structure / layout of the project plan count in the maximum of 25 pages?

Answer

The tenderer may choose the structure/layout of the project plan. Contents of the plan need to follow the instructions presented in the Section 3.3.2.1. It is up to the Tenderer to decide if a ToC is part of the plan.

The full project plan, including all its elements, should be not more than 25 A4 pages (a paper sheet filled in with content in both sides is considered as 2 pages and not one page), written with Arial font, font size of 10.

Question 3.12:

Is there any constraint, regarding the number of pages and the fonts of the second award criterion?

Answer

As for the number of pages, please see clarification 1.4. The font shall be Arial size 10.

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