

Helsinki,
D(2009)

Subject: ECHA/2009/40: Multiple Framework Contract with reopening of competition and division into 10 lots for provision of IT consulting services, awarded through an open procurement procedure

CLARIFICATIONS 14

14.1

Are Tenderers to interpret the term “provision of IT consulting services” as the provision of advice and pure consultancy on the various areas of the ITT or as the actual execution of the services? For example, for Lot 7, will experts’ tasks will be restricted to the design of specifications of IT systems or will they also undertake the actual implementation of the systems (coding, testing, etc) of the systems, too? The question applies to all Lots.

The provision of IT consulting services intends to address all applicable design, administration, maintenance, implementation and tests aspects that are of relevance in each of the domain areas of the given lot as described in section 1.2 of the Specifications.

14.2

In respect to your answer on question 4.1 (Clarification 4), please confirm that the same rules apply for the technical and professional capacity criteria as well.

The same rule as explained in Clarification 4.1 applies to selection criterion n. 2.

14.3

A daughter company of a group participates as a partner in the tendering group. This company relies on the capacities of its parent company and it has obtained a letter of endorsement stating the parent company’s support. The parent company in the letter of support endorses the participation of other companies of its group to this tender. What kind of cooperation structure ECHA considers for this case? Should all the daughter companies being endorsed by the parent company be declared as partners or subcontractors in the context of ECHA tender? Could the letter of endorsement be considered as sufficient evidence as regards the participation of the additional daughter companies (other than the member of the tendering group) and therefore no additional inclusion in the tendering group or documentary evidences is required?).

As provided by the Section 2.2.2.1.3 of the Specifications, 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.

Consequently, the capacities of the parent company and the additional daughter companies can be taken into account, if the legal links between these entities allow for this, as evidenced by the endorsement letter to that effect, and in conformity with the eligibility criteria laid down in Section 2.2.2.1.1 of the Specifications.

Bearing in mind the latter, in order to consider the capacity of the parent company and additional daughter companies (other than the member of the tendering group) for the consolidated assessment of the selection criteria these companies should be presented as joint tenderers or subcontractors by providing the eligibility documentation as laid down in Section 2.2.2.1.1 of the Specifications.

For all entities for which the tenderer envisages their capacities to be taken into account, evidence of that capacity has to be submitted

14.4

Tender Specifications, Chapter 4, Section 4.9.3 Roadmap, Step 4: Presentation of the Offer, page 44 of 113 – *“The Contractor sends an offer containing candidates having the required profiles by the deadline for submission of offers to ECHA. The candidate list will include for each candidate the name of the candidate, the date that the candidate is available, the candidate’s profile, whether the candidate is offered via subcontracting, whether the candidate is permanent or non-permanently employed and any other relevant information. The CVs of all candidates must be attached to the list sent to ECHA using the template specified earlier in this document. All candidates on the list must be available for phone interviews in 2 weeks following the sending of the offer.”*

Questions:

According to our understanding, the Tenderer’s offer for a specific request shall include a list of candidates (as described above) along with CVs, as well as the financial proposal (rates for the personnel requested and financial offer according to the man-days requested). Please confirm that our understanding is correct.

The offer presented by the Contractor for a specific contract under the framework contract must include the list of candidates as described above, their CVs, as well as the financial proposal (rates for the personnel requested and financial offer according to the man-days requested).

14.5

Tender Specifications, Section 1.2.4 Contract reports, page 17 of 113 – *“The Contractor shall monthly provide the responsible Contract/Project Manager at ECHA with a brief and precise Technical Report describing the tasks carried out by the Consultant and specifying the worked days and hours.”*

Questions:

Could you please clarify whether Technical Reports will provide ECHA with information regarding the implementation of the Framework Contract, presenting an overview of all the

tasks performed under all the ongoing Specific Contracts or will the Technical Report provide information per Specific Contract?

The reporting will refer to the executions of the work performed in the scope of the Specific Contract

14.6

Specific Contracts

Questions:

We understand that the price (daily rates of the proposed Consultants) in the context of the Specific Agreement may be decreased for some requests. Please confirm that our understanding is correct. Would it be possible also an increase in the daily rate of the proposed Consultant in the context of the Specific Agreements?

In the context of Specific Contracts the daily rates of proposed consultants may be decreased for some requests, but the price cannot be raised. Once the framework contract is signed the financial offer of the contractor for the specific contracts must not exceed the maximum price defined by the tenderers in its financial proposal for the framework contract.

14.7

- a) Could you please specify if a company with headquarters in a non-EU country (e.g. WTO procurement agreement, Mexico, Chile, India, FYROM, etc) could submit a tender for this CfT as a sole Tenderer and/or as a member of the tendering group?

Economic operators based in a non-EU country acting as a sole tenderer or as a member of a tendering group are admitted on the basis of a specific agreement in the area of public contracts between that country and the Communities or of the WTO Multilateral Agreement on Public Contracts, under the conditions provided for in those agreements, or on an ad hoc basis.

For the purposes of this procurement procedure, admission on an ad hoc basis may be considered only when necessary to reach the minimum number of three Contractors within a given Lot in view of reopening of competition.

- b) Please specify if a company with headquarters in an EU country and offices worldwide could submit a tender for this CfT as a sole Tenderer and/or as a member of the tendering group?

An economic operator based in an EU country is eligible to participate in this procurement procedure as a sole Tenderer or as a member of a tendering group, regardless of the fact whether it has offices worldwide.

- c) Furthermore, please clarify if a Consortium with an EU established company as Leader and a non-EU established company (e.g. a company headquartered in a country of WTO procurement agreement, Mexico, Chile, India, FYROM, etc) as a partner could submit and offer for this CfT?

A Consortium with an economic operator based in an EU country acting as a Leader and an economic operator based in a non-EU country as a partner is eligible to participate in this procurement procedure, only if the economic operator based in a non-EU country is eligible on the basis of a specific agreement in the area of public contracts between that country and the Communities or of the WTO Multilateral Agreement on Public Contracts, under the conditions provided for in those agreements, or following admission on an ad hoc basis. For this latter case see a)

ECHA