Helsinki,
D(2009)

Subject: ECHA/2009/39: Multiple Framework Contract with reopening of competition and division into lots for external service provision for development, studies, support of information systems and security, awarded through an open procurement procedure

CLARIFICATIONS 14

14.1
Specifications, 3.3 Evaluation of the Tenders, Stage 3, page 40 of 171.
Question:
Could you please indicate what is the rationale behind the difference in weighting factors to be used between the Framework Contract (70:30) and the Specific Contracts (60:40).

The establishing of the weighting factors is within the discretion of the Contracting Authority. For the award of the Framework Contract, quality is essential, in light of the strategic importance, duration and value of the Framework Contract. For the award of Specific Contracts, competitive prices gain more importance.

14.2
Specifications, 5.2.4.1.1 – 1.1, "*Describe your procedures for ascertaining the quality of the services you deliver to clients and the conformity of the deliveries to their orders (give the titles and contents of your quality assurance manuals)*", page 86 of 171.
Question:
This requirement makes no references to the services to be offered in the context of the envisaged contract. Indeed it evaluates the Tenderers' standard procedures (give the titles and contents of your quality assurance manuals) and technical capacity to deliver quality services to their clients. Is this really the case?

The answer to this question is a basis for assessment of award criterion 1, quality of the tenderer's proposal for the overall management of the service - the service being the service to be provided for the respective Lot of this Framework Contract.

14.3
Specifications, 5.2.4.1.1 – 1.2, "*Do you have quality procedures for your delivery organisation conforming to the EN29000 (ISO 9000) series of quality standards or equivalent?*", page 86 of 171.

Question:
Could you please clarify the criteria under which this requirement will be evaluated? Is it "*the more (standards from the ISO 9000 series) the better*"?

Tenderers are requested to include all information relating to their quality procedures conforming to the EN29000 (ISO 9000) series of quality standards or equivalent for the organisation of the delivery of services that are the subject of the contract.

14.4
Specifications, 5.2.4.1.1 – 1.4, "*Considering that you receive <u>30 requests</u> per year FP or QTM for a total of <u>250 persons/year</u>, describe how you will manage the ordering process described in the service requirements.*", page 87 of 171.
Question:
The question requires from the Tenderer to describe their order process management approach for a scenario that foresees a total effort that is out of the scope of the contract. That is, Tenderers will be evaluated for their approach to manage 30 requests per year for FP or QTM for a total of 250 persons/year where, according to the tendering specifications, page 16 of 171 state that:
- Lot 1 estimated effort: 18.2 persons/year (p/y) out of which 12.7 p/y are for FP or QTM
- Lot 2 estimated effort: 2 p/y out of which only 0.6p/y for FP or QTM
- Lot 3 estimated effort: 1.4 p/y out of which only 0.4 p/y for FP or QTM
- Lot 4 estimated effort: 1.4 p/y out of which only 0.4 p/y for FP or QTM
- Lot 5 estimated effort: 0.7 p/y out of which only 0.2 p/y for FP or QTM
- Lot 6 estimated effort: 0.7 p/y out of which only 0.2 p/y for FP or QTM

Given the above, Tenderers will be evaluated on a criterion that is not related to the services that they will be called to eventually provide. Therefore, we kindly invite to adapt the question to the contract's requirements or to elaborate further on the actual effort to be requested.

Question 1.4 on page 87 should read:
Considering that you receive 30 requests per year FP or QTM for a total of 15 persons/year, describe how you will manage the ordering process described in the service requirements.

14.5
Specifications, 5.2.4.1.1 – 2.2, "*Describe how you propose to measure and monitor the ordering process <u>service quality indicators and service performance values</u>*", page 88 of 171.
Question:
Are Tenderers expected to propose their own service quality indicators and corresponding performance values for the execution of the contract services (both ordering and delivery)? The question is made in relation to the fact that tender specification, page 19 of 171, indicate that "*The values of the quality indicators Contractor's services will be measured by reference to the quality standards defined at Specific Contract level or order form*", that is, ECHA will define itself the quality indicators during the execution of the contract.

Please read the question as: "Describe how you propose to measure and monitor ordering process service quality indicators and service performance values". In other words, tenderers are required to make a proposal on how to measure and monitor ordering process service quality indicators and service performance values in general.

14.6

Specifications, 5.2.4.1.1 – 3.1, "*Describe your organisational structure detailing the departments and allocated number of staff on all levels of your company(ies), as well as the division(s) responsible for the delivery of services requested in the present call for tenders?*", page 89 of 171.

Question:

Could you please elaborate on this requirement, explicitly explaining the reason that the "number of staff" is evaluated under the award criteria? What if a Tenderer has 3*x experts in the division(s) responsible for the delivery of services requested in the present call for tenders and another 8*x? Is this a reason for the first Tenderer to receive a lower score?

Please note that this question has to be understood in the context of the assessment of the quality of the Tenderer's proposal for delivery of services under this Framework Contract. The focus of the evaluation is on how well the presented organisational structure allows the delivery of the required services.

14.7

Specifications, 5.2.4.1.1 – 3.2, "*In case you have a permanent centre of expertise, in the enterprise …*", page 89 of 171.

Question:

The question indicates Tenderers to present their permanent centre of expertise in case they have one. Does this question concerns only those Tenderers that do have a permanent centre of expertise? We understand that the permanent centre of expertise corresponds to the technical capacity of the Tenderer. Therefore, it should be evaluated under the selection criteria and not under the award criteria proving the Tenderer's ability to perform the contract. Please clarify this issue.

This question only concerns those Tenderers that have a permanent centre of expertise. Please note that this question has to be understood in the context of the assessment of the quality of the Tenderer's proposal for delivery of services under this Framework Contract. Thus this question does not correspond to the general technical capacity of the Tenderer, but to the means which are at the disposal of the Contractor contributing to the quality of the services delivered under this contract.

14.8

Please confirm that cross references between the award documents are permitted in order to avoid repetitions of specific parts that are common between two or more questions.

Cross references between the tender documents, such as the qualitative award criteria documentation (e.g. answers to a questionnaire), submitted for a Specific Lot are permitted.

14.9

Please confirm that Tenderers are allowed to include annexes with information regarding common parts of the questionnaire's requirements. For example, should a Tenderer wishes to describe a tool that could assist the management of the contract (covering both the ordering and the delivery phases), it is allowed to annex it instead of reproducing it under each question (eg. 1.4 and 1.5).

It is allowed to include annexes with relevant information regarding common parts of the questionnaire's requirements within a Specific Lot with clear reference to the question(s) it pertains.

14.10
Please confirm that the official Europass format as provided at the Cedefop's website (http://europass.cedefop.europa.eu/europass/home/hornav/Downloads/EuropassCV/CVTemplate.csp) is the acceptable CV format.

All tenderers are requested to use the Europass CV format.

14.11
SPECIFICATIONS, section 3.3 Evaluation of the Tenders, Stage 3, page 39 of 171 - *"*

Technical Merit for Lot 1	
TM	TM = (AW1 + AW2 + AW3 + AW4 + AW5)

Technical Merit for Lot 1	
TM	TM = (AW1 + AW2 + AW3 + AW4)

The Technical Merit (TM) is evaluated as follows: a maximum of 70 points are given for all qualitative award criteria applied for the specific lot. <u>The other offers are ranked according to the above mentioned formula</u>"
Questions:
According to our understanding, all the offers, including the offer with the best quality, will be ranked according to the formula provided in page 39 of 171. For example, according to the formula, the technical merit of the best quality offer may be 69 points, while the technical merit of all other offers will be less than (or equal to) 69 points. Please confirm that our understanding is correct.

All offers meeting the exclusion and selection criteria are ranked according to the above-mentioned formula.

14.12
SPECIFICATIONS, section 4.13 Implementation of the Framework Contract, § 4.13.1 Order types, page 50 of 171 - *"Time & Means orders, which correspond to the order of a number of days performed <u>at the Agency's premises."</u>*
and
SPECIFICATIONS, section 4.13 Implementation of the Framework Contract, § 4.13.1.1 Time & Means orders, page 50 of 171 - *"Time & Means orders are executed <u>inside or outside the Agency's premises</u> (i.e. on-site or intra-muros or off-site or extra-muros)"*
Questions:
Could you please clarify whether the Time & Means orders will be executed?

Time & Means orders correspond to the order of a number of days performed at the Agency's or the Contractor's premises.

14.13

SPECIFICATIONS, section 4.13.2.1 Roadmap for Time & Means project, Step 2: Send the Request Form, page 55 of 171 - *"The Agency checks <u>which</u> Contractors the Request Form should be sent to."*

Questions:

According to our understanding, the Request Form should be send to all the Contractors of a specific Lot, so that the Contractors will prepare their offers and the re-opening competition mechanism will be triggered. Please confirm that our understanding is correct.

The Request Form must be sent to all Contractors of a specific Lot. Therefore, the Agency checks which those Contractors are.

14.14

SPECIFICATIONS, section 5.2.3.2 Project reference form, page 83 of 171 - *"The Project Reference Form consists of <u>two pages</u>:*
o *Front page*
o *Description page*
Both pages must be used to form a complete Project Reference Form."

Questions:

According to our understanding, there is no limitation regarding the size of a Project Reference Form as long as the Project Reference Form's structure is according to the specified template. Please confirm that our understanding is correct.

The template of the Project Reference Form consists of two pages. The completed Project Reference Form has no limitation regarding the size.

14.15

SPECIFICATIONS, Attachment 1: Case Study 1 – Lot 1.

Questions:

   a) Could you please specify who will undertake the hosting of the IT tool to be developed?
   b) According to the tendering specifications and to our understanding, the Contractor will be responsible for the execution of FAT before handling a software deliverable to the Agency for acceptance. The Agency will be responsible for executing pre-SAT and SAT and the Contractor will provide assistance for the pre-SAT and SAT activities. Could you please clarify whether the Contractor will be in charge of the required pre-SAT and SAT infrastructure in the context of the Case Study 1 – Lot 1?

a) The hosting of the IT tool is done by ECHA.
b) ECHA will be in charge of the infrastructure required for the SAT with regards to Case Study 1 – Lot 1.

14.16

SPECIFICATIONS, section 5.2.3.2 Minimum number of permanent staff with general and specific expertise for the lot, page 113 of 171 –
"**For Lot 1**

Profile	Minimum number	Specific expertise
1. Project Manager	3	RUP (or other UP) <u>1</u> Scrum (or other Agile method) <u>1</u>

		Jira or TFS 1

"

Questions:

Could you please clarify what the number next to each technology / field of expertise indicates? For instance, according to our understanding, the company is expected to have at least one Project Manager who possesses expertise in RUP (or other UP), one Project Manager who possesses expertise in Scrum (or other Agile method) and one Project Manager who possesses expertise in the usage of Jira or TFS. Please confirm that our understanding is correct. We understand that the Tenderer could propose a Candidate who covers more than one requirement. For example, one Candidate could submit the requirement of RUP and Jira. Is it acceptable?

The number mentioned after the specific expertise indicates the number of CVs which must contain this specific expertise. E.g. For Lot 3 two Senior Architect CVs should show evidence of UML expertise and it is enough if one CV shows evidence of Togaf expertise. Where there is no number after the specific expertise, it is automatically "1". One candidate may cover more than one requirement.

14.17
SPECIFICATIONS, section 5.3.3 Selection Criteria 2.2, page 117 of 171 - "

Lot	Minimum number of different projects executed in 2007 or 2008	Minimum number of different customers covered	Minimum volume of the project (in man-days)	Range for the duration of the project	Other criteria
1	7	5	1100	6 months – 3 years	*The use of the following technologies is required as minimum:* ▪ *Oracle RDBMS in 3 references* ▪ *Oracle WebLogic in 2 references* ▪ *A Java IDE in 2 references* ▪ *UML in 4 references* ▪ *XML in 2 references* ▪ *Documentum in 1 reference* ▪ *Dreamweaver in 1 reference*

"

Questions:

Please specify if the following categories of projects are accepted:

a) Framework Contracts. The Candidate could present specific agreements executed within 2007 and 2008 under a framework contract independently the duration of the Framework Contract. For example, the Framework Contract could be started before 2007 and it is still on going. Please confirm that these references are accepted.

b) On going projects where at least 1100 person days were consumed within 2007 and 2008. Please confirm that these references are accepted.

c) Framework Contracts with fixed price and time and means services. Please confirm that these references are accepted.

a) Yes, a project may be part of a Framework Contract and the start and end date of the Framework Contract is not relevant, only the fact that the project itself was being executed in 2007 or 2008. Nevertheless, please note that a Framework Contract with different Specific Contracts must be considered as a single reference (see footnote 70, page 117 of the specifications).
b) Yes, ongoing projects with a minimum consumed volume of 1100 person days per project during 2007 and/or 2008 are accepted as well.
c) Yes, Framework Contracts with fixed price and time and means services are accepted as well.

14.18
SPECIFICATIONS, section 1.2.1.4 Lot 4 – Information systems support, page 12 of 171.
and
SPECIFICATIONS, Attachment 7: Case Study 1 – Lot 4, Title: Hosting and operation of an application.

Questions:
The presentation of the services that will be requested under Lot 4 Framework Contract does not mention the provision of hosting services. However, the Case Study that corresponds to Lot 4 is related to the provision of hosting services. Could you please clarify whether the Contractor of Lot 4 will also provide hosting services upon request from the Contracting Authority?

As for Case Study 1 of Lot 4 that includes hosting services, where an application should run on hardware resources not owned by ECHA, the hosting could be provided by the Contractor or a third party. As for the services to be provided within Lot 4, the possibility of such a request by the ECHA is foreseen under mastering of information sites, as per section 1.2.1.4 of the specifications.

14.19
SPECIFICATIONS, section 2.2.2.1.3 Selection criteria documentation, 2. Evidence of the technical and professional capacity of the service provider(s), page 29 of 171 - *"…an excerpt of a technical draft relating to a previous project concerning similar deliverables in English."*
Questions:
Each Lot encompasses a plethora of services that may be requested by the Contracting Authority. We would appreciate if you could clarify what will be considered as sufficient evidence of similar deliverables in English for each Lot.

Deliverables will be considered similar if they cover one or more of the services mentioned with regard to the respective Lot, as per section 1.2.1 of the specifications.

14.20
SPECIFICATIONS, Section 2.2 Content of the Tender, § 2.2.1 General, page 25 of 171 - *"Tenderers must be clear and concise, with continuous page numbering…"*
Questions:
a) Could you please specify if it is mandatory for Tenderers to follow a continuous page numbering in their offers?

b) Can you please indicate if all of the types of Tender page numbering presented below will be accepted?

Example 1:
1, 2, 3, 4, …, 3589 (i.e. the tender has a total of 3,589 pages)

Example 2:
I-1,2,3,… 457   - II-1,2,3,…, 1875   - III-1,2,3,…,87, etc. (where I, II, III, etc. stands for Section One, Section Two, Section Three, etc.)

Example 3:
I-A-1,2,3,…54   - I-B-1,2,3,…,87   - I-C-1,2,3,…,280 etc. (In this example, Section One is composed of three documents, namely document A (pages 1-54), document B (pages 1-87) and document C (pages 1-280).

c) Should document separators, index tags, dossier covers, cover letter, etc. also be included in the continuous page numbering?

Tenderers are requested to submit their tenders with continuous page numbering. All presented page numbering types are acceptable. Tenderers are requested not to include document separators, index tags, dossier covers, etc. in the continuous page numbering.

14.21

Tender Specifications, 1.2.3.4, Work Time, *"Normal working hours are from 8 a.m to 8 p.m on normal working days. A normal man day is 7 hours 30 minutes plus 0.5 hour for lunch breaks...", "Normal working days are from Mondays from Fridays inclusive, excepting Agency holidays only", "Service delivery on normal working days, but outside of normal working hours: surcharge of 50% of the applicable day rate", "Service delivery outside the normal working days: surcharge of 100% of the applicable day rate"*

Questions:
a) Could you please specify how many hours of the outside of normal working hours service delivery does the surcharge of 50% of the applicable day rate cover?
b) If the service delivery is done inside the normal working hours but exceeds the normal man day hours, could you please specify if there is any surcharge on the applicable day rate?
c) If the service delivery outside working days exceeds the normal man day hours, could you please specify if there is any other surcharge apart from the 100% of the applicable day rate?

a) The surcharge of 50% of the applicable day rate covers all hours of on site service delivery outside the normal working hours, on the condition that at least 50% of a person-day is provided in the timeframe that allows a surcharge.

b) No, there is not.

c) No, there is not.

14.22

Tender Specifications, 1.2.4.1.1, Meetings and Minutes, *"Meetings may take place either in Helsinki or any other location as requested by the Agency's project managers"*

Question:
If the meetings take place in another location apart from Helsinki, could you please specify if the Agency will cover the travelling expenses for the Contractor's staff?

Where provided by the Specific Contract, expenditure incurred for travel outside the normal location of performance to meetings with the Agency, at its request, will be reimbursed in accordance with Article II.7 of the draft Framework Contract.

14.23
Tender Specifications, 1.2.4.2.2, (ii) Acceptance test pass/ fail criteria, *"For <u>more than 3 major issues</u> are raised during the SAT, the SAT may be interrupted and the software may be rejected"*, *"For any of the major issues, provided that the Agency accepts the SAT acceptance test script, the Agency shall be entitled <u>to withhold an amount of 20% per major issue on the related payment</u>"*, *"When <u>more than 7 minor issues</u> are raised during the SAT, the SAT may be interrupted and the software may be rejected"*.
Question:
Could you please specify if the Agency shall be entitled to withhold an amount of the related payment for the <u>minor</u> issues that might be raised during the SAT?

The Agency will not withhold an amount of the related payment for the minor issues that might be raised during the SAT. Nevertheless when more than 7 minor issues are raised during the SAT, the SAT may be interrupted and the software may be rejected .In case the software is rejected, acceptance and therefore the corresponding payment is suspended until the software reaches the pass criteria.

14.24
Tender Specifications, 4.4 Place of Performance, *"In exceptional cases, travel outside the normal location may be required, at the request of the Agency"*
Question:
Could you please specify if the travelling costs, in the case of travelling outside the normal location of performance, are covered by the Agency?

Where foreseen by the relevant Specific Contract, expenditure incurred at the request of the Agency for travel outside the normal location of performance, will be reimbursed in accordance with Article II.7 of the draft Framework Contract.

14.25
Tender Specifications, 5.3.2.1.2 General Expertise Requirements*, Senior Analyst Programmer, Experience, 2 years of programming experience in the programming language currently used in the Agency.*
Question:
According to our understanding the programming languages used in the Agency are Java, ASP.NET and C#. Could you please specify if the proposed team should cover these languages as a whole?

The 6 requirements for the experience of the general expertise for the profile of senior analyst-programmer apply to each proposed candidate individually:

o Minimum 5 years experience in IT, including 2 as analyst-programmer.
o Experience with CASE tools.
o 2 years of programming experience in the programming languages currently used in the Agency (available on request).
o At least 1 year of experience with multi-user SQL-based databases.

o At least 1 year of experience with workflow systems.
o Experience in multi-client and multi-national environments.

The third requirement of 2 years of programming experience concerns for a candidate individually at least one of the programming languages currently used in the Agency, namely Java and C# in the context of J2EE and ASP.NET development respectively.

14.26
Tender Specifications, 5.3.2.2 Minimum number of permanent staff with the general and specific expertise for the lot.
Question:
Could you please specify how many months or years of experience in the programming languages or tools referred in this section are considered as specific expertise in each domain?

No minimum time requirement is considered for the evaluation of the specific expertise in each domain.

ECHA