

QUESTIONS AND ANSWERS

INVITATION TO TENDER N° ACER/OP/ADMIN/07/2016

Provision of maintenance and development services for the IT applications of the
Agency for the Cooperation of Energy Regulators

Lot 1: Maintenance, support and development services for the SharePoint applications

Lot 2: Maintenance, support and development services for the Java/PHP applications

Contract notice: OJ/S 146-262825 of 30.07.2016 (262825-2016-EN)

Corrigendum to Contract notice: OJ/S 167-299982 of 31.08.2016 (299982-2016-EN)

Last update: 20/09/2016

Question N° 1:

Question related to Annex I.A, Lot 2 - could you please clarify whether:

- a) The proposed Project Manager needs to have at least five years of Professional Experience in in work related to the fields of SharePoint Projects;
- b) The proposed Java Developer, PHP Developer should hold a Microsoft SharePoint Certifications;
- c) Could you please clarify if you required 2 (in accordance to the annex) or 3 (in accordance to the Specifications) CVs per profile.

Answer N° 1:

- a) As specified in Annex I 'Tender specifications' in point 17.3.1.3. the expert proposed for 'Team Leader and project manager' who needs to have, among other minimum levels of qualification and professional experience specified in Annex I 'Tender specifications', at least five (5) years of professional experience in the work related to the fields of SharePoint projects, applies to Lot 1 'Maintenance, support and development services for the SharePoint applications' and **NOT** Lot 2 'Maintenance, support and development services for the Java/PHP applications'.

The minimum levels of qualifications and professional experience for the Team Leader and project manager for Lot 2 'Maintenance, support and development services for the Java/PHP applications' are specified in point 17.3.2.3. of Annex I 'Tender specifications'.

In the event of inconsistency between Annex I 'Tender specifications' and the annexes to Annex I 'Tender specifications' (i.e. Annex I.A, I.B, I.C, I.D and/or I.E), the text in Annex I 'Tender specifications' prevails.

- b) The expert proposed for Java Developer and the expert proposed for PHP Developer should have minimum levels of qualifications and professional experience as specified in point 17.3.2.3. of Annex I 'Tender specifications'.

In the event of inconsistency between Annex I 'Tender specifications' and the annexes to Annex I 'Tender specifications' (i.e. Annex I.A, I.B, I.C, I.D and/or I.E), the text in Annex I 'Tender specifications' prevails.

- c) According to point 17.3.2.3. of Annex I 'Tender specifications' the tenderer shall, for Lot 2 'Maintenance, support and development services for the Java/PHP applications' provide at least three (3) CVs for each profile as described in Annex I 'Tender specifications', clearly indicating the profile on each CV.

In the event of inconsistency between Annex I 'Tender specifications' and the annexes to Annex I 'Tender specifications' (i.e. Annex I.A, I.B, I.C, I.D and/or I.E), the text in Annex I 'Tender specifications' prevails.

Please note that a modified version of Annex I.A 'Reference table' is published on the website:

http://www.acer.europa.eu/en/The_agency/Public_Procurement/Pages/Open-calls.aspx.

Question N° 2:

Due to the period of tender's publication, we kindly request the provision of a two weeks extension, enabling us to form better quality proposals for the provision of the envisaged services.

Answer N° 2:

The deadline for the submission of tenders is stated in the contract notice and in the invitation letter.

Question N° 3:

In Annex I under Description of services we can find this: '4.1. LOT 1: Maintenance, support and development services for the SharePoint applications':

The scope of any specific contract(s) may include one or more of the following tasks, but not limited to these only:

- Development of web based solutions (new applications);
- Maintenance and support of existing IT applications and systems (i.e. corrective, preventive and evolutive);
- System administration;
- Workflow design.

Clearly Maintenance and support of existing IT applications and systems are part of the project. Less clear is the method with which the services will be accounted for.

Do we understand correctly that maintenance costs will be charged with "Time & material principle" in accordance with the prices that we will present in our offer in "Annex II Financial offer"? If not, please explain the method of calculating the cost for Maintenance.

Answer N° 3:

As described in Annex I 'Tender specifications', for each lot, the services as described in Annex I 'Tender specifications' (these include, , but not limited to these only, maintenance and support of existing IT applications and systems (i.e. corrective, preventive and evolutive)), will be the subject of a single Framework Contract ('FWC'). Prices for these services will be based on Annex II 'Financial offer' as presented by the tenderer to whom the FWC will be awarded. Further, as mentioned in Annex I 'Tender specifications', the unit prices quoted shall include all services as described in Section 4 of Annex I 'Tender specifications', including any travel and/or subsistence expenses.

Services related to maintenance and support of existing IT applications, when ordered, shall be calculated on the basis of Annex II 'Financial offer'. This shall apply to all services specified in Annex I 'Tender specifications'.

Question N° 4:

Would it be a big problem to provide us with the translation of full tender specification into Czech language?

Answer N° 4:

Translation of Annex I 'Tender specifications' into the Czech language will be published on the Agency's website in due course
(http://www.acer.europa.eu/en/The_agency/Public_Procurement/Pages/Open-calls.aspx).

Question N° 5:

We would like to propose an amendment to the requirement no. 17.2.1. and 17.2.2. laid out in Annex I Tender Specifications related to professional risk insurance.

As practicing such insurance covers in the field of software development projects is not common in all EU countries, obtaining suitable insurance may require turning to international insurance providers (as country specific insurance companies may not offer suitable products - unfortunately, this is the case in our country). This also means a significant financial cost, which is fully acceptable in a situation where a specific tenderer has won the framework contract. Bearing such cost beforehand may be difficult to reasonably justify.

Therefore, we propose to amend the abovementioned requirements, formulating them in way that such insurance covers have to be provided by the tenderers who are awarded the FWC. Also, by submitting a tender the tenderers are required to confirm their acceptance of this requirement.

Answer N° 5:

Please note that Corrigendum to point 17.2. of Annex I 'Tender specifications' was published on the Agency's website:
http://www.acer.europa.eu/en/The_agency/Public_Procurement/Pages/Open-calls.aspx.

Question N° 6:

When the translation of Annex I 'Tender specifications' into the Czech language will be published? Can you give us more time to prepare our tender?

Answer N° 6:

Translation of Annex I 'Tender specifications' into the Czech language will be published on the Agency's website by 06.09.2016 at the latest. The deadline for the submission of tenders is stated in the Corrigendum no. 1 to Contract Notice which was published on the Agency's website on 31.08.2016.

Question N° 7:

a) Section 17.3.2.1 - The average annual manpower of at least 25 employees, excluding the managerial staff, over the last two (2) years.

Is this requirement for any type of service or only for those similar in terms of scope and technology to the requested by ACER.

b) Section 17.3.2.2 - Provision of services of the type as requested in this tender for a total invoiced amount (i.e. total amount effectively invoiced to the customer(s)) of at least EUR 480,000.00 in each of the years 2014 and 2015.

Are eligible here services with the same scope in terms of activities but different technologies?

c) Section 17.3.2.3 - At least two (2) years' professional experience in software development.

Software development is a broad practice that involves different roles (analyst, designer, developer, tester ...); is this requirement regarding any in particular?

Answer N° 7:

a) The selection criterion set in 17.3.2.1 of Annex I 'Tender specifications' applies to manpower of the tenderer and is not restricted only to those similar in terms of scope and technology as requested by the Agency.

b) The evidence to submitted by the tenderers, related to the selection criterion in point 17.3.2.2 of Annex I 'Tender specifications', refer to the provision of services of the type as requested in this tender, namely services with the same scope in terms of activities (i.e. development and maintenance) which may use different technologies (e.g. other programming languages).

c) '*At least two (2) years' professional experience in software development...*', as required in point 17.3.2.3. of Annex I 'Tender specifications', may include any of the active roles mentioned, e.g. analyst, designer, developer, tester.

Question N° 8:

a) Lot 1: Could you please confirm whether the requirement on the requested CVs of the Proposed Team for Completed University Studies of at least 3 years duration can be substituted by additional years of Professional Experience. If so, could you please define the number of additional years required as a substitute the university studies.

b) Lot 1 and Lot 2: On section 17.2 Economic and Financial Capacity (Page 22 of tender specifications), could you please confirm whether we need to provide both or either of the requested documents as sufficient evidences.

c) Lot 1 and Lot 2: On page 22 of tender specifications, it mentions "The Contractor Professional Risk Insurance cover(s) shall remain valid for a period of twelve (12) months after the FWC experience or after the FWC is terminated".

Our professional risk insurance covers the concerned services, and limitation claims. Nevertheless, the aforementioned validity period is covered by renewing our insurance on an annual basis. Could you please confirm whether this is accepted in the context of the particular requirement?

Answer N° 8:

a) The minimum levels of qualifications required for all proposed experts, as stated in point 17.3.1.3 of Annex I 'Tender specifications', shall include completed university studies of at least three (3) years' duration attested by a diploma relevant to the scope of the services requested. This qualification cannot be substituted by professional experience.

- b) For each lot separately, all tenderers have to comply with all selection criteria stated in point 17.2 'Economic and financial capacity' of Annex I 'Tender specifications' i.e. two documents, each corresponding to the relevant selection criterion, for each lot separately, need to be provided by tenderers.
- c) Please note that Corrigendum to point 17.2. of Annex I 'Tender specifications' was published on the Agency's website:
http://www.acer.europa.eu/en/The_agency/Public_Procurement/Pages/Open-calls.aspx.

Question N° 9:

We would like to know how the tenderer for tender No. ACER/OP/ADMIN/07/2016 proves the minimum levels of qualification for excellent knowledge of English (at least C1 level according to the Common European Framework of Reference for Languages). Is the formal education (secondary school, high school, faculty ...) enough or the official confirmation is needed.

Answer N° 9:

According to points 17.3.1.3. and 17.3.2.3. of Annex I 'Tender specifications' each member of the proposed team must fulfil all minimum levels of qualification as stated therein, including the required level of knowledge of English as required per each expert. Further, Annex I 'Tender specifications' states that the evidence to be provided is the Curricula Vitae (CV) for each expert, showing clearly the qualifications and professional experience within the relevant business area; namely the CVs presented have to include also the required level of knowledge of English.

In this respect no official confirmation is needed nevertheless the Agency will, as stated in Section 17 of Annex I 'Tender specifications', decide whether the substantiating documents provided constitute compliance with the selection criteria.

Question N° 10:

As per Corrigendum to point 17.2. of Annex I 'Tender specifications' a sworn statement is to be provided by the Tenderer. Please clarify whether a notary confirmation/seal is required or will a statement signed by the Tenderer suffice?

Answer N° 10:

According to point 17.2 of Annex I 'Tender specifications - Corrigendum to point 17.2' evidence of economic and financial capacity must be provided by means of a sworn statement that in case of the award of the FWC and prior to the signature of the FWC the tenderer will provide a certified copy of a valid professional risk insurance.

The sworn statement needs to be duly signed and dated by the tenderer's legal representative. It does not need to be confirmed by a notary.

Question N° 11:

We have question regarding subcontracting: in our tender we would like to use one subcontractor for specific services (no more than 20% of full scope of contract, perhaps no more than 10%) and we don't rely on the economic, financial, technical and professional capacity of the subcontractor overall.

We can fulfil almost all criteria by ourselves except these one (2 PHP developers) we need to subcontract.

In this case the subcontractor shall provide proof of economic, financial, technical and professional capacity as well - but do the subcontractor need to fulfill all requirements as a single entity?

Answer N° 11:

Point 17 of Annex I 'Tender specifications' states '*Where the offer is submitted by a tenderer who intends to subcontract part of the tasks or entrust them to another economic operator, the subcontractors or economic operators involved must demonstrate that they have the requisite economic, financial, technical and professional capacity*'. Further, it states '*For joint applications, the capacities of all members of the joint application, including sub-contractors shall be taken into account.*'

In addition, section 17 of Annex I 'Tender specifications' states: '*An economic operator may, if necessary and for a particular Contract, rely on the capacities of other entities, regardless of the legal nature of the links he has with them. He must in this case prove to the awarding authority that he will have at its disposal the resources necessary for the performance of the Contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.*'

All tenderers, including each member of the consortia, each member of the group of service providers, each subcontractor, have to comply with the exclusion criteria.

The tenderer as a whole (e.g. a consortia, a group of service providers, a tenderer with subcontractor(s) etc.) needs to fulfil the selection criteria, namely the economic and financial capacity and the technical and professional capacity.