



 Agency for the Cooperation
of Energy Regulators

Ljubljana, 29.06.2012
ACER/2012/OB/mv/798

Invitation to tender no. ACER/OP/ADMIN/12/2012

**Web applications development services and IT consultancy services for the
implementation of REMIT Information System (ARIS) for the Agency for the
Cooperation of Energy Regulators**

Answers to questions 3 to 5

Question no. 3:

In the "Tender Specifications" document, chapter 5 (page 10) it is specified that the Agency can accept offers from "the 27 EU Member states, 3 European Economic Area (EEA) countries and 4 Stabilisation and Associations Agreements (SAA) Countries". Taking into consideration the above, can you please indicate whether a EU registered economic operator can submit an offer in Consortium with an Indian economic operator?

Answer no. 3:

In case of the consortium or group of service-providers the eligibility criteria as specified in point 5 of the tender specifications apply to each member of the consortium or group.

Question no. 4:

In the "Tender Specifications" document, chapter 5 (page 10) it is specified that the Agency can accept offers from "the 27 EU Member states, 3 European Economic Area (EEA) countries and 4 Stabilisation and Associations Agreements (SAA) Countries". Taking into consideration the above, can you please indicate whether a EU registered economic operator can submit an offer having an Indian economic operator as subcontractor? In this case, is the EU registered economic operator allowed to use its subcontractor's references? (in reference to the Tender specification requirements as set out in Chapter 16.2 - three major contracts implemented over the last three years)?

Answer no. 4:

Tenderers are free to choose their subcontractors from both eligible (see point 5 of tender specifications) and non-eligible countries. In principle all economic operators can act as subcontractors of eligible tenderers.

Tenderers may rely on the capacities of other entities. In this case the tenderer in question must prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract.

Question no. 5:

We note in section 11.1 of the Tender specifications that: "The place of performance of the contract shall depend on each specific contract. The place may either be at the Agency's premises in Ljubljana, Slovenia ("on-site work") or at the Contractor's premises ("off-site work"). The principle place of performance of a specific contract shall be indicated in the request for services." Can you please indicate the expected distribution of work under the contract (how much will be on-site and how much off-site), for both Lots 1 and 2?

Answer no. 5:

For Lot 1, as a pure estimation, the quota of days "on-site" is estimated at approx. 25% of the total quota of days foreseen for the entire duration of the framework contract and shall in most cases apply mainly for project management, activities related to functional and technical analysis, prototype presentations and acceptance testing. For lot 2, as a pure estimation, the quota of days "on-site" is estimated at approx. 40% of the total quota of days foreseen for the entire duration of the framework contract. However it is only at the stage of issuing each request for services that the quantity of "on-site" and "off-site" work will be determined. This shall apply for each lot and may considerably vary from one specific contract to the other.