



**Publications Office**

Directorate R – Resources

Calls for tender and contracts Unit

**11-04-2011**

Luxembourg,

Op.r.2(2011)N°SAUV 426 050 - ARES/

Ref: AO 10340 - Additional information n° 1

**Object:** Call for Tenders n° 10340 - additional information n° 1

**Ref:** Requests for additional information [ARES: 420 701, 424 667 and 434 567]

Dear Sir or Madam,

Concerning the above-mentioned Call for Tenders, after having received questions from the tenderers, we are informing you of the following:

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**Q1:** In the Contract Notice on TED the time-limit for receipt of tenders is defined as 10/05/2011, whereas the Invitation Letter defines the 17/05/2011 as the deadline to submit bids. Could you please confirm that the information in the Contract Notice is wrong and the Invitation Letter is correct?

**A1:** The deadline for the submission of offers is 17/05/2011. See also the corrigendum to the Contract Notice published in the Official Journal of 09/04/2011 [2011 S70-113065].

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**Q2:** In the Invitation letter you write "*no later than 16:00 (CET) on 17/05/2011*". The current local time in Luxembourg is CEST and not CET.

Could you please clarify, if the deadline for the hand-delivered bids is 16:00 Luxembourg local time or 17:00 Luxembourg local time?

**A2:** The deadline for the hand-delivered bids is 16:00 Luxembourg local time.

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**Q3:** In the Specifications on page 17 you write:

*"for lots 1 and 3, to be accepted, a PARF must include:*

*... services similar to those covered by lots 1 and 2 ..."*

*"For lot 2, to be accepted, a PARF must include:*

*... similar to those covered by lot 3 ..."*

Could you please confirm that this is a clerical mistake?

**A3:** The requirements concerning the PARFs as defined on the page 17 of the Specifications shall be read as follows:

**"For lots 1 and 3, to be accepted, a PARF must include:**

*actually executed tasks related to provision of development services similar to those covered by lots 1 and 3..."*

**"For lot 2, to be accepted, a PARF must include:**

*actually executed tasks related to provision of development services similar to those covered by lot 2..."*

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**Q4:** In the Specification on page 15 you write:

*"A tenderer may, where appropriate rely on the capacities of other entities, regardless of the legal nature of the links which it has with them"*

A company X founded in 2010, and therefore not having balance sheets and profit and loss accounts, will rely on the capacities of a company Y of the same group. This company Y owns the majority of shares of company X and signs an endorsement letter providing company X with the necessary resources and capacities for performance of the contract.

Company X will reply in its own name to the call for tenders and will provide the necessary documentation related to Company X for the exclusion criteria and related to Company Y for the selection criteria.

Could you please clarify, if this is fully compliant with this call for tenders and will therefore be accepted by the Publications Office?

**A4:** The solution as described in the question may fulfil the requirements of the Specifications.

Please note that if the services will be provided by company Y in your example, it will be considered as a subcontractor.

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**Q5:** In the Specification on page 19 you write:

*"A document of maximum 30 pages ... presenting technical merits of the human resources for the execution of the tasks, including information on the persons assigned to fulfil the particular roles."*

Could you please clarify:

a) What do you understand by the term *"technical merits"* in relation to human resources?

b) What kind of documentation do you expect in relation to this question, e.g. CV summaries, competence tables, ...?

c) Do you expect to have the names of the persons that would be assigned to roles in case of award or is it sufficient to provide anonymised numbers of staff related to profiles?

**A5:** a) The term *"technical merits"* refers to the minimum requirements concerning the proposed human resources as defined in Annex 9 of the Specifications, as well as any other information concerning the proposed human resources the tenderers are going to provide.

b+c) It is up to the tenderers to decide how they are going to present the technical merits of the human resources proposed for the execution of the contract.

**Q6:** In the specifications on page 32 you write:

Bug - high priority - resolution time	... The maximum resolution time is 4 (four) <b>working</b> hours.
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On page 45 you write:

KPI-1	Resolution time - high priority bugs	4 <b>clocking</b> hours following the notification
KPI-4	Confirmation of bug notification	1 <b>clocking</b> hour following its dispatching

We believe that there is a clerical mistake confusing working and clocking hours in either of the cases. Could you please clarify the following:

a) Is there a clerical mistake in one of the tables regarding working and clocking hours? If yes, could you please provide a corrected version?

b) Is KPI-4 correct in imposing a bug confirmation within 1 clocking hour, even outside business hours, e.g. during the night? If yes, do you expect a 24/7 help desk running for this contract?

**A6:** a) The requirements concerning Bug - high priority - resolution time as defined on the page 32 of the Specifications shall be read as follows:

Bug - high priority - resolution time	... The maximum resolution time is 4 (four) <b>clocking</b> hours.
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b) During the contract's execution an Order for the provision of the 24/7 maintenance services might be issued.

**Q7:** a) We understand that we may submit projects that started after 01/01/2008 and which are still ongoing as PARFs for this call for tenders.

b) We also understand that the actually already performed man-days will be used to verify the compliance with the 300 relevant and 150 ANA-PROG man-days thresholds for lots 1 and 3.

Could you please confirm, if our understanding is correct?

**A7:** a) Yes, your understanding is correct. See: point 6, Annex 8 of the Specifications.

b) Yes, but only for the man-days performed after 01/01/2008. See: point 2.6.2.2. of the Specifications for all the requirements as concerns the number of man-days.

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**Q8:** In Annex 8, the PARF template, you write:

*"Annex: Project plan with all projects and resources involved"*

We understand that it is feasible and sufficient to provide a GANTT chart, e.g. from Microsoft

Project, showing the high level phases and tasks and the assigned profiles. Could you please confirm that our understanding is correct?

**A8:** It is up to the tenderer to decide in which form *"Project plan with all projects and resources involved"* will be presented.

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**Q9:** According to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, Article 38(2), the minimum time limit for the receipt of tenders shall be 52 days from the date on which the contract notice was sent. Article 38(6) allows to reduce this time limit by 5 days, if the contracting authority offers unrestricted and full direct access by electronic means to the contract documents and any supplementary documents from the date of publication of the notice.

The Contract Notice for this call for tenders was published on 05/04/2011. Taking into account that the tender specifications have been provided electronically on the same day, a minimum time limit of 47 days should be respected.

The deadline for submission of bids is set to 17/05/2011, which is less than 47 days from the date of publication of the Contract Notice.

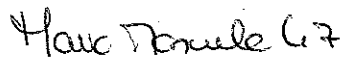
Could you please provide an extension to the deadline in order to respect the directive and to allow the decent preparation of the replies?

**A9:** According to the directive quoted in the question, the minimum time limit for the tenderers submission is 52 days from the date on which the contract notice was sent for publication, whereas the time limit calculations provided in the question are based on the date when the Contract Notice was published.

The Contract Notice was sent for publication on 24/03/2011 and as the time limit for the offers submission is 17/05/2011 (54 days after the Contract Notice was sent for publications) the minimum time limit for the submission of offers as defined in the directive, as well as in the Financial Regulation applicable to this call for tenders is respected.

Consequently, the deadline for the submission of offers will not be extended.

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Maria Manuela CRUZ  
Head of Unit