

## Call for tenders' details

Title: Framework contract for organisation of events outside of Poland.

Start date: 11/08/2016

Time limit for receipt of tenders: 12/09/2016

Contracting authority: European Border and Coast Guard Agency (Frontex)

Status: Closed

## Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	17/08/2016 18:20	22/08/2016 10:17	Format of CV	Please, could you confirm if CVs must be submitted in Europass format? Thank you very much in advance.	<b>22/08/2016</b> The CV can be but does not need to be submitted in Europass format. However, it needs to indicate all information related to the education, professional experience and other information required in the tender specifications/terms of reference.
2	26/08/2016 16:20	31/08/2016 14:44	Annex I/ Tender specification/ Selection Criteria	As most of our Clients restricts their names and we are not allowed to disclose Client names nor details of completed contracts detail connected to Client name, we would like to ask you if it is possible to specify the industry/type of Client instead of Client name and the contract volume range instead of exact value for Clients with naming restrictions or requesting commercial data confidentiality.	<b>31/08/2016</b> If a given contract is confidential the shortened information about the industry/type is in such exceptional situations acceptable. However, all other requirements of selection criteria must be fulfilled (including submission of reference letters).

## Call for tenders questions summary

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3	26/08/2016 16:19	31/08/2016 14:48	Annex 5/service contract (Invitation to the open tender procedure/ point 5 C (ii))	According to tender requirements the contract enclosed to the tender documentation is to be signed prior the possible contract award and this results in formal acceptance of all draft contract regulations and agreements. Is there any possibility to negotiate any part of the contract afterwards? If so, what are the areas that can be potentially discussed with awarded agency? If not – how, when and to what extent the contract contents can be discussed prior the bid submission?	<b>31/08/2016</b> There is no requirement that the contract should be signed before the contract award. Annex 5 - draft framework service contract is binding, however, non-substantial changes can be made to that template before the contract signature. The proposal of changes should be included in the offer.
4	26/08/2016 16:17	31/08/2016 14:54	Estimated value of the contract	Could you please confirm/specify the total estimated yearly value of the contract? We kindly ask for the confirmation due to necessity to properly allocate our resources required to execute the contract properly. Your estimated spend from past periods seems to be much lower (EUR 170k yearly versus declared EUR 6mi for the contract duration) and therefore we would like to double check this information.	<b>31/08/2016</b> The total maximum value that can be contracted under the framework is EUR 6 000 000, therefore, the annual estimated value is approximately EUR 1 500 000. However, we did not specify in the tender documentation that the EUR 170 000 was spent annually under previous contracts.

**Call for tenders questions summary**

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5	01/09/2016 12:24	01/09/2016 12:57	c) the tenderer shall provide a recent (issued at in the last 3 months) statement from the tenderer's bank indicating good general financial viability of said company	<p>Could you clarify whether the requested bank guarantee is to cover pre-financing payment and what type of financial guarantees could be presented instead of a bank guarantee?</p> <p>Our understanding is that:</p> <ul style="list-style-type: none"> <li>- Performance and Retention money guarantees are not applicable to this FWC as per the presented the Draft FWC contract, part of the supportive documentation of the procurement notice 2016/S 154-278316</li> <li>- According to Art. 273 of the Commission Delegated regulation (EU) No1268/2012 – Article 190 of the Financial Regulations, the Tender Documents for point (2). Service Contract include amongst all (a)-(i) a bank(or similar) guarantee form for the payment of pre-financing.</li> <li>- A bank guarantee ensuring the tender and/or pre-financing payment and/or proper performance is subject to supply and/or work contracts, ref Art. 273 of the Commission Delegated regulation (EU) No1268/2012 – Article 190 of the Financial Regulations.</li> </ul>	<p><b>01/09/2016</b></p> <p>The requirement indicated in point III.4.2 c) 'c)the tenderer shall provide a recent (issued at in the last 3 months) statement from the tenderer's Bank indicating good general financial viability of said company and its ability to access to a credit line in the amount of at least of EUR 500 000 (or equivalent in local currency)' concerns the statement of the bank, not the bank guarantee. There is no requirement of a bank guarantee in this call for tender. By 'statement' we mean an official confirmation (letter, certificate etc) of a tenderer's bank indicating good general financial viability of the company and its ability to access to a credit line in the amount of at least of EUR 500 000 (or equivalent in local currency).</p>

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#	Submission date	Publication date	Question subject	Question	Answer
6	01/09/2016 12:29	01/09/2016 13:01	Bank guarantee	<p>Will a tenderer's sworn statement on waiving form pre-financing payment(notary certified) be accepted instead of a bank guarantee for pre-financing payment? The tenderer's sworn statement (notary certified) is declaring that for service delivery upon a purchase order any claiming of pre-financing payments will not be deemed.</p> <p>Our understanding:</p> <p>- The potential Contractor is not obliged to request for pr-financing payment upon specific request of purchase order. Request for payment of the services shall be following the procedures: a request for payment of the balance as per Article 1.6.3. Payment of the balance of the Draft FWC contract, part of the supportive documentation of the procurement notice 2016/S 154-278316.</p>	<p><b>01/09/2016</b> Please see reply to the question number 5. Bank guarantee is not required in this tender procedure.</p>

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7	01/09/2016 12:41	01/09/2016 13:10	a proposal of the summary of the costs related to the conferences in general (required in the point II.3.2 Selection of suppliers – sub-points 2.2. and 2.3)	On page 5. Annex I, there is an indication that as part of the technical proposal the tenderer shall present a proposal of the summary of the costs related to the conferences in general (required in the point II.3.2 Selection of suppliers – sub-points 2.2. and 2.3); If you mean II. tech. description of the Annex II ToR, 3.2.2. Services of a value between EUR 15 000 and EUR 60 000 and 3.2.3 Services of a value between EUR 60 000 and the Directive threshold, is a general offer for two types of events shall be described? Do you need offer for events in and out of EU to be described? Shall be names of hotels mentioned?	<b>01/09/2016</b> The proposal of the summary of costs should be submitted for procedures described in Terms of reference, points 3.2.2 and 3.2.3. How this summary is proposed depends on the tenderer's approach. The summary can be empty table without indicating prices and names of the hotels.

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8	01/09/2016 12:35	01/09/2016 14:03	The relevance, clarity and quality of the costs summary.	Could you clarify what type of information the Contracting Authority would like to check under The relevance, clarity and quality of the costs summary (20 points of technical offer)? Which type of services do you refer to "cost summary" description?	<p><b>01/09/2016</b></p> <p>The costs summary as indicated in point II.2.1 a) of Tender specifications and reply to the question 7 should relate to the services described in point 3.2.2 and 3.2.3 of the Terms of reference. The services that should be taken into account are the services covered by the contract as indicated in the Terms of reference, point 2.2. The assessment of the costs summary as stated in point III.5.1 of Tender specifications will be made based on the relevance, clarity and quality of the costs summary:</p> <p>Relevance – if the information included in the costs summary is in line with the Terms of reference</p> <p>Clarity – if the information provided in the costs summary is presented in an understandable and clear way</p> <p>Quality – if the costs summary is logical and comprehensive and if information is reflected in an efficient way.</p>
9	06/09/2016 21:42	07/09/2016 08:50	VAT problems	Should the contractor persuade all "sub-contractor" (eg hotels, catering and conference equipment agencies, travel agencies...) to accept invoices without VAT because everything will be under FWC with the EU Agency? What to do if they do not agree?	<p><b>07/09/2016</b></p> <p>No, all services must be covered according to the financial rules on VAT, i.e. all services/supplies that are subject to the VAT in the given country should be invoiced, according to the rules, with VAT.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
10	06/09/2016 17:14	07/09/2016 09:15	total cost - contractor's fee	<p>Basic facts - please confirm if we are right:</p> <p>1) Total cost of the event (incl. the cost of accommodation for all participants) should incl VAT.</p> <p>2) There will be the specific order (of services to be covered by contractor, no other costs shall be reimbursed)</p> <p>3) Contractor's fee shall be calculated from the costs inclusive of VAT.</p> <p>4) What will be the base for calculation of contractor's fee? A) Total costs of event (with VAT)? B) Total costs minus costs for services from specific order?</p> <p>5) Is Frontex prepare to pay all costs with VAT?</p> <p>Thank you</p>	<p><b>07/09/2016</b></p> <p>Replies:</p> <p>Question 1) Yes, all costs should include VAT, according to the local tax law. The exemption from VAT concerns Frontex only, not the contractor, therefore the contractor should cover all services in line with the local tax law.</p> <p>Question 2) Yes</p> <p>Question 3) Yes, i.e. all costs covered by the contractor according to the specific order.</p> <p>Question 4) The basis for contractor's fee is the value of total costs covered (paid) by the contractor in line with the specific order.</p> <p>5) Yes. Frontex is exempted from VAT only directly, the exemption does not concern invoices issued by subcontractors. Only contractors of Frontex established outside of Poland can issue invoices without VAT based on the 1510 VAT exemption certificate form issued by Frontex.</p>

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11	06/09/2016 10:32	07/09/2016 09:23	Cost Summary	In case the Cost Summary for sub points 2.2 and 2.3. comprises prices, should it be part of the financial offer?	<b>07/09/2016</b> The content of technical and financial offer is indicated in point II.2.1 of Tender specifications. According to subpoint a) technical proposal the costs summary is part of technical offer. The costs summary, according to reply to question 7 can be blank template without hotel names and prices.
12	07/09/2016 17:16	08/09/2016 15:12	hotel and summary price costs	In the tender specification, it is mentioned that the hotel will be paid by the participants. In that case we could not include hotel in the overall summary price costs as per 2.3. and 2.2. How we could demonstrate you contacts and experience in booking and accommodation costs?	<b>08/09/2016</b> The information regarding cost of the hotel accommodation will be taken into account when deciding on the place of the venue. Also, as stated in point I.2.2.2 of terms of reference Frontex can include hotel accommodation in the specific order. Therefore the cost of hotel accommodation should be included in the costs summary.
13	07/09/2016 16:54	08/09/2016 15:15	statement for financial viability and access to credit of 500.000 euro	Is it possible to present "financial viability and capacity of credit for 500 000 euro" from the Tenderer's auditor company (not from bank)?	<b>08/09/2016</b> In general the access to a credit line is given by the bank or other financial institution. Therefore, the possibility needs to be confirmed by the financing institution.



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#	Submission date	Publication date	Question subject	Question	Answer
14	07/09/2016 11:14	08/09/2016 15:18	Events budget	How many events, or a %, were organised in the past two years with: 1) budget below EUR 15 000 2) budget between EUR 15 000 and EUR 60 000 3) budget over EUR 60 000	<b>08/09/2016</b> The general information related to the events organized in the last two years is given in part I of Terms of reference. We do not currently have other statistics available.
15	07/09/2016 11:06	08/09/2016 15:26	VAT	Case example: - VAT is not deductible or refundable for the contractor - Frontex provides the 1510 Form  Question: considering that the contractor has to pay VAT to the service providers, will Frontex pay the total amount of services paid by the contractor including VAT? The contractor's fee will be calculated from the net or gross amount?	<b>08/09/2016</b> As explained in replies to previous questions Frontex will pay all the costs covered by the contractor - if VAT is paid by the contractor, the amount will be paid including the VAT paid. From this amount the contractor's fee will be calculated. If Contractor is established outside of Poland, it will not add its own VAT (additional VAT) on the invoice, it will receive the 1510 form - VAT exemption certificate.