

Call for tenders' details

Title: Provision of services for quality assurance, quality control and project management of IT activities managed by or on behalf of DG Taxation and Customs Union (QA4).

Start date: 15/02/2017

Time limit for receipt of tenders: 03/04/2017

Contracting authority: European Commission, DG Taxation and Customs Union (TAXUD)

Status: Closed

Call for tenders question list

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|------------------|---|---|
| 1 | 27/02/2017 10:49 | 06/03/2017 11:54 | Eligibility | Is it allowed to subcontract part of the activities to a country that is neither an EU Member State nor a WTO GPA signatory ? | 06/03/2017 No. As indicated in section II.2.3 (Place of performance) of the Contract Notice, the services are to be carried out at the contractor's usual premises within the EU. All information and data processed by the contractor in the context of the performance of the contract must remain stored exclusively within the EU. |

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| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|--|--|
| 2 | 01/03/2017 16:36 | 15/03/2017 09:53 | WP.9.6.1A & WP.9.6.1B | In order to allow an accurate price calculation of the FAT work Package (WP.9.6.1A & WP.9.6.1B), can you provide us with an average and a maximal duration of this work package ? | 15/03/2017 WP.9.6.1A: average duration: 15 days (possibly with interruptions) WP.9.6.1B: average duration: 2 days (possibly with interruptions) DG TAXUD does not intend to communicate maximum durations. The longest FAT mission so far lasted 16 days while the FAT full attendances are ordered per unit of 7 days with, until now, a maximum of 21 days (3 units). |
| 3 | 07/03/2017 20:10 | 15/03/2017 09:55 | Financial tender - documents to be submitted | We understand that the envelope constituting the Financial tender must consist of Section 6 from the Questionnaire (page 27 from Annex 1), Price table (Annex 3), Freelancers table (Attachment 2 to Annex 1) and Freelancers letters of intent. Could you please confirm? | 15/03/2017 - The envelope constituting the Financial tender should only contain the Price table (Annex 3). - On page 27 from Annex 1 (Questionnaire) you just need to strike out yes or no - Freelancers table (Attachment 2 to Annex 1) and Freelancers letters of intent are to be provided in a totally separate envelope |

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|---|---------------------|---------------------|------------------|---|--|
| 4 | 07/03/2017 20:11 | 15/03/2017 09:57 | Freelancers | Our understanding is that freelancers do not need to fill in Section 1.3 from Questionnaire (pages 9-10 from Annex 1) and do not need to provide a Legal Entity File, nor a declaration on honour (Annex 5). Could you please confirm? | 15/03/2017 As indicated in the Questionnaire, freelancers are subcontractors and therefore must complete section 1.3 including a legal entity. Attachment 2 must also be completed and all freelancers must provide a letter of intent. This attachment 2 and the Freelancers' letters of intent are to be provided in a totally separate envelope |
| 5 | 07/03/2017 20:11 | 15/03/2017 09:58 | ISO certificates | Our understanding is that subcontractors do not need to provide an ISO certificate or any other relevant certification listed in section "4.4.3. Compliance with ISO standards or equivalent" from Questionnaire Annex 1. Could you please confirm? | 15/03/2017 Your understanding is correct. The first paragraph of "Section 4 - Selection of the Tenderer / technical and professional capacity" reads "In case of a joint offer, this section has to be completed on behalf of the tendering group." |

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|---|---------------------|---------------------|-------------------|---|---|
| 6 | 07/03/2017 20:12 | 15/03/2017 09:59 | Power of Attorney | In Questionnaire Annex 1, section 1.2.13. "Power of attorney" it is stated: "In case of a joint offer, please fill in and sign a power of attorney designating one of the companies of the tendering group as leader and giving a mandate to it (Annex 8 to the Tendering Specifications)". However, the text in paragraph (1) from Annex 8 states "The European Commission has awarded Framework Contract...". Can we submit a power of attorney that is in a template different than Annex 8 since this is the tendering stage and the contract has not been awarded yet? | 15/03/2017 No. Please also note that the power of attorney should only be submitted by the winning tenderer when signing the contract |

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|---|---------------------|---------------------|-----------------------------------|---|--|
| 7 | 07/03/2017 20:14 | 15/03/2017 10:00 | Structure of the technical tender | <p>Regarding pages 11 and 12 from Annex 4 "Guidebook for Tenderers", section 6.4.3. "Elements to be separated from the rest of the offer", we understand that we need to separate the technical tender into two different folders:</p> <p>Folder 1 must be comprised of sections 0 to 3 including (pages 1 to 11) from Annex 1 Questionnaire including the described there supporting documents;</p> <p>Folder 2 must be comprised of sections 4 to 5 including (pages 12 to 26) from Annex 1 Questionnaire including the described there supporting documents.</p> <p>Both folders (originals + copies + USB/CD) must not be placed inside two separate envelopes, but they must be placed directly inside the envelope labeled "Technical". Could you please confirm?</p> | <p>15/03/2017</p> <p>Folder 1 must contain 1 original + 2 copies of</p> <ul style="list-style-type: none"> - all documents related to Annex 1 - Questionnaire pages 1 to 30 - your technical proposal <p>Folder 2 must contain 1 original + 2 copies of your financial quotation and its supporting documents,</p> <p>And the following elements of your offer must be submitted in separate binders or folders, which must be clearly labelled</p> <ul style="list-style-type: none"> - the list with personal data referred to in section 6.3.4, where applicable, - the financial identification form⁷, the legal entity form⁸ and the "power of attorney" form (if applicable), - an electronic copy of these elements (see section 6.3.5.2) should be provided on separate hard supports, which must also be clearly labelled. |
| 8 | 08/03/2017 11:18 | 15/03/2017 10:01 | ISO Certificates | <p>With reference to paragraph 4.4.3 of the Questionnaire, please confirm that the ISO certificates listed on the table are not all mandatory, and only available certificates should be indicated. Otherwise please clarify.</p> | <p>15/03/2017</p> <p>Your understanding is correct</p> |

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|----|---------------------|---------------------|-------------------------------|---|---|
| 9 | 08/03/2017 11:21 | 15/03/2017 10:01 | Evidence of services provided | With reference to paragraph 4.2.1 of the Questionnaire, please confirm that certificates issued by contracting authorities for services provided in 2014, 2015 and 2016 are needed only for the main services provided and not for all the listed services. | 15/03/2017 Your understanding is correct. Nevertheless, DG TAXUD reminds that Section 4.2 requires "References in relation to similar contracts" and "use of services similar to the service requirements of this call for tenders." |
| 10 | 08/03/2017 11:23 | 15/03/2017 10:03 | Service Reference Forms | With reference to paragraph 4.2.3 of the Questionnaire, please confirm that Service Reference Forms (Attachment 1) to be submitted should be at least three but no more than five and that they do not need to be correlated to the list of Client Reference Contacts (3 to 5, according to paragraph 4.2.1) and to the general list of services mentioned at 4.2.1 – first bullet point. | 15/03/2017 1st point - Your understanding is correct: Service Reference Forms (Attachment 1) to be submitted should be at least three but no more than five. 2nd point - Your understanding is NOT correct. The Table of Section 4.2.3 clearly states " For each of the three (3) to five (5) service contracts mentioned in Section 4.2.1" and the table of Section 4.2.1 clearly states " Reference to Services Reference Form provided under section 4.2.3" 3rd point – Your understanding is NOT correct: the general list of services mentioned at 4.2.1 (which have to be "similar to the service requirements of this call for tenders"), the Client References, and the Service Reference Forms must be correlated. |

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|----|---------------------|---------------------|-------------------------------|---|--|
| 11 | 08/03/2017 11:24 | 15/03/2017 10:08 | Financial Identification Form | Concerning paragraph 1.2.12 of the Questionnaire, please confirm that in case of a joint tender only the leader (i.e. not the all the members in the tendering group) should fill in the Financial identification form, in accordance with the Power of attorney, where it is specified that "(4) payments by the European Commission related to the Supplies or the Services shall be made through the Group Leader's bank account". | 15/03/2017 We do not confirm. Section 1.2 clearly indicates that it must be completed as many times as there are members in the tendering group |
| 12 | 08/03/2017 11:26 | 15/03/2017 10:09 | Maturity scan | With reference to paragraph 4.4.4., please specify if evidence of "recent and dated report of maturity scan/measurement of the processes" should be provided through a specific certificate. If yes, please clarify if it is mandatory. | 15/03/2017 no specific certificate is required |
| 13 | 08/03/2017 11:29 | 15/03/2017 10:11 | Staff requirements | With reference to members of tenderers' staff ("up to a maximum of 35 profiles"), please specify if each profile should be compliant with any technical requirements. | 15/03/2017 No technical requirement has been specified in relation to each profile. It is the tenderer's responsibility to define the relevant profiles for delivering the services. Please note that the description of all profiles that are involved in provisioning the catalogue of services covering the scope of the contract has to be described in your reply to Section 5.2 of the Questionnaire. |

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|----|---------------------|---------------------|--|---|--|
| 14 | 08/03/2017 11:31 | 15/03/2017 10:11 | Segregation of duties | Our organization has been included as subcontractor in an awarded tender with DG TAXUD but subcontracting has never been activated and no services have been rendered under the contract. With reference to paragraph 4.3.1 of the Questionnaire, please confirm that this situation is not relevant to the “segregation of duties at the management, control, quality assurance, and operational levels”, as mentioned in the last row of the table. | 15/03/2017 We confirm this situation is not relevant to the “segregation of duties at the management, control, quality assurance, and operational levels”, as mentioned in the last row of the table of Section 4.3.1. |
| 15 | 08/03/2017 12:58 | 15/03/2017 10:13 | General Conditions for the framework contract | We understand that §§2, 3 and 4 of article II.18.4 of the General Conditions for the framework contract are not applicable. Does it mean that the contractor is entitled to automatic compensation resulting from early termination of the framework agreement? | 15/03/2017 Your understanding is incorrect. The second, third and fourth paragraphs of Article II.18.4 fully apply (cf. Article I.11) |
| 16 | 08/03/2017 13:01 | 15/03/2017 10:13 | General Conditions for the framework contract. | Under article II.23.2 of General Conditions for the framework contract, the contracting authority has the right to offset all amounts due by the contractor against any amounts owed to it by the Union/EAEC. Our understanding is that such offset mechanism is limited to amounts owed by the Union/EAEC under the same framework agreement. Can you please confirm our understanding? | 15/03/2017 your understanding is correct |

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|----|---------------------|---------------------|---|---|---|
| 17 | 08/03/2017 13:01 | 15/03/2017 10:14 | Article 1.5.1 of the General Terms and Conditions | Article 1.5.1 of the General Terms and Conditions refers to Article II.4 of the General Conditions. Unless we are wrong we believe the reference is not correct. Can you please confirm/correct? | 15/03/2017 We confirm, the correct reference should be to Article II.15. A new version of the model contract is available |
| 18 | 08/03/2017 13:02 | 15/03/2017 10:16 | declaration of honour | Referring to the declaration of honour on exclusion criteria and selection criteria to be completed and signed by subcontractors, and given the fact that the selection criteria do not apply to subcontractors (except if the tenderer intends to rely on subcontractors economic and financial capacities), our understanding is that section 6 of such declaration is not to be completed by the subcontractors and thus can be strikethrough or deleted (except if the tenderer intends to rely on subcontractors economic and financial capacities). Is our understanding correct? | 15/03/2017 your understanding is correct |

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|----|---------------------|---------------------|----------------------------------|--|---|
| 19 | 10/03/2017 16:35 | 20/03/2017 12:05 | Branch-company references | With reference to “paragraph 4.2.1”, please confirm that a branch-company A of a Group, based in an EU Member Country, can rely on the capacity, and relevant references, of another branch-company B of the same Group based in a different EU Member Country. If yes, please specify if a written endorsement from branch-company B is necessary. | 20/03/2017 Yes we confirm that a branch-company A of a Group, based in an EU Member Country, can rely on the capacity, and relevant references, of another branch-company B of the same Group based in a different EU Member Country and that there is no need for a written endorsement from branch-company B. |
| 20 | 10/03/2017 16:37 | 20/03/2017 12:10 | "Declaration of honour" template | With reference to the “Declaration of honour on exclusion criteria and selection criteria” template annexed to the tender’s documents, please confirm that - concerning the “Selection criteria” table (p.5) - we should add “paragraph 5.3 of the Tendering Specifications” as reference section in square brackets for all the three criteria mentioned (“legal and regulatory capacity”; “economic and financial criteria”; “technical and professional criteria”). | 20/03/2017 Yes this is correct. A new version of the Declaration of honour is available |

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|----|---------------------|---------------------|---------------------|--|--|
| 21 | 11/03/2017 21:16 | 20/03/2017 12:11 | Volumes Price table | We notice a considerable difference between the volumes in the historical baseline, compared to the volumes provided in the price table, which are in many cases almost 2.5 times as high (for instance for WP-9.4.1A-1). Is this intentional, also given the reverse effect that would be caused by the proportionality principle which is being introduced ? What is the reasoning behind this ? | <p>20/03/2017</p> <p>The increase of volumes is not caused by the introduction of the proportionality principle. The justification of this increase is two-fold:</p> <ul style="list-style-type: none"> - DG TAXUD anticipates a growth of IT activities in the five forthcoming years, notably linked to the ICS2 Project; - The consumptions of QA3 services of the past two years were capped and below the operational expectations. <p>As stated in Section 6.3 "Volumetric estimates" of the Terms of Reference, DG TAXUD provides these estimates in order to proceed to the financial comparison of the financial offers received and to estimate the value of the FWC. The estimated quantities provide as well an indication of the upper bound of the services quantities that the Commission envisages to order over the duration of the contract. The Commission does not take any commitment to order the totality of the estimated quantities set in the TBP Workbook.</p> |

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| 22 | 11/03/2017 21:18 | 20/03/2017 12:13 | Technical Annex2.B | The Technical Annex2.B describes that no daily reports are requested in scope of WP.9.5.2 (quality control of the conformance test performance – level 'process compliance'). Regardless, daily report deliverables for this work package in Cat2, 3 and 4 have been defined. Please indicate which option is valid. This same inconsistency exists for WP.9.6.2B. | 20/03/2017 We do confirm that no daily reports are requested for Category 1 conformance tests. The average duration of a Category 1 Conformance Tests ("less than a day" as mentioned in the Technical Annex page 54) does not justify the need of a daily report on top of the final report of the activity. We also confirm that no daily report is request for WP.9.6.2B. |
| 23 | 13/03/2017 15:41 | 20/03/2017 12:14 | Chapter 4.2 | Are we correct in assuming that the information requested in Chapter 4.2 of the questionnaire is to be provided in the Service Reference form attached to the questionnaire, by simply listing the services provided in scope of these references ? | 20/03/2017 Yes the information is to be provided in Attachment 1 - Service Reference Form of the Questionnaire. |
| 24 | 13/03/2017 15:46 | 20/03/2017 12:15 | Posted questions | We posted a number of questions on the portal, can you confirm the estimated time of response of these questions? | 20/03/2017 The replies to these questions have been answered on 15/03/2017 |

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|----|---------------------|---------------------|--------------------------------------|---|---|
| 25 | 13/03/2017 16:03 | 20/03/2017 12:16 | Extension of the submission deadline | We would like to request the extension of the submission deadline, considering that the offer is complex and it is difficult to set up an operational model within such short period of time. | 20/03/2017 Considering that (1) The time-limit for receipt of tenders is minimum 42 days and that the Contracting Authority granted a deadline of 59 days; (2) your request for extension was submitted 3 weeks before the deadline, the Contracting Authority has decided to keep the deadline for the submission of offers on 3 April 2017. |

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|----|---------------------|---------------------|------------------|--|--|
| 26 | 15/03/2017 09:41 | 20/03/2017 12:18 | Travels | Can you confirm that travels that can be requested in the context of the QA4 activities (Missions, audits...) will be performed within EU countries? If travels are required outside EU countries, can you clarify to which countries? | 20/03/2017 We do confirm that travels will be requested in the context of QA4 activities (missions, audits, QC of testing activities, meetings...). In the Annex 3 - Price Table, DG TAXUD has set a budget provision of 1.5 Million Euros to cover travels and subsistence costs. Most of the travels should take place in EU countries. Exceptionally, a limited number of travels might happen in context of the preparation of enlargements - in particular concerning Turkey, Serbia, the Former Yugoslav Republic of Macedonia (fYRoM) and other Western Balkan countries - or in third countries where agreements exist and are being developed to support international trade (for instance the USA, Japan, China, and Russia). However this case never happened on QA3 contract so far. |

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| 27 | 15/03/2017 11:01 | 20/03/2017 12:19 | Par. 5.1.3. "Hand-over" | According to section "5.1.3 Hand-over" of the Questionnaire, the contractor is called to show its plan on how it proposes to ensure the hand-over of existing QA3 services while ensuring the running of its services. Meanwhile, according to WP.5 of "Annex 2b: Technical Annex", the hand-over activities relate to QA4 services. Please clarify that section 5.1.3 of the Questionnaire refers to hand-over of future QA4 services to the next contractor. | 20/03/2017 We do confirm a clerical mistake. Section "5.1.3 Hand-over" of the Questionnaire should read: "Its proposed strategy for the hand-over (WP.5), its plan (planning, work breakdown structure, deliverables, external and internal dependencies, milestones, critical path, tools...) showing how it proposes to ensure the hand-over of existing QA4 services while ensuring the running of its services." An updated Questionnaire is published on the eTendering platform. |
| 28 | 15/03/2017 12:43 | 20/03/2017 12:20 | Client references | In case of services provided to a private purchaser certified by the service provider through a declaration, is it mandatory to indicate the client contact or is it sufficient the responsible of the contract from the provider side? | 20/03/2017 We do confirm that the client contact is mandatory. As stated in Section "4.2.1. Client References (Mandatory)", only provide client references that can be consulted by the Commission. |
| 29 | 15/03/2017 15:48 | 20/03/2017 12:21 | QA3 Hand-over plan | According to the WP2 Take-over, included in "Annex 2b: Technical Annex", the contractor is called to "ensure a proper alignment with the hand-over plan delivered by the incumbent QA3 contractor". However, looking at the QA3 Baseline, the Hand-over Plan seems missing. Could you please clarify? | 20/03/2017 The QA3 Hand-over Plan will be requested to the existing contractor once the results of QA4 Call for tenders would be published. This document will be delivered as an input to QA4 contractor to manage its take-over according to WP.2 requirements. |

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| 30 | 21/03/2017 11:30 | 24/03/2017 10:32 | Price table | Due to the fact that the column width is blocked, the totals are not visible and show as #####. Can this be corrected ? | 24/03/2017 The column "Estimated budget TOTAL" of sheet TBP has been extended. An updated Price Table is published on the eTendering platform. |
| 31 | 21/03/2017 11:31 | 24/03/2017 10:33 | Price table | There are only 35 lines to enter profiles in the Profile Pi Pricing sheet of the price table. Can this list be extended ? | 24/03/2017 No; tenderers can indicate maximum 35 profiles |

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| 32 | 21/03/2017 20:10 | 24/03/2017 10:35 | Answer 19 | As per your answer n° 19, can you please confirm that the tenderer can rely on references of its affiliated companies (ie companies part of the same group) without providing a written endorsement from such affiliates companies and/or without using such affiliated companies as potential future subcontractors? | <p>24/03/2017</p> <p>No we do not confirm; our reply to Q19 was incomplete and should be read as follows :</p> <p>1) As per Art 146.5 of the Rules of Application: An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to that effect. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. In this respect a letter of endorsement will be required from the tenderer.</p> <p>2) As per Section 4.2.1 of the Questionnaire : Client references should be for different customers, other than European Commission, and for services performed at the premises of the tenderer. Parent companies, partner organisations, subsidiaries, branches, departments, divisions, directorates, etc. of the tenderer (whether it is a sole tenderer</p> |

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| | | | | | tenderer (whether it is a sole tenderer or a tendering group), cannot be submitted as client references. The same reasoning applies for section 4.2.3 of the Questionnaire; Services performed for a parent company, partner organisation(s), subsidiary(ies), branch(es), department(s), division(s), directorate(s), etc. of the tenderer (whether it is a sole tenderer or a tendering group), cannot be submitted as service references. |

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| 33 | 24/03/2017 14:09 | 24/03/2017 14:10 | Participation in tender | <p>Regarding to the contract notice with No: 2017/S 032-057176 dated on 15.02.2017 under the name "Belgium Brussels - Provision of services for quality assurance, quality control and project management of IT activities managed by or on behalf of DG Taxation and Customs Union (QA4)", I would like to ask a very short and clear question since we couldn't be sure about that. First of all, it's written within the notice that "The procurement is covered by the Government Procurement Agreement(GPA): yes" and we know that Turkey is not party to the GPA, but observer. Secondly, we aren't member of the EU as you know, but we are candidate country and carrying out a lot of works under special agreements. So could you please kindly say that are we eligible to apply for this tender? or how could we be eligible for that? or should we bid for the tender with a company from the EU side as a consortium?</p> | <p>24/03/2017 As indicated in the contract notice under the section IV.1.8, this procedure is covered by the Agreement on Government Procurement (GPA). The GPA is a multilateral agreement within the framework of the WTO, meaning that not all WTO members are Parties to the GPA. In conformity with the contract notice, only those companies/corporations registered in one of the EU countries or in a country having ratified the GPA can participate in this call for tenders. Turkey has not ratified the GPA. Since 04/06/1996, it has only an observer status in the GPA Committee. Nevertheless, your company could act as subcontractor of another economic operator who has access to the EU procurement procedures.</p> |

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| 34 | 27/03/2017 11:02 | 28/03/2017 17:11 | Technical and professional criteria | <p>With regard to technical and professional criteria, we understand that if company A aims to provide a reference of a third party, such third party can be identified as a subcontractor of company A provided such third party makes available, apart from the reference, the section 1.3 of the questionnaire, the letter of intent, the legal entity form and the declaration on honor of exclusion criteria.</p> <p>In other words, if we use references from other branch offices (in the EU) they don't need to be declared as subcontractor and have to submit the documents mentioned in section 1.3?</p> <p>Can you please confirm our understanding is correct?</p> | <p>28/03/2017 Please refer to our replies to questions 19 and 32</p> |

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| 35 | 28/03/2017 14:14 | 28/03/2017 17:12 | Contradicting subcontracting modalities as regards rules of participation to this tender | Your response to questions around eligibility and subcontracting for this procedure are contradictory and leave little to no time for contractors to adapt their offer. In Q1 you clearly state that no non-EU companies can partake to this procedure - even if only for subcontracting - whilst in the latest Q&A specifically Q33 you state that subcontracting outside of the EU is permitted. This creates a lot of confusion and now seriously impacts the 'level playing field' for this call for tender. If we are suddenly able to subcontract to entities not part of the EU, we believe that it is only fair for you to extend the submission deadline in such a way as to give all potential tenderers the opportunity to consider their subcontracting options. Not providing such an extension after the publication of such a critical clarification in contradiction with what was initially clarified would in our view reflect very negatively on the tender proceedings. | 28/03/2017 There is indeed an inconsistency in the replies. The reply to Q33 should read "No, you are not eligible to apply for this tender. As indicated in section II.2.3 (Place of performance) of the Contract Notice, the services are to be carried out at the contractor's usual premises within the EU. All information and data processed by the contractor in the context of the performance of the contract must remain stored exclusively within the EU |

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| 36 | 29/03/2017 15:13 | 30/03/2017 08:40 | Price table | When completing the V2.00 of the price table we notice that for the Work Packages WP.9.9 the profile man day prices are linked to the "in contractor's premises" prices calculated in the Profile Pi Pricing tab, while for the Ppm profile (linked to WP.9.10) this link is made to the "in DG TAXUD Premises" price. Can you indicate whether this is correct ? | 30/03/2017 This is not correct. WP 9.10 should be linked to the "in contractor's premises" prices calculated in the Profile Pi Pricing tab. A version 3.00 of the price table is published. |

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