

Call for tenders' details

Title: Provision of translation services relating to European Union trade marks, registered Community designs and general administrative documents

Start date: 16/06/2018

Time limit for receipt of tenders: 23/07/2018

Contracting authority: European Union Intellectual Property Office (EUIPO)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	18/06/2018 20:48	19/06/2018 15:13	Economic and Financial Capacity	In point 13.2.1 Economic and financial capacity, it is said that "A minimum yearly turnover of 20.00.000,00 € is required", Could you please confirm which is the correct figure?	19/06/2018 In point 13.2.1 Economic and financial capacity, the correct minimum yearly turnover required is of 20.000.000,00 €.
2	18/06/2018 20:50	19/06/2018 15:16	Technical and professional capacity	In section 13.2.2 Technical and professional capacity, it is stated that "A minimum overall turnover of 60.000.000,00 € is required over the three-year period related to translation services." is required. If we are going to present our offer with another company, could this amount be the result of the addition of both companies overall turnover?	19/06/2018 As indicated in section 4 of the guidebook for tenderers, the minimum levels of technical and professional capacity must be met by the tendering group as a whole.

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#	Submission date	Publication date	Question subject	Question	Answer
3	21/06/2018 14:58	22/06/2018 10:06	Scope of languages to be provided	Is it true, that it is required by the contractor to be able to translate from all 24 official EU languages as source to all 24 official EU languages as the target languages?	22/06/2018 Yes. As stated at Footnote 2 (Annex II p. 4), there is a temporary derogation on Irish until 31 December 2021 (Council Regulation (EU, Euratom) No 2015/2264 (OJ L 322, 8.12.2015, p. 1). As a result, the EUIPO currently translates from all EU official languages except Irish into all EU official languages except Irish, although Irish will be required during the lifetime of the framework contract. Note that the source language is predominantly one of few EU official languages (Annex II Sections 5.1.3 and 5.2.3) and that a pivot language may be used to facilitate the translation process and avoid rare language combinations (Annex II Section 5.1.1).
4	21/06/2018 16:20	22/06/2018 10:09	Technical Specifications. Para 4.1 Coordination team	Could you kindly confirm that the Coordination team can be located at the Contractor's premises? Thank you.	22/06/2018 No. The Coordination team must be located on the Office's premises as stated in Annex II Section 4.1: Although the Contractor's coordinator (and his or her support) must be present on-site during the agreed working hours, the Office has no specific requirements regarding the localisation of the Contractor's team.

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#	Submission date	Publication date	Question subject	Question	Answer
5	21/06/2018 16:24	22/06/2018 10:10	Technical Specifications - Para 5.4 Summary of requirements and responsibilities	Could you confirm that training on the Nice and Locarno Classification systems will be provided by EUIPO through webinars and/or video conferences? Thank you.	22/06/2018 Initial training on the Nice and Locarno Classification systems in addition to other specific training will be provided by the EUIPO either on site or by video conference according to needs (Annex II Section 4.1).
6	22/06/2018 13:48	22/06/2018 15:17	Written undertaking of third entities:	Do all the entities of the grouping need to present the THIRDS PARTY FORM?	22/06/2018 No, only the designated leader organisation of the group of economic operators must present a Third party file form.
7	22/06/2018 11:48	22/06/2018 15:31	13.2.2. - number of references	Is there a limit (min or max) for the number of major projects to be listed and submitted or can this criteria be fulfilled with any number of references?	22/06/2018 There is no limit, you must reach the overall amount of 60.000.000,00 € over the three-year period regardless of the number of references.

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#	Submission date	Publication date	Question subject	Question	Answer
8	21/06/2018 10:31	22/06/2018 15:32	List of major similar contracts - evidence clarification	<p>Please clarify the evidence requirements for the criteria "List of major similar contracts" in section 13.2.2.</p> <p>Tenderers are asked to create a list of "major" projects with certain information and to be able to provide signed third party reference letters of these "major" projects.</p> <p>In the last paragraph, the need for 60M revenue from translation is required.</p> <p>Does this mean, that tenderers must present a list of major projects (which they can also prove with reference letters) with a total sum bigger, than 60M euros over the 3 years period?</p>	<p>22/06/2018</p> <p>Yes, this is correct. A list of contracts accompanied by certificates of satisfactory execution must be presented for a minimum (equal or bigger) overall amount of 60.000.000,00 € over the three-year period related to translation services.</p>
9	22/06/2018 13:43	22/06/2018 15:33	WRITTEN UNDERTAKING OF THIRD ENTITIES	<p>If we are going to present a grupo of companies, two of them being subsidiaries of a third one, and a fourth independent entity, which statement should be presented on WRITTEN UNDERTAKING OF THIRD ENTITIES? a) Parent company and b) Group of economic operators, only b)? Thanks for confirming.</p>	<p>22/06/2018</p> <p>The model B is used for a group of economic operators creating a separate legal entity appointing a group manager and giving a mandate to it. In your case, you are designating one of the economic operators as leader of the group and giving a mandate to it, therefore the Model A should be presented.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
10	22/06/2018 11:45	22/06/2018 15:38	Section 13.2.2. - references	Please confirm that the 60 million euros refer to a 3 year period related to translation services.	22/06/2018 Your understanding is correct. As indicated in the tender documents, a minimum overall turnover of 60.000.000,00 € is required over the 3 year period related to translation services.
11	22/06/2018 16:09	26/06/2018 13:24	Question group of economic operators	Could you please let me know in case of group of economic operators, if one company has registered office in EU, Europe one translation company is from America, is it allowed in this call for tender to participate if the office is in America? Thank you	26/06/2018 Participation in procurement procedures is open on equal terms to all natural and legal persons falling within the scope of the Treaties. This includes all legal entities registered in the EU and all natural persons having their domicile in the EU, regardless if they have branches outside EU. So, a company only registered in the USA is not allowed to participate as economic operator, on its own or as a member of a group of economic operators (joint tenders). However, the rules of access to the market do not apply to subcontractors. Please read carefully the section 4 of the guidebook for economic operators related to the collaboration between economic operators on procurement procedures.

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#	Submission date	Publication date	Question subject	Question	Answer
12	22/06/2018 13:54	27/06/2018 11:42	PROPOSAL STRUCTURE	<p>Could you please confirm if our interpretation of what needs to be presented and how is correct:</p> <ol style="list-style-type: none"> 1. Cover Letter 2. Part 1: Forms and evidences of the Standard Reply Form to be filled in. <ol style="list-style-type: none"> a. Declaration on honour b. Evidence of relevant professional risk indemnity insurance c. Simplified financial statement d. Statement of overall turnover e. Presentation of the tenderer f. The educational and professional qualifications, skills, experience and expertise g. List of principal relevant contracts h. Presentation of the proposed coordination team i. Statement certifying the proposed linguistic team j. Language Industry Certification System (LICS) k. Statement on professional conflicting interests l. Recent proof of inclusion in a professional or trade register 3. Part 2: Strategy paper/Technical proposal. 4. Part 3: Financial proposal: <ol style="list-style-type: none"> a. - Financial proposal b. - Third party form 5. Part 4: List of names of personnel and equivalence with numbers in CVs 	<p>27/06/2018</p> <p>Your understanding is almost correct. List of names of personnel and equivalence with numbers in CVs should be included with the 2.h being part of this criterion. As indicated in section 8 of Annex I, the submission of a tender is not subject to lodging a preliminary tender guarantee.</p> <p>In e-Submission, all evidences must be uploaded in the related selection and exclusion criteria and in the related technical and financial tender. Use the category "Other" to upload other documents that is not referring to a specific section.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				CVs 6. Part 5: Tender guarantee.	
13	28/06/2018 09:17	28/06/2018 12:06	Concerning - Reference to similar contracts' Confirmation	<p>The customer/Client must confirm with date, name, stamp, signature.</p> <p>Some of our customers don't use stamp anymore - Would it be acceptable to deliver the references without stamp?</p>	<p>28/06/2018</p> <p>If it is a certificate issued and signed by the customer with his header the stamp is not necessary. However, if it is our model (Annex V "reference to similar contracts") that is used, and that it is duly completed and signed by the client without his stamp, we would have no proof that it is indeed the customer's signature. Therefore, in such case, it will be your responsibility to provide any additional equivalent evidence from the customer confirming the content of such model.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
14	28/06/2018 12:11	29/06/2018 13:49	Technical and professional capacity	Could you please clarify whether Project Manager indicated in the workflow is the Office's employee or the Contractor's? Could you please elaborate on the tasks to be performed by the Contractor's coordinator to better assess the time and profile for such Coordinators?	<p>29/06/2018</p> <p>As stated in Section 4.1, the coordinator 'will be responsible for the organisation and execution of the services. This person will be in charge of receiving, dealing with and resolving any requests and/or problems related to the execution of the services subject to this contract.' The coordinator will therefore need to be experienced in managing translation projects and workflows. A technical background could be an advantage to deal with technical issues that may arise with file handling and processing, as well as for implementing process automation.</p> <p>Under Section 5.2.4, the project manager is an EUIPO staff member. The Contractor's coordinator intervenes at step 2 of the process and so experience in the SDL products indicated are a requirement. The coordinator will also be responsible for follow-up of QA actions carried out by the Office and for drafting a monthly report on the translation performed in the context of the contract.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
15	28/06/2018 12:13	29/06/2018 13:51	Part A – Translation of lists of goods and services and product indications	Under Part A, in the description of the Source languages for the translation of EUTMs and product indications you mention that: A second language different from the language of the filing must be indicate from among the five languages of the Office (ES, DE, EN, FR and IT). This is clear in the trademarks application process. How is this reflected the translation process? Are the sources files multilingual?	<p>29/06/2018</p> <p>Applicants must indicate a second language from among the five Office languages that is different from the language of filing, and applicants may or may not provide the translation of the list of goods and services in the second language. This creates four possible translation scenarios:</p> <p>Scenario 1 First language is Office language (e.g. DE) Second language is Office language (e.g. EN) Applicant does not provide second language translation Source language for translation is first language (i.e. DE).</p> <p>Scenario 2 First language is Office language (e.g. DE) Second language is Office language (e.g. EN) Applicant provides second language translation Source language for translation is first language (i.e. DE).</p> <p>Scenario 3 First language is non-Office language (e.g. FI) Second language is Office language (e.g. EN)</p>

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					<p>(e.g. EN) Applicant does not provide second language translation Source language for translation is first language (i.e. FI).</p> <p>Scenario 4 First language is non-Office language (e.g. FI) Second language is Office language (e.g. EN) Applicant provides second language translation Source language for translation is second language (i.e. EN).</p> <p>As the sample translation file included with the tender documents shows, only a single source language is indicated.</p>
16	28/06/2018 12:08	29/06/2018 13:53	Point 5.1.3. Volumes	Are the given volume indications to be understood as all words, disregarding the matches after the TM processing or only words of the fuzzy matches to be translated?	<p>29/06/2018 As indicated in Section 4.7, the translation of lists of goods and services does not include fuzzy matches or 100% matches. Therefore, the volumes indicated in Section 5.1.3 are to be understood as 'all words' that will be invoiced at 100% of the billing unit rate.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
17	28/06/2018 12:14	29/06/2018 13:54	Translation workflow and tools	Could you please specify what type of content and which language combinations will be selected for MT processing?	29/06/2018 Content and language combinations which currently may be subject to machine translation include administrative documents such as decisions of the Executive Director in the 20 combinations of the Office languages. New content types and language combinations are nonetheless expected with the improvement of NMT engines. Agreement of the quality criteria would be reached in consultation with the Contractor.
18	28/06/2018 12:12	29/06/2018 13:56	Translation workflow	Could you provide the current detailed workflow for the tasks performed by the Contractor and the tasks performed by the Office in the document preparation stage? (graphic illustration would be preferable)	29/06/2018 Under the current workflow the Office performs no tasks during the document preparation stage other than providing the Contractor with a camera-ready source document.

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#	Submission date	Publication date	Question subject	Question	Answer
19	28/06/2018 12:15	03/07/2018 16:31	Translation workflow and tools	Fully integrated B2B solution – do you expect to have a solution already presented in the offer? If yes, could you please provide us with the technical specifications for the existing automated exchange?	03/07/2018 A broad description of the existing automated exchange is provided in Annex II Section 5.1.4. However, as indicated in Annex I under Section 13.3 Criterion 4, the evaluation of the offers for this call will include an evaluation of the technical appropriateness of the IT equipment, and particularly 'any improvement to current EUIPO translation workflow based on technology solutions (towards the current state of the art) that would contribute to the improvement of the service'. Therefore, the final B2B solution to be implemented will be dependent not only on the alignment with the current process but also on the proposals made by the successful tenderer.

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#	Submission date	Publication date	Question subject	Question	Answer
20	29/06/2018 14:34	03/07/2018 16:32	Penalties (page 23 of the Technical Specifications)	<p>Regarding the liquidated damages for missed deadlines and reduction in price for lack of quality, it is stated that compliance with the expected quality and deadline will be measured monthly, and in case of not meeting the requirements, penalties up to 10% (in the case of missing deadlines) and 20% (in the case of unsatisfactory quality) can be applied.</p> <p>In the tables, the percentage refers to "Penalty applicable to total invoice for the particular task", our question is if that percentage would be applied to a specific project in the case of deadlines or to a specific project and language combination in the case of quality?</p> <p>The way it is phrased, it is not clear if the penalty would be applied to the whole invoiced amount in that month or only to the specific project.</p>	<p>03/07/2018</p> <p>Invoices will include translations of lists of goods and services and product indications and translation of administrative documents. If for example in a given month all administrative documents are delivered on time but 4% of lists of goods and services and product indications are delivered late, then no penalty will be applied to the portion of the invoice covering administrative translations, but the Office reserves the right to apply a 2% penalty to the portion of the invoice covering lists of goods and services and product indications. Note that timeliness is measured on translation requests and not on language combinations, since for example an EUTM cannot be published if one or more translated languages are missing. Similarly, if for example in a given month quality checks reveal that 4% of administrative translations in a particular language combination (e.g. EN>DE) are not fit for purpose, the Office reserves the right to apply a 5% penalty to all administrative translations in that language combination included in the invoice.</p>

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21	03/07/2018 12:23	03/07/2018 16:34	Scope of languages to be provided - Irish	We understand that a temporary derogation is in place on Irish until 31 December 2021 however it is expected that Irish will be required during the lifetime of the framework contract. Could you please confirm, therefore, if we should be providing details on how we would expect to fulfil the requirement for Irish translations in our response?	03/07/2018 In Annex I under Criterion 2, tenderers must pay 'particular attention to the description of the offer in terms of the required flexibility of the teams'. This should necessarily include reference to all translators and translation support staff.
22	03/07/2018 12:36	03/07/2018 16:34	Selection criteria (economic and financial capacity)	We envisage responding with a joint tender between two economic operators supported by subcontractors and are unclear regarding the selection criteria for economic and financial capacity. Does the required minimum yearly turnover of €20,000,000 apply to each of the economic operators? Or is just one of the economic operators required to meet this requirement? Alternatively can the minimum level of turnover be met by a combination of the economic operators and the subcontractors?	03/07/2018 In relation to the selection criteria for economic and financial capacity, the minimum levels of capacity must be met by the tendering group and all subcontractors (if relevant) as a whole. Please read carefully section 4 of the guidebook for economic operators.

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#	Submission date	Publication date	Question subject	Question	Answer
23	27/06/2018 14:21	03/07/2018 16:41	References/Language Industry Certification	<p>1) What kind of documents would EUIPO accept as list of principal relevant contracts, in addition to the filled in template provided with the tender documentation? Does a reference given on a client's own template suffice, if duly signed?</p> <p>2) Would you also clearly define what is meant by "with the same characteristics as those described in technical specification"? Will translation projects of all kinds be accepted as "similar"?</p> <p>3) Is ISO 9001:2015 or other similar service quality certificate considered to be an acceptable Language Industry Certification?</p>	<p>03/07/2018</p> <p>1) If you already have a certificate from your client that contains all the information requested in our form, you don't need to have another form also filled in. If you do not have a certificate already established by your client containing all the information requested in our form, then it is recommended to use the template "reference to similar contracts" attached in the Annex V – Standard Reply form.</p> <p>2) The list of contracts should include translation services in the field of intellectual property and/or translation of administrative documents such as publications, documents intended for external readers, internal administrative documents and website content. Language services other than translation services (e.g. proofreading, copy editing, interpreting, etc.) will be excluded.</p> <p>3) No.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
24	03/07/2018 16:52	04/07/2018 09:12	Concerning Lots	Could you please clarify if a Company can submit a proposal just for several lots (for several language combinations)? Or must the Company submit a Tender which covers all language combinations?	04/07/2018 The Office is planning to conclude a single framework contract for translation services. Therefore, the successful tenderer must be able to cover all tasks and all language combinations.
25	02/07/2018 15:44	04/07/2018 10:15	Evidence for references	Could you please confirm if the following evidences are sufficient proof for similar projects: Third party reference letter signed (but without the financial value of the contract), accompanied with the a copy of the official Contract award notice from copy from the TED database (https://ted.europa.eu), which clearly identifies the same contract and clearly states the awarded contract value too?	04/07/2018 No, the award contract notice indicating the estimated amount of the contract is not sufficient as evidence. In case that in a statement of satisfactory execution the amount is not indicated, any equivalent evidence (by email, etc...) with the same content (the amount in this case) from the customer will be examined by the evaluation committee. As far as the requested information is provided and proven in the submitted documentation it will be considered valid, otherwise it will be disregarded.

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26	29/06/2018 07:15	04/07/2018 12:38	A query regarding evidence and 60.000 €	<p>Could you please clarify: in point 13.2.1, Economic and financial capacity, you state that the overall turnover required is 20.000.000 € per year.</p> <p>However, under “List of major similar contracts” you also refer to “overall turnover of 60.000.000 €” over three year period, and according to your earlier response this overall turnover needs to be proven with references signed and stamped by individual clients.</p> <p>There seems to be a contradiction here: the same minimum turnover is mentioned for both overall turnover from translation services, and the turnover from contracts confirmed by clients. For most operators, the overall turnover from translation services would be much higher than what can be confirmed by individual clients, for various reasons, including the unwillingness of many clients to give such references where their name is mentioned.</p> <p>Would you please check the turnover requirement for the “List of major similar contracts”?</p>	<p>04/07/2018</p> <p>There is no contradiction, these are two distinct selection criteria. The main difference is that the turnover related to economic and financial capacity (covering all types of the tenderer activities) is a yearly turnover while the turnover for the technical and professional capacity related to translation services is an overall turnover (cumulative) over the three-year period.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
27	29/06/2018 15:42	04/07/2018 12:49	Economic and financial capacity and Technical and professional capacity	<p>Could you confirm that the amount to be proved with certificates is equal to the total turnover to be certified for the economic and financial capacity (as it appears to be the case according to question number 8)?</p> <p>We can fulfil the economic and financial capacity and certify a minimum yearly turnover of 20.000.000 € for the past three financial years, however we think that the need to prove such amount fully through the submission of certificates clearly benefits the biggest international companies with a turnover that is much higher than the one stated. We also think that it may be rather difficult for other kind of companies to be able to provide certificates that would sum up for that amount for the following reasons:</p> <ul style="list-style-type: none"> -not all clients are willing to provide certificates, some big companies have as their policy not to provide certificates or letters of reference. -complying with this requirement would mean including certificates or letters of reference for main contracts and for minor contracts, which would contradict the instruction of providing a list of major contracts only and would entail a big amount of documentation to be 	<p>04/07/2018</p> <p>Regarding the requested turnovers, please refer to the answer of question n°26.</p> <p>In case that a certificate of satisfactory execution is not containing all the requirements, any equivalent evidence (by email, etc...) with the same content from the customer will be examined by the evaluation committee. As far as the requested information is provided and proven in the submitted documentation it will be considered valid, otherwise it will be disregarded.</p>

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				<p>amount of documentation to be submitted.</p> <p>-sometimes, clients (either private or public) do not react quickly to requests for certificates (even more so during the holidays season) so that certificates may not reach us on time.</p> <p>-sometimes clients (either private or public) have a standard certificate with the total invoiced amount, not per specific periods of time.</p> <p>We thank you in advance for your reply</p>	

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28	04/07/2018 10:08	05/07/2018 09:14	5.4 Summary of requirements and responsibilities	Please define the “fit for purpose” quality level. Could you please specify the quality KPIs?	05/07/2018 The final level of acceptable quality will depend on the purpose of the document. Section 5.2.1 of Annex II states that ‘Translations mainly cover publications ... documents destined for external readers ... internal administrative documents ... and website content.’ A single error in the title of a document for publication could be determined unacceptable since this could be seen to be detrimental to the image of the Office as a high-quality service provider. By contrast, an internal administrative document with multiple errors that do not distort the meaning of the text may still achieve its purpose of being informative. Hence the quality KPIs are dependent on each individual document type.

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29	04/07/2018 10:13	05/07/2018 09:15	Volumes	The statistics regarding the administrative documents show the distribution of the target languages in 2017. When summing up the different percentages, we do not get the full 100%. Approx. 22% are missing. Could you please re-confirm the language share so as we get a complete view?	05/07/2018 Section 5.2.3 of Annex II provides the distribution of both source languages and target languages in 2017 translation request. In the first case, documents with source languages in the five Office languages plus Polish, Swedish, Finnish and Slovenian accounted for 98% of translation requests. One of the remaining EU Official languages was source language in the remaining 2% of documents. In the second case, translations with target languages in the five Office languages accounted for 76% of all translations delivered. One of the remaining EU Official languages was a target language in 23% of all delivered translations, where none of these languages accounted for more than 1.5% of all delivered translations. The remaining 1% or less of translations had non-EU languages as target languages.

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#	Submission date	Publication date	Question subject	Question	Answer
30	04/07/2018 11:30	05/07/2018 09:16	Tools (technical requirements)	Would you kindly explain how you envision the role of current translation tools, such as SDL translation tools (Studio, Groupshare) for administrative translation requests, and the current dedicated tool for trade mark translations in the future workflow? Are the successful tenderers expected to use these tools, by preference, or are any other translation tools fulfilling the minimum technical requirements in points 5.1.4 and 5.2.4 of Annex II considered equally sufficient?	05/07/2018 The successful tenderer will be at liberty to use whatever translation tools they desire provided that those tools are able to support the listed common electronic formats (and specifically xml for Task A and sdxliff for Task B), as well as meet the requirements of Criterion 4 in Annex I Section 13.3.
31	04/07/2018 11:31	05/07/2018 09:17	File exchange and transfer	Do you plan to set up, or do you already have an existing platform of your own, for file exchange and partly automated file transfer process, as explained in points 5.1.4 and 5.2.4 of Annex II?	05/07/2018 Section 5.1.4 describes the IT equipment and systems currently used by the Office to deliver translation services for EUTMs, RCDs and new terms for the Harmonised Database and DesignClass database: file transfer is fully automated in these systems. Section 5.2.4 describes the workflow the Office plans to set up based on SDL GroupShare where the Contractor will carry out their tasks during the translation phase.

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32	04/07/2018 12:03	05/07/2018 09:18	Volumes	Could you please provide the share per target language for the EUTMs?	05/07/2018 As stated in in Section 5.1.3, 'the vast majority of requests are made from one official EU language into all remaining official EU languages'. Therefore, the distribution of target languages can be considered to be the inverse of the distribution of source languages, i.e. EN 54%, DE 78%, FR 87%, ES 93% and so on. The only exception is Irish, since the Office currently does not translate EUTMs into this language.
33	04/07/2018 16:58	05/07/2018 10:25	Clarification on question 20	If there is a quality problem in Task A, will the penalty be applied to all languages in the monthly invoice or to the total monthly invoice for that specific language combination? Thank you	05/07/2018 If there is a quality problem in Task A, the Office reserves the right to apply penalties to the total monthly invoice for that specific language combination in Task A.
34	04/07/2018 16:18	05/07/2018 10:31	CAT tools	Could you confirm that the dedicated IT tool developed by the Office to translate the texts related to task A will be used during all the duration of the contract or is it open to change? Could you confirm that the texts belonging to task B can be translated using CAT tools that are compatible with Trados Studio 2017? Thank you	05/07/2018 Please refer to the answer of question n°19. Note that the Office has not developed a dedicated IT tool for translation in Task A. The Office has dedicated IT tool for translation pre-processing, file creation and file exchange. The translation activity proper occurs entirely on the provided side with the provider's own tool.

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35	04/07/2018 17:00	05/07/2018 10:49	Tender guarantee	According to the Tender Specifications, there is no requirement for a Tender Guarantee. However a tender guarantee file is included in the SRF, should we remove it from our bid and leave the check box blank? Thank you	05/07/2018 In the SRF this document is to presented if applicable. As in the tender specifications, there is no tender guarantee requirement, therefore it is not applicable and leave the check box blank.
36	04/07/2018 19:51	05/07/2018 11:00	Declaration on honour	Should subcontractors sign the Declaration on honour? Or just the file called Subcontractor's declaration and a letter of intent? Thank you	05/07/2018 Subcontractor is not requested to sign the declaration on honour. However, the Office reserves the right to request the declaration on honour and/or exclusion criteria evidence to proposed subcontractor(s) at any stage of the procedure. In case of subcontracting, the tenderer will present the Subcontracting information and the Subcontractor's declaration duly completed and signed by the subcontractors. In addition, if the tenderer relies on the capacity of a subcontractor for satisfying the selection criteria, the subcontractor will present an additional letter confirming that it will place the resources necessary for performance of the contract at the disposal of the tenderer and give all details on the resources involved.

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#	Submission date	Publication date	Question subject	Question	Answer
37	04/07/2018 15:20	05/07/2018 11:20	Technical and Professional Capacity	We understand the Office reserves the right to request supporting evidence during the selection procedure or at any time during the execution of the framework contract. Would blind CVs and diplomas be accepted in this case (names and personal data hidden)? Many of our freelancers are invoking GDPR and request that their personal data is not revealed.	05/07/2018 Blind CVs and diplomas would be accepted.
38	05/07/2018 11:31	05/07/2018 11:40	Clarification Q.36	In response to Q.36 you state that "if the tenderer relies on the capacity of a subcontractor for satisfying the selection criteria, the subcontractor will present an additional letter confirming that it will place the resources necessary for performance of the contract at the disposal of the tenderer and give all details on the resources involved." Can you confirm if we are to rely on a subcontractor for the French translations, for example, we must provide this additional letter and details of the resources involved? If this is the case are you referring solely to translators who would carry out the work? Please confirm what "details on the resources" you require?	05/07/2018 As indicated in section 4.4 of the Annex II technical specifications, individual translators working for a tenderer as freelancers are not to be considered as subcontractors.

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#	Submission date	Publication date	Question subject	Question	Answer
39	04/07/2018 19:55	05/07/2018 11:46	Subcontracting information	Regarding the Volume column in the form, shall we provide a percentage of the estimated volume to be allocated to the subcontractor? Please note that it will be an estimate, based on the number of language combinations to be assigned to said contract and their share when compared to the total number of language combinations. Thank you	05/07/2018 Your understanding is correct.
40	04/07/2018 16:55	05/07/2018 11:58	Third party's form	According to the SRF, the Third party's form must be complemented by a power of attorney. Should this power of attorney be the legal representative's power of attorney before his/her company or the power attorney included in section "Written undertaking of third entities" (Parent company, Model A, Model B)? Thank you	05/07/2018 It concerns the power of attorney of the person(s) empowered to sign contracts for the tenderer. Therefore, if this administrative document is not provided at the submission stage, in case the tenderer is to be awarded, it will be compulsory to provide it before contract signature.

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#	Submission date	Publication date	Question subject	Question	Answer
41	05/07/2018 12:06	05/07/2018 12:34	Technical and Professional Capacity	Apologies if my previous questions was unclear. I was not asking about individual freelance translators. If we subcontract the French, must the subcontractor also sign the "Statement certifying the proposed linguistic team"? If so, must the subcontractor provide details of the resources i.e. translators to be involved at this stage? Or is this considered supporting evidence that may be requested at a subsequent stage?	05/07/2018 The subcontractor has not to sign the statement certifying the proposed linguistic team, it document must be signed by tenderer. However, if the tenderer relies on the capacity of a subcontractor for satisfying such selection criteria, the subcontractor will present a letter (in addition to the Subcontracting information and the Subcontractor's declaration) confirming that it will place the resources necessary for performance of the contract at the disposal of the tenderer and give all details on the resources involved (in this case subcontracting French).

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#	Submission date	Publication date	Question subject	Question	Answer
42	04/07/2018 19:22	05/07/2018 12:43	Subcontractor's commitment to place the resources necessary for the performance at the disposal of the tenderer	Question regarding the instructions for written undertaking of third entities. According to the instructions: "Subcontractor: if the tenderer relies on the capacity of a subcontractor for satisfying the selection criteria, the subcontractor will present a letter confirming that it will place the resources necessary for performance of the contract at the disposal of the tenderer and give all details on the resources involved." In the case of a consortium where language combinations into one specific target language are to be assigned to a subcontractor, what kind of details should be provided by said subcontractor regarding resources involved? Thank you	05/07/2018 Please refer to the answers of questions n° 36, 38, 39 and 41 in relation to Subcontractor's collaboration in a tender.
43	05/07/2018 18:59	09/07/2018 10:11	Start of the contract	When does the EUIPO envisage to start the contract? This is an important information in terms of on-site coordination team. Thank you	09/07/2018 Start of operations is foreseen to be 01/01/2019.
44	05/07/2018 19:06	09/07/2018 10:13	Translation test	When will the test take place? Do you think it could be during August? Just asking because of the holiday season. Thank you	09/07/2018 The test would necessarily take place during the evaluation phase that is foreseen to be in August.

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#	Submission date	Publication date	Question subject	Question	Answer
45	06/07/2018 10:46	09/07/2018 10:42	Written undertaking of third entities	In the case of a group of companies (formed by a leader of the consortium and 1 subsidiary, another company and 1 subsidiary and subcontractors) submitting a joint tender that will create a separate legal entity only if they are awarded the contract, what written undertaking of third entities should they sign (A or B)? Thank you	09/07/2018 You have to use the model B of written undertaking of third entities. The model B is used for a group of economic operators creating a separate legal entity appointing a group manager and giving a mandate to it. The Model A is used for a group of economic operators designating one of the economic operator of the group as leader and giving a mandate to it.
46	06/07/2018 20:57	09/07/2018 11:03	Subcontracting information	In the case of a joint tender, do all members have to sign this document or just the leader? Thank you	09/07/2018 In the case of a joint tender, this document must be presented with the tender by the leader.
47	06/07/2018 16:27	09/07/2018 11:32	E-tendering platform	In the initial page, where you add economic operators, when adding subcontractors, the Declaration on honour appears as compulsory and you cannot proceed any further. According to question 36, subcontractors should not sign a declaration on honour. Should we include in the section named declaration on honour the documents that have to be signed by subcontractors, namely a letter of intent and subcontractor's declaration? Thank you	09/07/2018 Indeed, in e-Submission when adding a subcontractor, the Subcontractor's declaration must be presented instead of the Declaration on honour.

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#	Submission date	Publication date	Question subject	Question	Answer
48	06/07/2018 11:18	09/07/2018 11:56	Simplified financial statement	In the case of a consortium presenting a joint tender, if one of the group members is presenting the financial statements and certificates of a subsidiary to fulfil the economic and experience requirements, should that company present 2 separate simplified financial statements or a single one adding the data from the parent company and subsidiary? Thank you	09/07/2018 In case of a joint tender, each economic operator acting as a partner must present the simplified financial statements. If the parent company is the sole partner for the others, only one simplified financial statements is necessary. Otherwise, if each companies belong to the same group is acting as a partner in the joint tender, a simplified financial statements is necessary for each of them.
49	06/07/2018 21:00	09/07/2018 15:16	Statement of the technical equipment	In the case of a joint tender, do all members have to sign it or just the leader with the technical equipment and tools that will be used by all in the performance of the contract? Thank you	09/07/2018 This criteria must be met by the tendering group as a whole. The presentation can be a single or separate documents. It can also be existing prospectus or leaflet detailing such information.

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#	Submission date	Publication date	Question subject	Question	Answer
50	06/07/2018 11:45	09/07/2018 15:42	PIC number in e-tendering	In the case of a consortium presenting a joint tender, if one of the group members is presenting the financial statements and certificates of a subsidiary to fulfil the economic and experience requirements, should the subsidiary be included in e-tendering by entering its PIC number? Should it be added as consortium member or subcontractor? Thank you	09/07/2018 If a partner of a joint tender relies on the capacities of other parent entities, the parent company will present a letter confirming that it will place the resources necessary for performance of the contract at the disposal of the tenderer and give all details on the resources involved. In e-Submission, all partners must be identified with a PIC while no PIC is needed for subcontractors.
51	05/07/2018 19:27	09/07/2018 17:40	Subsidiary that is as separate legal entity	If a group of companies forming a consortium with subcontractors, relies on the technical and professional capacity to fulfil the selection criteria (regarding letters of reference) on the subsidiary of one of the companies and that subsidiary is a separate legal entity, how would that subsidiary be considered? Would it be considered as a subcontractor? Should we have to submit the same documentation as for other subcontractors if that is the case? Thank you	09/07/2018 Economic operators may consider two ways of collaborating in a tender: either as joint partners or through subcontracting. Therefore, if an economic operator acting as partner in a joint tender relies on the capacities of other parent entities, the parent company will present a letter confirming that it will place the resources necessary for performance of the contract at the disposal of the tenderer and give all details on the resources involved.

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#	Submission date	Publication date	Question subject	Question	Answer
52	06/07/2018 10:50	10/07/2018 09:46	Clarification about questions 31 and 34	<p>Regarding Task B, could you confirm if the texts belonging to task B can be translated using CAT tools that are compatible with SDL Trados Studio?</p> <p>And, regarding question 34: when you say that "Section 5.2.4 describes the workflow the Office plans to set up based on SDL GroupShare where the contractor will carry out their tasks during the translation phase", do you mean that translations will be done "online" on GroupShare or is it possible to export packages, work with SDL or other compatible tool and import packages back?</p> <p>Thanks</p>	<p>10/07/2018</p> <p>The xliiff files generated by the Office are standard sdxliiff files, so they should be compatible with other CAT tools that claim such compatibility with SDL Trados. As mentioned in Q31, the contractor will carry out their tasks during the translation phase and as mentioned in Q30, the contractor will be at liberty to use whatever translation tools they desire provided that those tools are able to support sdxliiff. This means that the contractor may check out the files and carry out the translation process using their own procedures provided that they complete the translation phase in GroupShare by checking the files back in.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
53	06/07/2018 08:58	10/07/2018 10:03	Related to the previous questions about the information to be provided by subcontractors about the resources (replying on capacities)	<p>Related to the previous questions about the information to provide by subcontractors, please kindly answer and confirm the following:</p> <p>The tenderer relies on the capacity of a subcontractor for a certain language combination. The subcontractor is presenting a letter (in addition to the Subcontracting information and the Subcontractor's declaration) confirming that it will place the resources necessary for performance of the contract at the disposal of the tenderer.</p> <p>What kind of exact details must they present in this letter about the resources involved?</p> <p>Is it enough to mention for example „translators” or „translators for a certain language” or do they need to provide more detailed information e.g. names and/or even other info of the different translators which are to be presented for the actual language combination? If the latter, could you please indicate the minimum information to be included in such a declaration or a template to be used for this.</p>	<p>10/07/2018</p> <p>The subcontractor will present a letter confirming that it will place the resources necessary for the actual language combination that will be subcontracted. No names are requested, however the Office reserves the right to request supporting evidence during the selection procedure or at any time during the execution of the framework contract.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
54	06/07/2018 11:34	10/07/2018 10:11	Technical and Professional Capacity	Please could you define what "details on the resources" you would require in the case of the tenderer relying on the capacity of a subcontractor for satisfying the selection criteria. Do you require CVs and/or diplomas for each translator to accompany the letter confirming that the subcontractor will place the resources necessary for the performance of the contract at the disposal of the tenderer? It is unclear from previous questions if this is required or not.	10/07/2018 The subcontractor will present a letter confirming that it will place the resources necessary for the actual language combination that will be subcontracted. CV and diplomas are not requested, however the Office reserves the right to request supporting evidence during the selection procedure or at any time during the execution of the framework contract.
55	10/07/2018 09:38	10/07/2018 11:07	evidence for managerial staff	The educational and professional qualifications, skills, experience and expertise - Presentation of the educational and professional qualifications, skills, experience of the company's managerial staff ensuring that they have sufficient technical and professional capacity to perform the Framework Contract in conformity with the technical specifications. Please confirm, if the CV of the managerial staff would be sufficient proof for this criteria.	10/07/2018 Indeed, the educational and professional qualifications of the company's managerial staff can be presented through CVs. It can also be a single or separate document detailing such information.

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#	Submission date	Publication date	Question subject	Question	Answer
56	09/07/2018 14:28	10/07/2018 11:12	Distribution of administrative documents	What is the distribution (share) of administrative documents per urgency: slow, standard, urgent and very urgent?	10/07/2018 In 2017 the distribution of translation requests and translated pages for administrative documents was as follows: Requests – Slow: 55.4% Requests – Normal: 37.4% Requests – Urgent: 6.9% Requests – Very urgent: 0.3% Translated pages – Slow: 47.5% Translated pages – Normal: 41.0% Translated pages – Urgent: 11.4% Translated pages – Very urgent: 0.1%
57	10/07/2018 11:21	10/07/2018 15:13	4.4 Collaboration with other entities	Can a company apply as subcontractor for more than one tenderer at the same time? Is there any exclusive right regarding the subcontractors by part of the tenderers?	10/07/2018 Yes, a company can be a subcontractor of different tenderers participating in a same invitation to tender.

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#	Submission date	Publication date	Question subject	Question	Answer
58	10/07/2018 16:40	10/07/2018 17:02	Subcontractor's declaration form	Is the designated leader organisation of the group of economic operators, in the case of a joint tender, to be named as the "tenderer" in the subcontractor's declaration form or should all economic operators be named as the "tendered" in this document?	10/07/2018 Your understanding is correct. In case of joint tender designating one of the economic operator of the group as leader, it is indeed the leader to be named as tenderer. In case of joint tender creating the group as a separate entity appointing a group manager, it is the name of the new group to be named as tenderer.
59	10/07/2018 18:54	11/07/2018 09:57	Award of contract	Could you kindly let us know the approximate date of the contract award?	11/07/2018 It is foreseen to inform the tenderers, simultaneously and individually, about the outcome of the procedure by October 2018.
60	11/07/2018 08:21	11/07/2018 11:10	Annex II 5.14	Do we understand correctly that a) EUIPO currently has a fully automated system for the file transfer of the EUTMs to Contractor and back b) EUIPO accepts that a new fully automated system with a possible new Contractor might not be accessible from the start of the new contract but would take some time to develop c) as an "interim solution" also a not fully automated file transfer process would be acceptable? Does EUIPO have some expectations regarding the time span required to develop a new system?	11/07/2018 Your understanding on all three points is correct. With regard to the timespan to develop a new and fully automated file transfer solution, an integration plan will need to be drawn up and agreed upon by the Office and the Contractor, either at the signing of the framework contract or shortly thereafter. The Office would expect to achieve at the very least a restricted GoLive of the new file transfer solution between 6 and 9 months after the start of service.

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#	Submission date	Publication date	Question subject	Question	Answer
61	11/07/2018 12:12	11/07/2018 12:32	Third parties file form	We intend to submit a bid as a consortium. Does this file only have to be filled in by the leader of the consortium or by all partners of the consortium?	11/07/2018 Please refer to the answer of question n°6.
62	13/07/2018 09:46	17/07/2018 10:22	Sample file	The *. xml sample file contains EN source language inside and placeholders for all the target languages. We understand that the Office will take care of "full matches". Could you please confirm our interpretation: wherever translation=false, the Office will populate the places from its database. Could you maybe provide the expected delivery file for the sample file received or to confirm our interpretation?	17/07/2018 Your interpretation is correct. The contractor will populate the 'true' tags in all of the relevant languages and return the file. The EUIPO will then populate the false tags from its translation memory and update the trade mark entry in our internal database.
63	13/07/2018 15:42	17/07/2018 10:23	Task B: Quality requirements and deadlines	It is said that "Translations must be returned in SDL XLIFF and in the original format and must respect the original layout of the source document." So, do we understand that layout tasks should be included in the price per word of these documents?	17/07/2018 Yes. The quoted price for translation should take into account all layout tasks, as well as full quality assurance for each translation job, including translation, editing and proofreading (TEP). Other costs should also be factored in, including project management, contract management, etc.

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#	Submission date	Publication date	Question subject	Question	Answer
64	13/07/2018 15:44	17/07/2018 10:24	Task B: Translation workflow and tools	When describing the workflow for these traslations, it is stated that "The project manager receives a translation request from the requestor. Based on the request, the project manager creates the translation project and assigns the corresponding linguistic assets.", could you please confirm if this PM is part of the Office or part of the Contractor? Who are the requestors? Who do perform the preprocessing of the files with the Office TMs and Machine Translation engines? Is that an Office PM or the Onsite Coordinator?	17/07/2018 In the four phases indicated under Section 5.2.4, the Office is responsible for phases 1, 3 and 4. In the preparation phase, requestors are internal users within the Office who request a translation. The Office project manager carries out the pre-processing tasks, populates empty segments with machine translation output where applicable, and adds any translation memories, termbases or reference material to the translation project. The activities of the contractor fall exclusively within the translation phase and include the tasks described under Section 5.2.2.
65	12/07/2018 17:30	17/07/2018 11:03	Presentation of the educational & professional qualifications, skills, experience of the company's managerial staff	Does this presentation needs to include all the managerial staff of the company or only those that will be involved in the execution of the project?	17/07/2018 The educational and professional qualifications, skills, experience and expertise of the company's managerial staff that will be performing the Framework Contract.

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#	Submission date	Publication date	Question subject	Question	Answer
66	12/07/2018 12:54	17/07/2018 15:14	Consortium - name of tenderer	<p>Example situation:</p> <ul style="list-style-type: none"> - model A joint tender of Company A + Company B - parties authorize the leader Company A - Company B intends to subcontract <p>Question:</p> <p>What does the subcontractor of Company B put on the subcontractor declaration (and other declarations of the subcontractor) as name of the tenderer? Is it the name of Company A or Company B, or are both of them to be mentioned as joint tenderers?</p>	<p>17/07/2018</p> <p>The name of tenderer in this case is Company A.</p>
67	17/07/2018 12:44	17/07/2018 16:18	Translation memory	<p>Can I please ask you if you intend to use the current translation memory for this project? And how it is going to be managed? The current translation memory is not of a good quality even though the pretranslated segment are revised. It looks like the TM is not overwritten by new translations.</p>	<p>17/07/2018</p> <p>The Office intends to use its own translation memories created from legacy translations. The quality of the memories will be enhanced by updates with validated revised segments.</p>