

Call for tenders' details

Title: Trans-European Services for Telematics between Administrations (TESTA)

Start date: 23/05/2019

Time limit for receipt of tenders: 22/07/2020

Contracting authority: European Commission, DG Informatics (DIGIT)

Status: Open

Call for tenders question list

Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
1	03/06/2019 13:29	06/06/2019 10:41	Tender Specifications	<p>• Page 40 of the Tender Specifications asks for all 43 countries to be covered within 6 months but the Geographic Coverage file only asks for 31 countries. • Do we need to offer all 43 as mandatory at phase 2? • Can we add subcontractors at phase 2 subject to receipt of the full detailed specifications? (It is difficult to be 100% sure of what subcontracting will be required without the full and final specification.)</p>	<p>06/06/2019 All 43 countries need to be covered within six months following the contract's entry into force (i.e. contract signature), not at the time of submitting the tender (phase 2). When submitting their requests to participate (phase 1), interested economic operators need to already be covering 31 countries only.</p> <p>06/06/2019 All 43 countries need to be covered within six months following the contract's entry into force (i.e. contract signature), not at the time of submitting the tender (phase 2). When submitting their requests to participate (phase 1), interested economic operators need to already be covering 31 countries only. Subcontractors may be added at the second step of the procedure, as well as during contract implementation, subject to the Contracting Authority's prior approval in writing. All documents required with regard to subcontractors at the first step of the procedure must be submitted concerning those added at later stages.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
2	30/05/2019 12:33	06/06/2019 10:41	Subcontractors, Phase 2 requirements	<ul style="list-style-type: none"> Do we need to offer all 43 as mandatory at phase 2? Can we add subcontractors at phase 2 subject to receipt of the full detailed specifications? (It is difficult to be 100% sure of what subcontracting will be required without the full and final specification.) 	06/06/2019 Please refer to the Answer to question 1.
3	03/06/2019 16:50	06/06/2019 10:44	Tender Specifications Section 2.4.2 : Subcontracting & Annex 4 :	Despite the initial declaration to be submitted according to the Annex 4, could DIGIT confirm that subcontracting changes (new, change or cancel) during the RfP phase is also authorized . I.e: should the project scope/deliverables detailed in the RFP imposes it.	06/06/2019 Please refer to the Answer to question 1.
4	03/06/2019 16:51	06/06/2019 10:45	General question:	since in the call for candidature foresees official declaration of co or sub-contractors requiring provision of evidence documents from the said co or sub-contractors which requires time, could DIGIT extend the deadline for the Candidature submission by an additional 2 weeks?	06/06/2019 The contracting authority agrees to extend the deadline until 05 July 2019. A corrigendum to the contract notice will be published shortly. Said corrigendum will also include the correct version of the list of participating entities (the original one did not include the European Investment Bank).

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5	05/06/2019 13:02	06/06/2019 10:46	Answer Time Limit	In the "invitation to Tender" there is, in the table on page 3, the relevant time to consider for the "Deposit slip of courier service". The 24:00 o'clock are referred to the midnight between the 21st and the 22nd of June or the midnight between the 20th and the 21st?	06/06/2019 It refers to the end of the date mentioned, i.e., in your example, the midnight between June 21 and 22. Following the extension of the deadline to submit requests to participate (see question 4), this refers to the midnight between July 5 and 6.
6	05/06/2019 13:11	06/06/2019 10:46	Criterion T1	Must the contracts to fulfil the requirement be terminated before the 30.04.2019 or is it only relevant the starting date within the period from 01.05.2014 to 30.04.2019?	06/06/2019 The contracts serving as reference may be ongoing, i.e. it is not a requirement that they have ended by 30.04.2019 for them to be considered.
7	05/06/2019 13:22	06/06/2019 10:48	Subcontracting	In the case one of the tenderers satisfies a specific requirements by himself but should, during the contract execution, decide to subcontract part of the activity is it possible to ask the Commission the authorisation to leverage on that subcontractor at that time or is it necessary to declare the name of that potential subcontractor during this first phase?	06/06/2019 As explained in answer to question 1, the contractor may sub-contract parts of the contractual execution at later stages, subject to the Contracting authority's prior approval. The Contracting authority wishes to underline at this point that certain components of service provision may not be sub-contracted, but executed by the sole tenderer/ group members only. These components will be listed in the documentation provided only to selected candidates at the second step of the procedure.

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#	Submission date	Publication date	Question subject	Question	Answer
8	05/06/2019 13:32	06/06/2019 10:50	Criterion T5	Is it possible for a Tenderer leverage on the 27001 certification provided by a subcontractor that will be owner of the activity to provide ITSM and SOC? In that case can you confirm the subcontractor cannot be one of the tenderers of a joint group because the first would lose the T5 requirement's fulfillment?	<p>06/06/2019 The Contracting authority refers to the basis for assessment for criterion T5, as announced in the main Tender Specifications Document: "This criterion will be checked against each member of the group in case of joint tenders". Therefore, this specific minimum capacity requirement may NOT be satisfied by having recourse to a subcontractor: The tenderer (in case of sole tenderers) / ALL members of the group of tenderers (in case of consortia) must have and provide the relevant certification itself/ themselves. An updated version of the Tender Specifications main document has been published, in order to add clarity to the text.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
9	05/06/2019 18:07	06/06/2019 10:52	Statement by the contracting authority.	Statement no.1 by the contracting authority on the updated version of the Tender Specifications.	06/06/2019 The contracting authority informs economic operators that an updated version of the "Tender Specifications" (main Tender Specifications document) has been published in the Document Library under "Tender Specifications rev01". Further to the clarification on the basis of assessment for criterion T5 (also applicable to criterion T4), as per the answer to question 8, the Contracting authority brings their attention to a modification in section 2.4.1 in fine of said document, concerning changes in the composition of the group.

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10	05/06/2019 18:15	11/06/2019 16:34	Point of presence	In regards to the PoP (Point of Presence) could you please clarify whether an actual presence (6 mandatory countries as well as 31 out of 43 countries listed in Annex 7.c.) of the telecommunication provider for each country is required, or whether a partnership in some countries with a local provider who is having PoPs would be sufficient. The local partners would deliver the traffic to our interconnections in Europe	11/06/2019 The Contracting authority confirms that an actual presence in 31 (of the 43) countries, of which 6 are the mandatory ones, is required. In case the tenderer (or the group of tenderers) does not meet this minimum capacity requirement on itself, it may rely on the capacities of other entities, as suggested in the question at hand. In that case, those entities must necessarily be identified subcontractors, who need to submit a Declaration on Honour, a Commitment Letter (model in Annex 5.1 to the Tender Specifications) and evidence on no-exclusion.
11	12/06/2019 18:25	17/06/2019 15:52	Annex - 7.c. Geographic coverage sheet	On page number 2 there is the request to cover at least 31 of 43 countries with Point Of Presence (POP) and within the 31 countries the following 6: Austria, Belgium, France, Germany, Luxembourg and the Netherlands with a "point of reference". May you kindly confirm that what you are referring as point of reference is the Point Of Presence? So that, a part from the location, there is no difference between POPs located in the 6 elected countries and the others.	17/06/2019 The Contracting Authority confirms your understanding that, in Annex 7.c. Geographic coverage sheet, "point of reference" has the same meaning as "Point of Presence (POP)".

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#	Submission date	Publication date	Question subject	Question	Answer
12	13/06/2019 14:23	17/06/2019 15:54	Tendering specifications, Evidence to prove the tenderer's country of establishment	Regarding the Evidence to prove the tenderer's country of establishment , can the Financial Identification and Legal Entity available on DIGIT web site be used as evidence document?	17/06/2019 The Financial Identification and Legal Entity forms cannot be used by tenderers as evidence to prove the tenderer's country of establishment. For this purpose, as requested in the Tender Specifications, the tenderer must present the supporting evidence normally acceptable under the law of the country where the tenderer is established (the tenderer will need to provide an official document issued by the legal authorities from the tenderer's country of establishment - for example a Trade Register Certificate).

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13	12/06/2019 18:23	23/06/2019 17:45	Criterion T5	Is it confirmed that a Tenderer may satisfy the capacity requirement related to 27001 certification by relying on the capacity of other entities, pursuant to article 63 of the DIRECTIVE 2014/24/EU?	<p>23/06/2019 The Contracting Authority does not confirm your understanding. Please refer to the answer to question 8 for more information on which entities must necessarily have the certification mentioned in your question at this stage of the procedure. The Contracting authority wishes to remind candidates of the fact that the legal basis for this procedure is Regulation 2018/1046 (not Directive 2014/24). In accordance with Point 18.2 of Annex I thereto, the contracting authority has defined in the procurement documents how groups of economic operators are to meet the selection criteria taking into account Point 18.6(1) which stipulates that reliance on the capacities of other entities may take place “where appropriate”. Given the critical importance of the security aspects for the execution of this contract, it is not appropriate for any potential contractor not to possess itself the certification mentioned in your question.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
14	17/06/2019 14:00	23/06/2019 17:47	Mandatory PoP's	As indicated in Annex 7.c. on page 40 of the Tendering Specifications document, the availability of at least one PoP in ALL 43 states will be mandatory. Can the Commission confirm that although for the selection phase, only 31 out of 43 PoP's (including 6 mandatory ones) are required (as clarified in an answer to question 10 of the Q&A), the mandatory requirement for having MPLS PoP's in all 43 states within 6 months of the entry in force of the framework contract (own PoP's or those from other entities) will be maintained?	23/06/2019 The Contracting Authority confirms your understanding. Please refer to the answer to question 10: The contractor must be able to cover (by at least one Point of Presence) all 43 states within six (6) months from entry into force of the framework contract and must ensure coverage of said area for the entire contractual duration. We draw the attention of economic operators that the term "MPLS" (mentioned in the question at hand) has not been used by the Contracting authority at any point of this procedure.

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#	Submission date	Publication date	Question subject	Question	Answer
15	18/06/2019 16:02	23/06/2019 17:51	Question regarding acceptance	<p>In order for the contracting entity (that which holds the required licenses for the services in scope) to meet the minimum financial criteria it may be necessary to rely on the “financial and economic capacity” of a non-contracting entity. This is set out in “Annex 5.2. Commitment letter by an entity on whose capacities is being relied”.</p> <p>We interpret this to mean that the entity relied upon could be another member within our group structure or could be, for example, a bank. 1. Would a bank guarantee be acceptable in these circumstances? 2. Alternatively, could we demonstrate where the contracting entity sits within our group structure, with the implicit support of that group?</p>	<p>23/06/2019</p> <p>The Contracting Authority does not confirm your interpretations. The Contracting authority confirms that the entity relied upon can be another member within the same group of companies, or any other undertaking, including a bank. As stipulated in Section 2.4.3 of the Tender Specifications, that other entity may be required by the Contracting authority “to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract”.</p> <p>The Contracting authority affirms that a commitment letter (model in Annex 5.2 to the Tender Specifications) is required and must be submitted in ALL cases. The “implicit support” of the group is NOT a sufficient means to demonstrate the commitment. A bank guarantee is not relevant for the purpose of demonstrating financial capacity. The other entity may be requested to be held jointly liable for the performance of the contract (please also refer to Point 18.6(3) of Annex I to the Financial Regulation): a bank guarantee (with a fixed maximum amount) does not result in such joint liability.</p>

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16	26/06/2019 13:39	28/06/2019 09:53	07.c – Geographical coverage questionnaire	In file [07.c – Geographical coverage questionnaire] a POP Telephone contact number is requested. As our network of PoP's is managed from global NOC hubs we propose to offer a contact number for one of these rather than offering you the phone number for the facilities themselves (which in many cases are co-located with 3rd parties) or local offices. To be clear the facility desks/local offices do not have responsibility for the PoP's in their country. Please confirm our assumption is acceptable.	28/06/2019 The Contracting authority confirms your understanding.
17	01/07/2019 12:26	03/07/2019 09:46	Invitation to tender	If due to the geographical distance between the tenderers of a Group there is the difficulty to collect all the documents in a single place to organize a single delivery, is it permitted to send separate sets of documents from different locations referred to the same joint group of tenderers and subcontractors?	03/07/2019 The Contracting Authority does not confirm your understanding. A single request to participate must be sent, as specified in the Invitation to tender: "Economic operators must ensure that their submitted requests to participate/ tenders contain ALL the information and DOCUMENTS required by the contracting authority at the time of submission as set out in the procurement documents".

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18	01/07/2019 12:29	03/07/2019 09:47	Security clereance	<p>Based on our Country regulation the security clearance certifications are a sensitive and confidential information which cannot be disclosed.</p> <p>May we produce as evidence of this criterion compliancy a self-declaration signed by our Company's representative?</p>	<p>03/07/2019</p> <p>The Contracting Authority does not confirm your understanding. A self-declaration signed by a company's representative is in principle NOT sufficient to prove that the company meets this minimum capacity requirement, i.e. that it has a minimum number of identifiable security clearance certified personnel, with proof of the relevant certification. Please refer to the answer to question 19 as well. If, for any valid reason, an economic operator is unable to provide the requested supporting evidence, it must provide the reason and justification why this is the case together with any supporting document(s), which the Contracting authority will then assess. The Contracting Authority also refers to the penultimate section of the Invitation to tender on data protection and to Section 4.4 of the main Tender specifications document on the confidentiality of tenders: information received by the Contracting authority will be treated and processed according to the applicable rules. The Contracting Authority underlines the fact that the ongoing procedure concerns the award of a framework contract of which the foundation and cornerstone is the security aspect. In this respect and given the fact that</p>

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					this respect and given the fact that selected candidates will have access to highly sensitive information, abstract declarations on meeting security requirements are by definition not sufficient.
19	01/07/2019 13:01	03/07/2019 09:49	Acceptance of unique reference number	In the main our security cleared personnel are vetted for their role with the relevant national/international government body via our secure vetting team rather than through individual applications. As a result each cleared employee receives a unique reference number which may be checked against the relevant governmental database to prove their level of clearance. They are not sent an individual certificate. GDPR requires clearance information to be volunteered for our use case but the individuals, although cleared, do not have certificates to volunteer, only reference numbers. On this basis is it acceptable to produce a list of full legal names, roles and unique clearance ID's in responding to criterion T3?	03/07/2019 The Contracting Authority confirms your understanding, as long as it is clear which individuals possess a relevant certification and the object/content of the certification.

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#	Submission date	Publication date	Question subject	Question	Answer
20	01/07/2019 13:02	03/07/2019 09:49	Criterion T6	Criterion T6 requires evidence of at least 2 x technical consultants with "Vendor related certifications " for both network and security. We understand this to mean that vendor security certifications are acceptable for this purpose (i.e. NSE). We therefore distinguish this requirement from the "Security Manager" requirement which requests vendor independent certification such as CISSP. Please confirm our understanding to be correct	03/07/2019 The Contracting Authority confirms your understanding. Interested economic operators must have at least two technical consultants, who have vendor-related network AND security certificates at the same time. With regard to the "Security Manager" role, interested economic operators must have two persons with vendor-neutral certificates like CISSP, CISM etc. The Contracting Authority remarks that the term NSE has not been mentioned in any of the documents published.
21	01/07/2019 18:50	03/07/2019 09:51	Certificates. Criterion T6	In the criterion, it is specified that the tenderer must provide certificates for at least the number of certified personnel mentioned. Certifying authority today's are mainly providing certification number instead of a paper/digital version. Therefore, we would like to know if we could provide the certification number of our professionals as provided by the certifying authority, instead of providing a copy of the certification?	03/07/2019 The Contracting Authority confirms your understanding, as long as it is clear which individuals possess a relevant certification and the object/content of the certification.