

Call for tenders' details

Title: Cleaning, Waste Management and other Related Services

Start date: 18/07/2019

Time limit for receipt of tenders: 03/09/2019

Contracting authority: European Medicines Agency (EMA)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	22/07/2019 16:55	24/07/2019 11:11	Annex III, Annex IX en Annex XV	For completing above mentioned annex III, IX and XV can you please send them in word format.	24/07/2019 For security reasons, the Agency is unable to provide annexes III, IX and XV in Word format. However, a new version of these annexes has been published in the eTendering platform as pdf-forms, to facilitate completion by the tenderers. These new versions can be completed digitally. Please refer to Revision 1 of said documents.

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2	23/07/2019 16:28	24/07/2019 16:11	Cleaning	Is there more detailed information such as total square meters offices, traffic area, toilets, stairways, meetingrooms etc. Are there buildingplans such as Annex 5 from each floor so we can measure the square meters.	<p>24/07/2019 Tenderers should note that the EMA building is still a construction site. However, the Agency is able to provide the below measurements at this point in time for tenderers' reference. Tenderers shall note that these measures are indicative only and not binding on the Agency.</p> <ul style="list-style-type: none"> • Floor 19: standard offices + coffee bar: surface 958 m2 offices + 400 m2 for other functions; • Floor 5 to 18: standard offices floors: surface 1,350 – 1,435 m2 + bathrooms 18.5 m2; • Floor 4: lounge, coffee bar, workings stations: surface 850 m2 offices + 850 m2 other functions + bathrooms 18.5 m2; • Floor 2: restaurant, conference room, meeting rooms: surface 2,996 m2 + bathrooms 49 m2; • Floor 1: conference centre: surface 2,620 m2 + bathrooms 49 m2 • Ground b: mezzanine, bicycle parking, changing rooms, showers: surface 778 m2 + bathrooms 21.1 m2; • Ground floor: reception, meeting rooms, lounge, bicycle parking, loading bay: surface 2,520 m2 + bathrooms 26.2 m2; • Staircases (2 per floor): 18.7 m2 each; <p>Please also note that Annex V pertains to Subcontractors, and no floor plans have been published for security reasons.</p>

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3	24/07/2019 16:41	24/07/2019 16:42	Breeam certification	Additional information/clarification in relation to Breeam certification	24/07/2019 With regards to Technical Specifications art 3.1.5 c) Breeam Certification, the contractor must specifically comply with the requirements for the BREEAM nieuwbouw en renovatie 2014 v2.0 WASTE 5 credit.
4	23/07/2019 16:31	25/07/2019 15:43	windowcleaning	Can you give more information about the total square meters for windowcleaning. Internal glass, interior glass, rooftop glass, separation glass.	25/07/2019 The total surface of the glass installed will only be known post completion of the EMA building. Therefore, the Agency is not in a position to provide this information at this point in time.
5	25/07/2019 15:17	25/07/2019 15:44	Milestones	The submission date for this tender coincides with the summer vacation period in the Netherlands. In order for tenderers to provide you with their best possible bid, would you be prepared to postpone the submission date to 6th September 2019?	25/07/2019 Given the time-criticality of the procurement, the submission date cannot be postponed.

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6	26/07/2019 10:45	26/07/2019 15:12	Internal Glazing; Monthly cleaning of all interior glazing ensuring that are no visible marks from top to bottom and removal of remnants of glue.	Does this mean that the window cleaner must clean monthly interior glass and is this included separation glass.	26/07/2019 The monthly cleaning services required comprises the internal glazing including separation glass, as per the table included in section b) cleaning of special areas of point 3.1.1 of the technical specifications: "Monthly cleaning of internal glazing includes all interior glass and: - interior windows including high windows in the atrium and Activities staircases (including glass rooftop of the atrium inside the building). - separation glass."
7	29/07/2019 14:45	30/07/2019 14:20	Language of tender documents	In the Invitation to tender you mention: "Economic operators interested in this contract are invited to submit a tender in one of the official languages of the European Union." We can submit our documents in both English or Dutch; which language do you prefer?	30/07/2019 EMA is a multicultural organisation with English as the main working language, and English would therefore be the preferred language. However, in principle, EMA accepts tender submissions in any of the official languages of the European Union.
8	30/07/2019 14:04	31/07/2019 09:17	Qualitative Award Criteria	Are there any requirements for submitting the qualitative award criteria such as max. number of pages, font size and/or style and possible annexes (e.g. implementation planning)? And if so, what are the requirements?	31/07/2019 There are no such requirements regarding those aspects in the qualitative award criteria.

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#	Submission date	Publication date	Question subject	Question	Answer
9	31/07/2019 10:01	31/07/2019 16:56	Invitation to tender, page 2 "The hand-signed originals must be sent by letter..."	To which address and for whose attention may tenderers send these documents?	31/07/2019 Signed originals should be sent to the following address: European Medicines Agency Attn: Beatriz Rabazo Facilities Support Service Postbus 71010 1008 BA Amsterdam
10	31/07/2019 10:02	31/07/2019 16:57	Invitation to tender, page 4, award phase	Can you please let us know the expected contact award date?	31/07/2019 It is estimated that the contract award decision will be communicated early November '19.

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#	Submission date	Publication date	Question subject	Question	Answer
11	31/07/2019 10:05	31/07/2019 16:58	Technical specifications for open invitation to tender Par. 4.2, entering subcontractors in E-tendering	When entering a subcontractor in E-tendering, the system requires a declaration of honour and other selection criteria to be entered. 1. Can you confirm that we only need to enter subcontractors here who represent > 10% of the contract value? 2. Can you confirm that no other selection criteria are required for subcontractors?	<p>31/07/2019</p> <p>1. As indicated in section 4.2 of the technical specifications a completed and signed Annex III is required by each subcontractor that will execute more than 10% of the contract. 2. In regards to selection criteria and evidence required for subcontractors (regardless of the volume of subcontracting); Section 14.2. Evidence required for financial and economical capacity: If in order to meet the requirements listed in section 14.1 the tenderer intends to rely on capacity of subcontractor(s), the listed evidence should also be submitted for subcontractor(s) as part of the tender submission: 1. financial statements or their extracts for the last two financial years for which accounts have been closed; 2. a statement of overall turnover for the last two financial years available. Point 3 of section 15.1 requirement for technical and professional capacity: Tenderers (and/or its subcontractor(s), if applicable) must be accredited to transport, collect, trade and/or mediate in industrial and hazardous waste on Dutch territory, including the municipality of Amsterdam. The contractor (and/or its subcontractor(s), if applicable) must also comply with the requirements of BREEAM credit WST 5 (Building</p>

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					BREEAM credit WST 5 (Building Research Establishment Environmental Assessment Method) and therefore must segregate the waste and transport it separately.
12	31/07/2019 10:10	31/07/2019 16:59	Technical specifications for open invitation to tender Par. 14.2 - evidence required	“If the tenderer relies on the capacities of other entities (e.g. a parent company), a written undertaking on the part of those entities confirming that they will place the resources necessary for performance of the contract at the disposal of the tenderer for the period of the contract may be requested by the Agency.” Can you confirm that the so-called ‘403-verklaring’ as filed with the Chamber of Commerce will be accepted as evidence?	31/07/2019 The 403-verklaring as filed with the Chamber of Commerce (KvK) is not accepted as evidence. The tender shall submit a written (hand signed) undertaking on the part of those entities confirming that they will place the resources necessary for performance of the contract at the disposal of the tenderer for the period of the contract may be requested by the Agency.
13	31/07/2019 10:11	31/07/2019 17:01	Technical specifications for open invitation to tender Par. 14.2 - Debt ratio formula	Can you please explain the definition of ‘own funds’, as this is a broad concept? Is our assumption correct that you are referring to ‘equity capital’?	31/07/2019 This assumption is correct. Own funds is considered the total equity or net assets of the company and these may include paid up capital reserves, results carried forward, subsidies etc. The debt ratio will measure the independence of the operator through the composition of invested capital.

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14	31/07/2019 10:13	31/07/2019 17:01	Technical specifications for open invitation to tender Par. 15.1 - references	<p>Is our assumption correct that not all services have to be performed at one single client? E.g. tenderers may provide a reference where they provide cleaning, window cleaning, sanitary supplies, pest control and winter services, and another reference where they provide waste management? In case tenderer provides separate reference for waste management, does tenderer need to provide 3 references for this service as well? Or can we provide 3 references in total, 1 being related to waste management?</p>	<p>31/07/2019 Yes, the assumption is correct. Not all services must have been provided for one single client. Please also see technical specifications section 15.1 requirements for technical and professional capacity (point 5): "The cleaning services and waste management services may thereby have been provided to different clients." 31/07/2019 It shall be noted that, in case the cleaning services and the waste management are provided to different clients, the tenderers must provide three references for the cleaning services and three references for the waste management services, to prove experience in all the services required.</p>
15	31/07/2019 10:14	31/07/2019 17:04	Technical specifications for open invitation to tender Par. 15.1 - references	<p>Are tenderers allowed to call on third parties in order meet the requirements in this paragraph?</p>	<p>31/07/2019 Tenderers are allowed to call on third parties in order meet the requirements. All the requirements listed in section 15.1 of the technical specifications have to be met by tenderers. For joint tenders the selection criteria shall be evaluated in relation to the tender submitted as a whole, including all consortium members and subcontractors.</p>

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16	31/07/2019 10:16	31/07/2019 17:04	Technical specifications for open invitation to tender Par. 15.1 - references	May the services have been provided in other EU-countries?	31/07/2019 Yes, the services may have been provided in other EU-countries.
17	31/07/2019 10:17	31/07/2019 17:05	Technical specifications for open invitation to tender Par. 16.1 - response to qualitative award criteria	Can you please confirm that tenderers are allowed to use their own format to respond to the qualitative award criteria?	31/07/2019 Yes, tenderers are allowed to use their own format to respond to the qualitative award criteria.
18	31/07/2019 10:18	31/07/2019 17:06	Technical specifications for open invitation to tender Par. 16.1 - response to qualitative criteria	Do you prefer one document with all the answers to questions 1 – 8, or do you prefer a separate document for each question?	31/07/2019 EMA would prefer to receive one document with all the answers.
19	31/07/2019 10:24	31/07/2019 17:07	Technical specifications for open invitation to tender Par 8 - estimated contract value or financial ceiling?	The estimated value of the contract calculated over the maximum contract duration of 4 years is € 4.500.000,-. In the next sentence you refer to 'the contract financial ceiling'. Is the amount of € 4.500.000,-- the actual ceiling and will price quotes above this amount be disregarded, or is this amount just an indication of the contract value?	31/07/2019 The amount is an indicative estimate of the contract value. The contract will be awarded to the most economically advantageous tender as per technical specifications section 16. Award criteria: "In order to determine the most economically advantageous tender, the award criteria which will apply to this procurement procedure are as follows: Qualitative award criteria: 60% Price: 40% Total 100% The award criteria for Price shall be evaluated according to the following formula: (Lowest price x weighting for price (40 points)) divided by the Tenderer's price. Price quotes above the estimated contract value will not be disregarded.

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20	31/07/2019 10:27	31/07/2019 17:07	Technical specifications for open invitation to tender Par. 15.2.5 - format for submitting references	Are tenderers allowed to submit references in a free format, provided that the required information is shown on the form?	31/07/2019 There are no format requirements in relation to section 15.2.5 of the technical specifications.

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#	Submission date	Publication date	Question subject	Question	Answer
21	31/07/2019 10:36	31/07/2019 17:08	Technical specifications for open invitation to tender Par. 16, question 2.2	You are asking tenderers to indicate with regard to which KPI's they are prepared to exceed the minimum service requirements. Can you define more specific what is meant by 'exceed minimum service requirements', as the KPI's shown in the draft SLA are based on 100% performance?	<p>31/07/2019</p> <p>The Agency has established minimum service requirements in the draft Service Level Agreement (SLA) with Key Performance Indicators (KPIs), which will form part of the contract to be concluded with the successful tenderer. A tenderer may, as part of its proposal, propose more severe KPIs, meaning a commitment to a performance which is even better than the minimum requested by the Agency and as reflected in the SLA. In such case, as described in point 2.2. of the Qualitative award criterion, a tenderer shall clearly specify measurable targets over and above the indicated KPIs which the tenderers is prepared to guarantee to the Agency, including escalation procedures and measures taken if targets are not met (e.g. applicable penalties). These proposal with regard to the draft SLA will form part of the final SLA, which will become an integral part of the contract with the successful tenderer. This means that, if successful in this procedure, the tenderer's proposal with regard to the SLA will be incorporated into the final SLA, which shall then be agreed between the parties.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
22	31/07/2019 14:58	01/08/2019 14:06	provision of hygienic and sanitary supplies and consumables	Can you give us (more) specifications for: Soap Toilebrushes handtowel toiletpaper	01/08/2019 The below specifications are included either in the costing sheet (Annex II) or in the technical specifications (Chapter 3.1). Soap must comply with environmental protection and carry the EU ecolabel. Toilet paper "Standard two ply toilet paper roll made recycled paper (4.5""x4.5""x 500 sheets), per toilet roll approximately 10cm width and 240cm in length. Hand towel M-Fold two ply hand towel paper made of recycled paper, (per 3,000 piece pack). Toilet brushes (excluding holder).
23	31/07/2019 17:05	01/08/2019 14:07	Technical specifications for open invitation to tender Par. 15.2 Evidence in the context of requirement number 4	Can you please confirm that this relates to the cleaning services only?	01/08/2019 Requirement 4 of section 15.2 (Evidence of compliance with applicable Health and Safety regulations and any other required permissions (if any) to perform the services under this contract in the Netherlands) is applicable to all services required, i.e., cleaning and waste management services.
24	31/07/2019 17:06	01/08/2019 14:08	Technical specifications for open invitation to tender 16.1 – question 1	Can you please define more specific what you mean by 'closure of the contract'? Do you expect a plan that leads to the final contract to be signed, or do you expect tenderers to submit an exit plan for when the contract ends after 4 years?	01/08/2019 Tenderer are requested to submit a plan for when the contract ends, which in principle is after a period of 4 years.

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25	26/07/2019 10:58	02/08/2019 13:34	Costing sheet; All internal windows per full building clean.	The prices for windowcleaning are based on square meters that we don't know (answer question windowcleaning). Is it possible that you give a estimation of the square meters so that all the competitors has the same assumptions.	<p>02/08/2019</p> <p>The permanent premises are still under construction. Therefore the exact square meters (m2) of the internal glazing at this point in time, is not yet known. Please note that for this reason, and following this question submitted, the Agency has decided to exclude the cleaning of the internal glazing from the annual fixed price for cleaning services (see Annex II – Costing sheet, sheet 1. Cleaning services, table 1, section 1: Office daily cleaning – annual price). Instead, the tenderers shall quote a price per m2 for the cleaning of internal glazing, based on the estimated amount of m2, thereby distinguishing internal glazing which does not require a scissor lift/suspended platform for cleaning, and internal glazing which does require this (see Annex II – Costing sheet, sheet 1. Cleaning services, table 1, section 4: Ad hoc cleanings). The amounts of m2 are based on a rough estimation available at this point in time, are indicative only, and are not binding on the Agency. The exact volume will be confirmed upon completion of the building. A new Costing sheet (v.2) is published for tenderers to enter their quotes according to the revised methodology described above. Tenderers must use</p>

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					described above. Tenderers must use this revised Costing sheet for submission of their offers. The initial version of the costing sheet which had been published, is obsolete and shall not be used for submission of offers.
26	31/07/2019 10:43	02/08/2019 13:36	Technical specifications for open invitation to tender Par. 16 – question 3.3 - list of cleaning products	In order to compile a correct list of proposed cleaning products, an overview of the finishing materials used in your new building is required. Can you please provide us with this information?	02/08/2019 Tenderers should note that the EMA building is still a construction site. The below list of finishing materials is not exhaustive, and is the most accurate information the Agency can provide at this point in time: • Carpeted areas; • Stone covered areas; • Wood covered areas; • Porcelain in the toilets • Tiled areas • other floor finishes
27	31/07/2019 15:05	02/08/2019 13:37	3.1.4. Provision of hygienic and sanitary supplies and consumables	Is this included the dispensers and what are the specifications.	02/08/2019 The provision of hygienic and sanitary supplies and consumables does not include dispensers itself. Please note the EMA building is still a construction site, and the Agency does not have specifications regarding the dispensers at this point in time. Should the Agency obtain the specifications prior to the closing date for submission of offers in response to this tender, this information will be made available to tenderers as quickly as possible.

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28	01/08/2019 10:49	02/08/2019 13:41	Annex II - Costing sheet and question 4 of Q&A	Row 26, further to your answer to question 4. How will square meters be determined upon completion? Is our assumption correct that we will measure everything and then a total price will be calculated based on the m2-prices submitted with our tender?	02/08/2019 Please see the answer to question 25.
29	01/08/2019 11:10	02/08/2019 13:42	Technical specifications for open invitation to tender, par. 3.1.1	The atrium is accessible by using the GOI. Is all of the glass accessible with the GOI? And how many square meters is the atrium glass?	02/08/2019 Glazing in the atrium is accessible by using the GOI. The largest area of internal glazing to be cleaned is on the south side of the Industry Lounge with 25 panels measuring 4.3m high x 1.8m wide each. Please see also the answer to question 25.
30	01/08/2019 11:17	02/08/2019 13:43	Technical specifications for open invitation to tender, par 3.1.1	various frequencies for the internal window cleaning are mentioned: 12x per year and 2x per year. Which one is correct?	02/08/2019 Both are correct. Twelve (12 x per year) refers to the monthly cleaning of the internal glazing of interior windows and separation glass which can be cleaned without the need of a scissor lift / a suspended platform (see Technical Specifications, Chapter 3.1.1 pages 7 and 8 for more details). Two (2 x year) refers to the cleaning of internal glazing for which scissor lifts / a suspended platform is needed, (see Annex XII to Technical specifications - Frequency of cleaning, item 10: Internal glazing).

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#	Submission date	Publication date	Question subject	Question	Answer
31	01/08/2019 10:42	02/08/2019 15:26	Annex II - Costing sheet	Row 17, deep cleaning services. In order to provide you with a correct price per cleaning session, a detailed element list is required for the kitchen, coffee bar and top floor lounge. Can you provide us with this information? If not, can you provide us with square meters? If this information is not available, what price information do you expect from tenderers?	<p>02/08/2019 Description of the deep cleaning services required can be found in section 3.1.2 (Periodical deep cleaning services) of the technical specifications. The deep cleaning of kitchen, coffee bar and top floor lounge include: -thorough cleaning of floors -thorough cleaning of the walls (entire) -thorough cleaning of the ceiling and ventilation grids -thorough cleaning of all fixed equipment - thorough cleaning of entire sink and attributes -thorough cleaning of servery areas Measurements in square meters are: • For the kitchen: a total of 147.2 m2 divided into spaces with the following measurements 35.6 m2 + 27 m2 + 14.9 m2 + 12 m2 + 57.7 m2. • For the coffee bar: 421.9 m2 • For the top floor lounge: 256.4 m2</p>

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32	01/08/2019 10:44	02/08/2019 15:28	Annex II - Costing sheet	Row 18, deep cleaning of shower rooms and changing rooms. Can you provide us with an element list for the cleaning? If not, are there square meters available?	02/08/2019 Description of the deep cleaning services required can be found in section 3.1.2 (Periodical deep cleaning services) of the technical specifications. The deep clean of shower and changing rooms include: - thorough cleaning of floors -thorough cleaning of the walls (entirely) - thorough cleaning of the ceiling and ventilation grids -thorough cleaning of all fixed equipment Measurements in square meters are: • For the shower rooms: 10.4 m2 + 10.5 m2 +11.6 m2 • For the changing rooms: 25.4 m2 + 28.5 m2
33	01/08/2019 11:32	02/08/2019 15:47	Annex XVI	For the KPI Audit overall score % you refer to a score sheet by which you measure Customer Satisfaction. Can you provide us with an example of your score sheet?	02/08/2019 The score sheet is included in the SLA spreadsheet, please see score input in column K. The scores will be inserted in column K following the scoring criteria after auditing and assessing the KPI's and its output measure. A sum of the scores will be compared against the service level points table (see rows 27 to 32) in order to establish the quality of the cleaning standards.

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34	01/08/2019 11:33	02/08/2019 15:48	Annex XVI	According to the Scoring Criteria for complaints, receiving 1 complaint per month will result in a score of 3 points for this KPI. Since the KPI has a weighting of 3, receiving a single complaint will lose the contractor 6 Service Level Points in total, effectively resulting in a penalty of 10% of the monthly fixed price for regular cleaning of periodical deep cleanings. We propose that complaints will only effect the Service Level if they are proven to be well-grounded. Do you accept this proposal?	02/08/2019 Complaints as described in the SLA Annex XVI are considered those that result from failing to meet the requirements listed in the technical specifications. The means to monitor the quality of services is through audits as described in point c) of section 3.1.1 of the technical specifications: c) Audits The contractor is responsible for the quality check of the cleaning activities. The Agency might request that monthly checks are conducted to ensure that the Service Level Agreement (SLA) is maintained. Complaints shall be supported with evidence where possible.
35	01/08/2019 14:07	06/08/2019 15:04	Technical specifications for open invitation to tender Par. 12	"Duly signed and dated by an authorised representative" Is our assumption correct that the tender documents may be signed by a person who is legally empowered to do so by an authorized representative as listed in our Chamber of Commerce registration?	06/08/2019 The assumption is correct. The procurement documents shall be signed by a person who is identified in the tenderer's excerpt from a professional or trade register (e.g. Chamber of Commerce).

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36	02/08/2019 11:34	06/08/2019 15:05	Annex II costing sheet	You are requesting a press machine for paper and for organic waste, but not for residual waste. We know from our own experience that especially for this waste stream a press machine is required. Is there a reason why you are not requesting a press machine for residual waste?	06/08/2019 As per point d) Central waste collection area of section 3.1.5. Waste management including confidential waste: "Any suggested press machine should also be listed in the costing sheet as a separate rental tariff. The rental tariff should include installation, maintenance and any other costs related to the operation of these press machines." Tenderers can insert suggested machines "compactors/containers/pressers" in Annex II Costing sheet under the heading "other waste containers" (rows 73 to 79).
37	02/08/2019 11:36	06/08/2019 15:07	Technical specifications for open invitation to tender Par. 3.1.5 Waste Management	Which type of coffee cups will you be using? PE-coated or a biodegradable cup with PLA-coating?	06/08/2019 This information is not yet known. Coffee cups will be provided by the catering contractor. The procurement on Catering & hospitality services is currently running in parallel with the procurement on Cleaning & waste management services, therefore the contractor is not yet known at this point in time. Should the Agency obtain this detail prior to the closing date for submission of offers in response to this tender, this information will be made available to the tenderers as quickly as possible.

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38	02/08/2019 11:42	06/08/2019 15:09	Annex II - Costing sheet	How many sanitary units will there be in your building, and how many toilet pots and washbasins?	06/08/2019 Could the economic operator please clarify what is meant with 'sanitary units'?
39	02/08/2019 11:42	06/08/2019 15:10	Q&A Question 4	You indicate that information about glass m2 will not be available until the building has been completed. This means that it is not possible to provide you with a total price for the window cleaning. Will you agree to tenderers providing you with m2-prices?	06/08/2019 A price per m2 for cleaning of internal glazing is fine. Please see also the answer to question 25.
40	02/08/2019 11:43	06/08/2019 15:11	Annex II – Costing sheet	Will there be a possibility to adjust the prices quoted in our tender afterwards based on the actual situation? Given the fact that a lot of crucial information is not available at this time?	06/08/2019 For items for which the exact volume (e.g. m2) is not yet known, the tenderers shall quote a price per square meter (for instance for the cleaning of internal glazing). Other than an annual price indexation, the prices per volume (e.g. m2) cannot be adjusted after the contract award and signature; the prices per volume will be however multiplied with the actual volume of the material to be cleaned (e.g. internal glazing). Should the Agency obtain more details prior to the closing date for submission of offers in response to this tender, this information will be made available to the tenderers as quickly as possible.

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41	05/08/2019 09:25	06/08/2019 15:12	Question 34 - Q&A	From our own experience we know that a maximum of 1 complaint per month in a building with > 1.000 end users is not a realistic goal. We suggest that this KPI will be set to a maximum of 20 complaints per month before a penalty goes into effect. Will you agree to this? If not, to which number are you willing to set this KPI?	06/08/2019 Complaints as described in the SLA are not user complaints. User complaints will be channelled through the EMA contract manager who will assess the issue and discuss it with the contractor at the monthly review meeting. Should an issue not be resolved or followed up within the required standards by the contractor, the matter will be escalated into a complaint in the quarterly review.
42	05/08/2019 10:00	06/08/2019 15:13	Annex II - Costing sheet	As this is a multi service contract, we will be handling complaints and requests for the subcontracted services as well. In the pricing sheet there is no option to quote a management fee for this. Can we include this in the price for cleaning services? Or will you provide a pricing sheet for management services?	06/08/2019 Tenderers are expected to provide all-inclusive prices in the costing sheet (Annex II to the Technical Specifications). Tenderers are requested to factor in any applicable cost (such as a management fee) in the Costing Sheet. No separate pricing sheet (other than the completed Costing sheet) will be provided or accepted by the Agency.
43	05/08/2019 10:07	06/08/2019 15:14	Planning	What is the estimated date of the start of the contract (also in relation to the award date early november '19)?	06/08/2019 It is currently envisaged that the contract award decision will be communicated in mid-November19, and the contract start date is foreseen to be 01 December '19.

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44	05/08/2019 10:08	06/08/2019 15:16	Document Library	We can not find Annex XIX in the document library, can you provide us with that document?	06/08/2019 A sample purchase order is included as the very last page of the draft Contract (Annex VII to the Technical Specifications).
45	05/08/2019 11:00	06/08/2019 15:18	Technical specifications for open invitation to tender Par 15.1	Our waste management partner is a young and innovative start up. We are able to provide the requested references for waste management, however 1 project started 1st September 2018, we would miss out 11 days. Will you accept this as a valid reference?	06/08/2019 As set out in section 15: Selection criteria (technical and professional capacity) in particular section 15.1: Requirements, the services must have been provided during the past three years counting from the due date for submission of the tenders (which is 19 August 2019), and for a minimum uninterrupted period of 12 months.
46	05/08/2019 12:17	06/08/2019 15:19	Technical specifications for open invitation to tender Chapter 3	In the current situation all service desk enquiries (receipt, processing and feedback) are handled by Reception. Will this also be the situation in the new contract period or do you expect tenderer to handle this?	06/08/2019 The Agency considers that this question is not relevant to the submission of a proposal in response to this tender procedure.

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#	Submission date	Publication date	Question subject	Question	Answer
47	05/08/2019 12:26	06/08/2019 15:19	Technical specifications for open invitation to tender Chapter 3	As a multi service provider we are aware how important is is that requests and complaints are filed under the accurate category. In order to deliver efficiency we would like to see how the categories are made up in your FMIS system. This might result in an advise from our side to make some changes in categories. Is this possible in your FMIS system and is EMA willing to participate in this?	06/08/2019 The Agency considers that this question is not relevant to the submission of a proposal in response to this tender procedure.

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#	Submission date	Publication date	Question subject	Question	Answer
48	05/08/2019 12:41	06/08/2019 15:21	Technical specifications for open invitation to tender Par. 3.1.6	<p>The successful tenderer will be required to carry out an initial risk assessment at no additional cost to the Agency at the commencement of the contract, to ensure that the service specification meets the needs of the Agency and will be requested to implement the most appropriate service schedule. Can you please let us know what you are expecting on this? You want us to give a quotation and then afterwards implement the most appropriate service schedule. Normally our prices are based upon a</p> <p>Pest risk assessment and not the other way around.</p>	<p>06/08/2019</p> <p>The Agency is asking tenderers to provide a fixed cost per one pest control visit where each visit shall cover all aspects of the indicated duties specified in section 3.1.6 of the technical specifications. As set out in section 3.1.6 (Pest control services), the successful tenderer will be required to carry out an initial risk assessment at no additional cost to the Agency at the commencement of the contract, to ensure that the service specification meets the needs of the Agency and will be requested to implement the most appropriate service schedule. Tenderers are expected to provide all-inclusive prices in the costing sheet (Annex II to the Technical Specifications), including all applicable cost (e.g. initial pest control risk assessment). Tenderers are requested to factor in this requirement in the Costing Sheet.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
49	05/08/2019 12:43	06/08/2019 15:21	Technical Specifications Par. 3.1.6	<p>The successful tenderer will be required to treat at no additional cost to the Agency all crawling insects, also known as casual intruders. Species falling under this category are likely to be but are not limited to - Ground beetle (Caribidae) - Woodlice (Isopoda) - Centipedes (Chilopoda) - Millipedes (Diplopoda) - Earwigs (Forficula auricularia)</p> <p>Depending upon the species it may be a simple procedure of mechanical removal such as using a vacuum, drying an area out or habitat management such as clearing away organic material that is encouraging activity.</p> <p>If treatment is required we assume that always law and regulations are applicable. Is this assumption correct?</p>	<p>06/08/2019 The assumption is correct. Compliance with law and relevant regulations will always prevail.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
50	05/08/2019 12:45	06/08/2019 15:22	Technical Specification - par. 3.6.1	<p>Unlimited call outs in or out of office hours for suspected pest infestations. Unlimited follow up visits for specialist treatments of revealed pest infestations. All material costs and consumables. a lot of pest problems are related to cleaning issues, gardening, technical issues, of building problems such as holes in walls of doors which are not closing. We think that unlimited visits are not in balance looking at all integrated matters concerning integrated pest management. Can you please specify what you are meaning by this? Secondly: Our suggestion would be that if recommendations are followed up within 21 days, and all possible measures are taken, a call out or treatment is included. Otherwise the costs are not included or bill by you to a service provider which failes to carry out the recommendations. Could you agree on this suggestion?</p>	<p>06/08/2019 Tenderers are requested to factor in these requirements and provide a fixed price to include: -Unlimited call outs in or out of office hours for suspected pest infestations. - Unlimited follow up visits for specialist treatments of revealed pest infestations. -All material costs and consumables. The Agency cannot agree to the suggestion.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
51	05/08/2019 12:47	06/08/2019 15:23	Annex II Costing sheet schedule 4 pest control:	Fixed cost per one pest control visit. Each visit shall cover all aspects of the indicated duties specified in section 3.1.6 of the technical specifications. 12 visits in monthly intervals Is it correct you want to have the yearly price for all visits, including extra visits necessary, or just the 12 visits? In that case where can we put de costs for extra visits or an all-in price?	06/08/2019 Tenderers are requested to provide a fixed cost per pest control visit where each visit shall cover all aspects of the duties specified in section 3.1.6 of the technical specifications. Tenderers should note that the quantities included in The Costing sheet are indicative and for evaluation purposes only, and is as such are not binding on the Agency.
52	02/08/2019 11:33	07/08/2019 15:39	Technical specifications for open invitation to tender Par. 3.1.5 Waste Management	In order to collect waste efficiently we need a minimum of 2 and rather 3 high voltage power connections (16 A slow fuse). Will you be able to provide this in your new building?	07/08/2019 As per point d) central waste collection of section 3.1.5 (Waste management including confidential waste) in the technical specifications, the room is equipped with 6 x 2 power outlet (240 V) including one high voltage power outlet (400V - 16Amp). The Agency cannot provide more power connections at this stage. However, the installation of additional power connections might be considered in the future.

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#	Submission date	Publication date	Question subject	Question	Answer
53	02/08/2019 11:35	07/08/2019 15:40	Technical specifications for open invitation to tender Par. 3.1.5 Waste Management	To calculate the number of hours required for waste collection, the following information is required: • Number of waste collection stations; • Indication of distances to be covered per floor or per day: • Are waste bins for paper towels in the sanitary units included? How many of these waste bins will be fitted; • Will there be a service elevator in your building; • Are our employees allowed to use the regular elevators; • Are there any narrow doors that are difficult to pass for our waste collection employees; • An indication of the number of congresses per year. Can you provide us with this information?	07/08/2019 Please note that the EMA building is still a construction site, and the Agency does not have at its disposal the final specifications regarding the requested points. Tenderers shall note that the information below is indicative only and not binding on the Agency. - Number of waste collection stations: 1 kitchenette and 1 printing room per floor = 2 waste collection points per floor. Please note that EMA might opt to add more collection points in the future. - Indication of distances to be covered per floor or per day: Could the economic operator clarify what is meant with this question? - Could the economic operator please clarify what is meant with 'sanitary units'? - There will be a goods lift to service floors G to 3; regular elevators can be used to cover other floors. - The contractor's employees will be allowed to use regular elevators if the goods lift is not available. - Width of doors affecting waste collection: On the office floors the narrowest doors are the toilet doors which are 90 cm wide. The narrowest doors/corridors in the lifts, lobbies and loading bay are 1.40 m. - Number of meetings: 488 reimbursed / external meetings are foreseen in 2020.

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#	Submission date	Publication date	Question subject	Question	Answer
54	02/08/2019 11:37	07/08/2019 15:41	Technical specifications for open invitation to tender Par. 3.1.5 Waste Management	Can you define what you mean by 'food compactor'? Pressing swill/organic waste is not recommended, a dehumidifier is possible but would be better off in the kitchen.	07/08/2019 'Food compactor' is synonymous with 'food digester'. As per the technical specifications, the offered solution must ensure smooth operations of the waste management at EMA premises.
55	02/08/2019 11:38	07/08/2019 15:42	Technical specifications for open invitation to tender Par. 3.1.5 Waste Management	We know from our own experience that the waste collection drawers that you intend to use are very small. Can this still be changed? If not this has an impact on the number of waste collection rounds per day.	07/08/2019 The Agency is unable to change the design of the collection drawers at this stage. As per the technical specifications, it is envisaged that there will be one or two additional recycling stations per office floor. Tenderers are requested to present a proposal in line with the Agency's requirements.

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#	Submission date	Publication date	Question subject	Question	Answer
56	05/08/2019 10:11	07/08/2019 15:44	14.2 evidence required to evaluate financial feasibility	Is our assumption correct that the evidence required to evaluate financial feasibility is not part of the tender, but will be requested by The Agency in a later stadium?	07/08/2019 In section 14.2 of the technical specifications it is stated that tenderers shall as part of their tender response provide: 1. financial statements or their extracts for the last two financial years for which accounts have been closed; 2. a statement of overall turnover for the last two financial years available. If in order to meet the requirements listed in section 14.1 of the technical specifications the tenderer intends to rely on the capacity of subcontractor(s), the above listed evidence should also be submitted for subcontractor(s) as part of the tender submission.
57	05/08/2019 10:17	07/08/2019 15:45	Annex XVI Draft SLA	Operational compliance & risk - KPI contract Can you please confirm that the penalty does not apply in the following situation: a credit note will be made for any hours not provided AND the agreed quality is met.	07/08/2019 Penalties shall be applied in line with the output measure "all contracted hours provided during the period" according to the KPI "contract" listed in the SLA.

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#	Submission date	Publication date	Question subject	Question	Answer
58	05/08/2019 12:35	07/08/2019 15:46	Technical specifications for open invitation to tender	In your RFP nothing is mentioned in regard to outside areas. Does this mean that outside areas are not the responsibility of the contractor (e.g. parking garage, smoking area, main entrance area.	07/08/2019 The annual price for daily cleaning should include the main entrance area, access route, staircases and loading bay. The contractor will be responsible for the cleaning of all outside areas with the exception of the facade and art pieces.

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#	Submission date	Publication date	Question subject	Question	Answer
59	05/08/2019 16:54	07/08/2019 15:48	Screening of employees	You state that all employees proposed by the tenderer will have to be in the possession of a VOG. Does this also apply to employees of subcontractors of the tenderer? And specifically employees of the subcontractor for waste collection that come to pick up the waste streams (with the exception of employees who are responsible for confidential waste who clearly do have a VOG) the milieu straat?	<p>07/08/2019</p> <p>As per the point on vetting and screening in section 3.2 (Minimum requirements to be met by the tender): - All employees proposed by the tenderer will have to be in possession of a certificate of good conduct (or similar document) issued by the competent authority of the country of origin or provenance and dated not earlier than three months prior the start date of commencing duties for the Agency with the exception of non-EU nationals who have been living in the Netherlands for the last five years prior to their assignment under this contract. - For Dutch employees the VOG NP application form (https://www.justis.nl/producten/vog/certificate-of-conduct/ and https://www.justis.nl/binaries/Aanvraagformulier%20VOG%20NP%20(English)%20-%202.2_tcm34-84796.pdf) must be filled in. Employees who are non-EU nationals and who have been living in the Netherlands for the last five years prior to their assignment under this contract must also fill in VOG NP application form. Therefore, VOG applies to Dutch employees or non-EU nationals living in the Netherlands for the last five years prior to their assignment under this contract. This applies to all employees</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					contract. This applies to all employees performing duties in any of the services that are subject of this contract.

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#	Submission date	Publication date	Question subject	Question	Answer
60	05/08/2019 16:59	07/08/2019 15:49	Annex XVI - Draft SLA Periodical cleaning - Timeliness - frequency of services provided	Can you please confirm that the penalties do not apply when a service cannot be provided according to schedule because of non-attributable circumstances (e.g. emergency situation, extreme weather conditions) AND a new date has been set for the work in question (within acceptable time limits)?	<p>07/08/2019</p> <p>As per article II.14 Force Majeure of the draft contract: II.14.1 If a party is affected by force majeure, it must immediately notify the other party, stating the nature of the circumstances, their likely duration and foreseeable effects. II.14.2 A party is not liable for any delay or failure to perform its obligations under the FWC if that delay or failure is a result of force majeure. If the contractor is unable to fulfil its contractual obligations owing to force majeure, it has the right to remuneration only for the services actually provided. 'Force majeure': any unforeseeable, exceptional situation or event beyond the control of the parties that prevents either of them from fulfilling any of their obligations under the FWC. The situation or event must not be attributable to error or negligence on the part of the parties or on the part of the subcontractors and must prove to be inevitable despite their exercising due diligence. Defaults of service, defects in equipment or material or delays in making them available, labour disputes, strikes and financial difficulties may not be invoked as force majeure, unless they stem directly from a relevant case of force majeure.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					majeure.
61	05/08/2019 17:02	07/08/2019 15:51	SLA, Service level points	The average return on a cleaning contract in the Netherlands is approximately 5%. A 10% penalty for a minor non-conformance (90-94 points) therefore seems relatively high. Are you willing to adjust the penalties as follows: 90-94 points: 2,5% of monthly fixed price for regular cleaning or periodical deep cleanings 70-89 points: 5% of monthly fixed price for regular cleaning or periodical deep cleanings 50-69 points: 10% of monthly fixed price for regular cleaning or periodical deep cleanings > 50 points: 25% of monthly fixed price for regular cleaning or periodical deep cleanings. If you cannot agree to this suggestion, to which percentages would you be willing to reduce the penalties?	07/08/2019 The Agency is unable to negotiate the terms of the SLA.
62	06/08/2019 08:44	07/08/2019 15:52	Annex II - Costing sheet	Oil: can you please let us know which types of oil are being used at EMA, for example frying oil, engine oil, etc?	07/08/2019 Cooking oil will be used in the provision of the catering and hospitality services. The use of any other oils is not foreseen.

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#	Submission date	Publication date	Question subject	Question	Answer
63	06/08/2019 08:48	07/08/2019 15:53	Annex II - Costing sheet	You are requesting rental prices as well as purchase prices for waste bins. For the presses and for organic waste however an exchange system is used. Therefore tenderers will be able to provide you with rental prices only. How do you want us to deal with this in the costing sheet?	07/08/2019 In those cases the applicable rows of column G in sheet 2. Waste management shall be left blank. Please note that as per the technical specifications tenderers are also requested to provide a catalogue of available bins, which potentially could be rented/ordered by EMA in the future, e.g. if the existing furniture changes. The catalogue of available bins shall be complete and must contain the relevant rates/prices and must be submitted in addition to the Costing sheet (Annex II). It shall be noted however that the catalogue will not form part of the evaluation. The contractor may update the catalogue of available bins in the future, in line with new market innovations and waste streams. The prices/rates proposed to the Agency for any items in the updated catalogue shall not be higher than the contractor's official catalogue price list.
64	06/08/2019 08:52	07/08/2019 15:54	Technical Specifications for open invitation to tender Par. 3.1.5	From our own experience we believe that the recycling station in your new building will be too small for the amount of waste and the various presses that are required. Is there a possibility to use the outside area as well?	07/08/2019 Tenderers are requested to present a proposal in line with the Agency requirements. Extra space could potentially be used in the case of large organised events only.

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#	Submission date	Publication date	Question subject	Question	Answer
65	06/08/2019 09:03	07/08/2019 15:55	Annex II - costing sheet Confidential waste	The costing sheet does not specify a required method for processing/destruction of confidential paper. Is our assumption correct that you want tenderers to quote for on-site destruction of confidential paper as described in paragraph 3.1.5h of the technical specifications?	07/08/2019 As per technical specifications the destruction of confidential waste (including paper) has to be in line with applicable national legislation and good practice for confidential waste disposal, e.g. DIN norm 66399 or equivalent. If feasible, the preference would be that the destruction of confidential waste takes place on-site, and the process can be observed by an EMA representative. so on-site destruction is the Agency preference but other alternatives will be considered and evaluated.
66	06/08/2019 20:17	07/08/2019 15:56	Question 2 of Q&A	We have noticed that floor 2 is missing from your overview. Can you please provide the details for this floor to us? Or is there a specific reason why this information is not enclosed?	07/08/2019 It is not clear to the Agency which overview is meant. Could the economic operator clarify this please ?

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#	Submission date	Publication date	Question subject	Question	Answer
67	06/08/2019 22:29	07/08/2019 16:00	Annex XVI - Draft SLA	The penalty clause in Annex XVI states that the fine is immediately due and payable when the service level points are not achieved. Repairing the shortcoming is in the interest of both parties. It is therefore good to allow the contractor time to repair its shortcoming. Are you prepared to adjust this article in the sense that the contractor is first granted a reasonable period of time to rectify its shortcoming before a fine can be imposed?	07/08/2019 Please see answer to question 34. A penalty is applied if the contractor fails to comply with the KPI's, which implies that the contractor has failed in taking action to resolve the issue within a reasonable time period.
68	07/08/2019 16:51	08/08/2019 15:00	Q&A question 66 In question 2 the details of floor 3 are missing, not floor 2 as indicated in our question 66. Apologies!	In question 2 you have given us indicative measures per floor. In this list, the measures of floor 3 are missing. Can you please provide us with this information?	08/08/2019 Please see below rectification: Floor 4 to 18: standard offices floors: surface 1,350 – 1,435 m2 + bathrooms 18.5 m2; Floor 3: lounge, coffee bar, work stations: surface 850 m2 offices + 850 m2 other functions + bathrooms 18.5 m2.

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#	Submission date	Publication date	Question subject	Question	Answer
69	06/08/2019 08:57	09/08/2019 14:37	Annex II - costing sheet Waste management	You are requesting an all-in price per kilogram. This is not common practise in the Netherlands. Is it possible to calculate the staff and project manager seperately instead of included in the price per kilogram? If so, can you provide us with an updated costing sheet?	09/08/2019 A new Costing sheet (v.3) has been published to enable tenderers to enter their quotes for a management fee (see summary tab). A field for the annual management fee for all services has been included in sheet 5 (Summary) of the costing sheet. Tenderers must use this revised Costing sheet (v.3) for submission of their offers. The previous versions of the costing sheet are obsolete and shall not be used.
70	07/08/2019 12:55	09/08/2019 14:46	Q&A - question 36	Tenderers can insert suggested machines "compactors/containers/pressers" in Annex II Costing sheet under the heading "other waste containers" (rows 73 to 79). Thanks for your response. These rows in the Excel sheet are password protected however, so we can not make the required changes. Can you please provide an updated Costing Sheet?	09/08/2019 A new Costing sheet (v.3) has been published for tenderers where relevant cells have been unblocked. Tenderers must use this revised Costing sheet (v.3) for submission of their offers. The previous versions of the costing sheet are obsolete and shall not be used.

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#	Submission date	Publication date	Question subject	Question	Answer
71	07/08/2019 15:24	09/08/2019 14:47	Toilet paper Hand towel M-Fold two ply hand towel paper made of recycled paper, (per 3,000 piece pack).	According the demands of WELL and BREEAM, we would like to offer products which meets these demands. The specifications of those products are: Toilet paper roll made recycled paper, per toilet roll approximately 714 sheets and 100 meters in length. This is a captive roll for our dispenser which also meets the specific WELL and BREEAM demands. Hand towel Z-Fold two ply hand towel paper made of recycled paper, (per 3,200 piece pack). This is also captive for our hand towel dispenser which meets the specific WELL and BREEAM demands. Is EMA agreed if contractor would offer above explained products?	09/08/2019 Tenderers must submit quotes according to the specifications to ensure fair comparison between tenders. An alternative catalogue of products and offers could be submitted as an option in addition to the submission of the costing sheet, but these will not be taken into consideration for evaluation purposes.
72	08/08/2019 11:35	09/08/2019 14:48	Technical specifications. 9. Price	Is there an obligation to take over members of the current cleaning staff?	09/08/2019 Please be informed that the EMA is currently making use of a fully serviced temporary accommodation, the services of which are provided and contracted by the owner of the building. Therefore the Agency is tendering a new contract and a transfer of undertakings (TUPE) within the meaning of the EU Directive 2001/23/EC will not apply.

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#	Submission date	Publication date	Question subject	Question	Answer
73	08/08/2019 16:25	09/08/2019 14:53	Lengt of toiletpaper (as stated in Costing Sheet)	You indicate at the sanitary consumables that the toilet paper must have a length of 240 cm. Do we assume correctly that you mean the standard size of 100 meters?	09/08/2019 Please refer to question 22.
74	08/08/2019 16:27	09/08/2019 14:54	Consumables (no soap in costing sheet)	We do not find any soap at the sanitary consumables in the costing sheet. Can you indicate why you are not requesting soap?	09/08/2019 Hand soap has been added to the Costing sheet in sheet 1 (Cleaning services) in section 2: Consumables. The new Costing sheet (v.3) has been published accordingly. Tenderers must use this revised Costing sheet (v.3) for submission of their offers. The previous versions of the costing sheet are obsolete and shall not be used.
75	08/08/2019 16:29	09/08/2019 14:56	Consumables	Does the tenderer correctly understand that in part two a price must be entered for the consumbles requested, without dispensers?	09/08/2019 Yes, the understanding is correct; the quotes for consumables should not include dispensers.
76	08/08/2019 16:30	09/08/2019 14:57	Technical Specifications 3.1.4	Why do you ask for a different frequency of replacing the bins on the (MIVA) invalid toilet?	09/08/2019 The frequency of replacing the bins is based on the Agency's previous experience. Frequency could be adjusted as needed and is also considered a re-active task.

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#	Submission date	Publication date	Question subject	Question	Answer
77	02/08/2019 11:39	12/08/2019 08:22	Technical specifications for open invitation to tender Par. 9.5	The tender, including prices, must be valid for 6 months. Due to fluctuations on the waste market however it is impossible to predict prices for 2020 or any other year. Can you please which indexation method will be used for waste transportation (NEA index) and waste processing (tax on incineration)	12/08/2019 As set out in Article I.5.2 (Price revision index) of the draft framework contract (Annex II to the Technical Specifications), price revision is determined by the formula set out in Article II.20 of the draft framework contract, and using the trend in the harmonised indices of consumer prices (HICP) published at http://ec.europa.eu/eurostat/web/hicp/data/database under HICP (2015 = 100) - monthly data (index) (prc_hicp_midx). It shall be noted that, as set out in Article II.20 (Price revision) of the draft Contract, prices are fixed and not subject to revision during the first year of the Contract. The Agency confirms that Contractors will be allowed to request an adjustment of the price revision index also when the social, tax and/or waste legislation has indisputably changed. Please note that this does not automatically mean that the Agency would be obliged to approve such a request (such approval would depend on the prior assessment performed by the Agency). The review of such request will be subject to the conditions as mentioned in art. II.20. of the draft framework contract.

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#	Submission date	Publication date	Question subject	Question	Answer
78	05/08/2019 10:02	12/08/2019 08:24	Indexation of prices	For the indexation of prices you use a European standard which is serverely different than the usual indexation for waste management (NEA Index). Apart from that we have to deal with several cost increasements every year as a result of stricter law and other regulations. To what extend can we make arrangements on this?	12/08/2019 Please see the response to question 77.

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#	Submission date	Publication date	Question subject	Question	Answer
79	06/08/2019 22:27	12/08/2019 08:26	Annex VII - Draft contract	<p>Article II 6.3 states that the contractor is liable for all loss or damage suffered by the contracting authority as a consequence of implementation of the FWC. The contractor agrees with the fact that the contractor is obliged to compensate damage in certain cases. However, in that case the contractor wishes to comply with the legal provisions regarding liability. Can you confirm this?</p>	<p>12/08/2019 Please note that the exact reading of this article is the following: The contractor is liable for any loss or damage caused to the contracting authority during or as a consequence of implementation of the FWC, including in the event of subcontracting, but only up to an amount not exceeding three times the total amount of the relevant specific contract. However, if the damage or loss is caused by the gross negligence or wilful misconduct of the contractor or of its personnel or subcontractors, as well as in the case of an action brought against the contracting authority by a third party for breach of its intellectual property rights, the contractor is liable for the whole amount of the damage or loss. Please note the draft framework contract is governed by (Union law, complemented by) Dutch law, including Dutch contractual law, which shall be taken into consideration while interpreting the contract and its liability clauses.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
80	06/08/2019 22:27	12/08/2019 08:29	Annex VII - Draft contract	Article II.6.3 states that the contractor is liable for all damage. In our opinion however, liability for consequential damage cannot be regarded as a reasonable and proportional requirement. Are you prepared to adjust Article II.6.3 in the sense that Contractor can only be held liable for direct damage, unless there is intent or deliberate recklessness?	12/08/2019 Please see the response to question 79.
81	06/08/2019 22:28	12/08/2019 08:34	Annex VII - Draft contract	On the one hand, contractor believes that there must be a possibility for liability on the part of the contractor. On the other hand however, contractor believes that there must also be some room for liability on the part of the client, namely in case of accountable shortcomings, intent or deliberate recklessness. In Article II.6.1 you exclude all liability for you as a client. Are you willing to adjust this?	12/08/2019 Please note Article II.6.1. draft framework contract refers to contracting authority not being liable for any damage or loss caused by the contractor. The Article reads exactly the following: The contracting authority is not liable for any damage or loss caused by the contractor, including any damage or loss to third parties during or as a consequence of implementation of the FWC. In the light of the above clarification the Agency does not see the need for any adjustments in this regard.

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#	Submission date	Publication date	Question subject	Question	Answer
82	06/08/2019 22:29	12/08/2019 08:35	Annex VII - Draft contract	Article II.15 contains a formula for the calculation of the delay damage that the contractor owes if it has not complied on time. The Contractor does not consider such a provision reasonable. In case of attributable shortcomings on the side of contractor, the contracting authority may claim compensation in accordance with the legal rules. Are you willing to exclude this article?	12/08/2019 Please note EMA is obliged to include liquidated damages clause (i.e. provision II.15) in the award contract pursuant to point 16.4.(a) of Annex I to Regulation (EU) No 2018/1046 of European Parliament and Council of 18 July 2018 on the financial rules applicable to the general budget of the Union. Therefore, it cannot be excluded.
83	06/08/2019 22:32	12/08/2019 08:36	Annex VII - Draft contract	A definition of 'force majeure' is included in article II.1 of the FWC. It states that strikes are in any case not seen as force majeure. Are you prepared to adjust this article in the sense that the term 'strikes' is deleted from this article. As an employer, we have no influence whatsoever on strikes. In fact, we are not legally entitled to break the right to strike. In the event of a strike, the employer is therefore "has his back against the wall"	12/08/2019 Please note the Agency is aware and takes into consideration applicable limitations stemming from Dutch law, including provisions of the Dutch Placement of Personnel by Intermediaries Act (WAADI: Wet allocatie arbeidskrachten door intermediairs).

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#	Submission date	Publication date	Question subject	Question	Answer
84	06/08/2019 22:39	12/08/2019 08:38	Annex VII - Draft contract	<p>Article II.16.1 of the FWC states that the contracting authority is entitled to reduce or reclaim the price if the contractor does not meet the quality requirements. To our opinion it is not reasonable that the contracting authority may simply apply a price reduction. The parties have agreed on a price, and if it is the contracting authority's point of view that the contractor is accountably inadequate, the law provides a solution and compensation can be claimed. Are you therefore prepared to disapply this article?</p>	<p>12/08/2019 Please note that in case of lack of performance or underperformance by the contractor (Article II.16.1) - the Agency first communicates informally to the contractor its concerns and it requests for mitigation actions to be carried out by the contractor in order to ensure seamless provision of contracted services. This aims to enable the contractor to improve quality of provided services, including - to repair (if possible) any failure within reasonable time period. If upon informal communication addressed to the contractor the matter of suboptimal performance remains unresolved, a letter of formal notice of suboptimal performance by the contractor (stating any reduction or recovery of payments) would be sent to the contractor. Pursuant to draft framework contract (II.16.2) the contractor has 30 days following the receipt of the notice to submit its observations. If the contractor submits observations, the contracting authority, taking into account the relevant observations, shall notify the contractor: (a) of the withdrawal of its intention to reduce payment; or (b) of its final decision to reduce payment and the corresponding amount. As this is a standard clause within the draft framework contract – the Agency</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					draft framework contract – the Agency does not see the need to discard it. Please note that submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents (including the draft framework contract) and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The tenderer must confirm acceptance of the draft framework contract and terms and conditions of this tender as part of its response in the declaration in Annex I.
85	07/08/2019 09:38	13/08/2019 07:56	Waste management	Is it an option / is there any room to place a 'molok' (underground container) to limit the transportations (and therefore CO2 emissions)?	13/08/2019 No, there is no space available for a 'molok' type of container.
86	07/08/2019 12:58	13/08/2019 07:59	Q&A - question 38	Definition of sanitary unit: A sanitary unit is a room in your building that contains several toilets and a vestibule with several washing basins	13/08/2019 Please see the new annex 'XIX' (Specifications of sanitary units) which has been published with additional information, with details of the number of restrooms in the building and accessories included in the restrooms.

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87	07/08/2019 13:01	13/08/2019 08:13	Q&A - question 43	The start date of the contract is foreseen to be 01 December 2019. Can you confirm that this is the date Contractors will start to prepare for providing the services, and not the actual start date of the services itself?	13/08/2019 This understanding is correct: the start of the contact will be the start date of the contract implementation phase. Full services are currently to be expected to be provided as from January 2020.
88	07/08/2019 15:25	13/08/2019 08:17	Bins for handtowels	There are no bins asked for the hand towels. In our opinion it's necessary to add bins especially for used hand towels. Does EMA agreed with these bins. If not can you explain were you want to leave the used hand towels. If yes, can you add the bin's to the cost sheet.	13/08/2019 Please see the answer to question 86. Bins are provided in the building.
89	08/08/2019 16:28	13/08/2019 08:18	Consumables (vending machines)	Are the costs of supplying the vending machines for the tenderer? If so, what is the expected consumption?	13/08/2019 As per annex II (Costing sheet) the tenderers must include in their quote the cost of provision and maintenance for the feminine product vending machines. The Agency does not have at its disposal any sales figures for the vending machines.

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90	08/08/2019 22:17	13/08/2019 08:20	Q&A 43: start of the contract	In your answer on question 43 you state that the contract start date is foreseen to be 01 December '19. We assume that you mean that the implementation period (of at least 8 weeks matching the Code of Responsible Market Behaviour) can start on 01 December '19?	13/08/2019 Please see the response to question 87.
91	06/08/2019 15:29	13/08/2019 08:23	Question 35 Q&A	Will you accept a tender that is signed by a person who has been authorised in writing by one of the persons listed on our Chamber of Commerce excerpt? The signatory himself is not listed on our Chamber of Commerce excerpt.	13/08/2019 This is correct indeed, the Agency will accept a tender that is signed by a person who has been authorised in writing with Power of Attorney by one of the persons listed on the tenderer's Chamber of Commerce excerpt.
92	09/08/2019 13:06	19/08/2019 15:08	Technical specifications Par. 3.1.5 - Waste management - waste collection	What is the width of the access road to expedition/'Milieustraat'? Can you confirm that waste collector will not be blocking the main road? Could you provide us with a map which depicts the situation?	19/08/2019 The size of the truck that can enter the expedition road and area is limited to the size as specified in the CROW 2004 NL regulations: Length: 10.40 meter Width: 2.62 meter Track: 2.62 meter Lock to lock time: 6.0 Steering angle: 34.7 The Agency does not have a final map of the expedition road; please note that the EMA building is still a construction site. The Agency in collaboration with the contractor will ensure the logistic feasibility for a smooth operation of waste collection.

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#	Submission date	Publication date	Question subject	Question	Answer
93	02/08/2019 11:40	20/08/2019 18:45	Annex II – Costing sheet	In order to determine an accurate price for cleaning services, the following information is required: • Room finishing schedule per floor with type of rooms, m2 and floor type; • The number of upholstered furniture pieces, preferably with pictures and information about the type of furniture, sizes and type of fabric. Can you please provide this information?	<p>20/08/2019</p> <p>For the requested information, please see Annex XX: Additional information. Please note that further details can be found in Annex XXI to XXVII, which have been published in e-Tendering as additional Annexes. Please also note that the EMA building is still a construction site and the figures provided are best estimations only. It is not possible for the Agency to be more precise at this point in time. Dimensions are visual estimations based on the floorplans (using grid distances as a reference) and simplification has been applied to arrive at an aggregate m2 value for main material finishes in the building. IMPORTANT NOTICE: As indicated in the Costing sheet (Annex II), sheet 1: Cleaning services (cell A10), tenderers shall provide a detailed breakdown of the lump sum quoted. This breakdown shall be as detailed as possible, with prices per m2 of different materials, units or items to be cleaned, as well as the proposed team with hourly rates per team member. In case the actual size of the building in m2 or total number of units/items to be cleaned in practice is different from the size/ amount provided based on the best estimates given in the technical specifications, and as further clarified in response to</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					and as further clarified in response to this Question 43, the lump sum will be adjusted pro rata for the material(s) and/or unit(s)/item(s) for which a deviation is objectively identified.

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#	Submission date	Publication date	Question subject	Question	Answer
94	02/08/2019 11:41	20/08/2019 19:00	Annex II – Costing sheet	In order to provide you with an accurate price for deep cleaning, the following information is required: • A list of equipment, m2, type of floor- and wall finishing. • Type of extractor hood including dimensions Can you please provide us with this information?	<p>20/08/2019</p> <p>For the requested information, please see Annex XX: Additional information, which has been published in e-Tendering as an additional Annex. Please note that the EMA building is still a construction site and the figures provided are best estimations only. It is not possible for the Agency to be more precise at this point in time. Dimensions are visual estimations based on the floorplans (using grid distances as a reference) and simplification has been applied to arrive at an aggregate m2 value for main material finishes in the building. IMPORTANT NOTICE: As indicated in the Costing sheet (Annex II), sheet 1: Cleaning services (cell A10), tenderers shall provide a detailed breakdown of the lump sum quoted. This breakdown shall be as detailed as possible, with prices per m2 of different materials, units or items to be cleaned, as well as the proposed team with hourly rates per team member. In case the actual size of the building in m2 or total number of units/items to be cleaned in practice is different from the size/ amount provided based on the best estimates given in the technical specifications, and as further clarified in response to this Question 43, the lump sum will be adjusted pro rata for the material(s)</p>

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#	Submission date	Publication date	Question subject	Question	Answer
					adjusted pro rata for the material(s) and/or unit(s)/item(s) for which a deviation is objectively identified.
95	05/08/2019 09:05	20/08/2019 19:03	Question 26 of Q&A	Thanks for providing us with the floor types. To compile an accurate calculation however, an indication of square meters per floor type is required. Can you provide us with this information?	20/08/2019 Please see the answer to question 93 and 94, as well as Annex XX (Additional information), which has been uploaded to e-Tendering as an additional annex.
96	05/08/2019 10:12	20/08/2019 19:06	Annex XII	Can you provide us with an indication of the m2 of carpet in the building?	20/08/2019 Please see the answer to question 93 and 94, as well as Annex XX (Additional information), which has been uploaded to e-Tendering as an additional annex.
97	20/08/2019 14:36	21/08/2019 14:45	Missing formula in new Costing sheet (v.3) regarding to hand soap	Hand soap has been added to the Costing sheet in sheet 1 (Cleaning services) in section 2: Consumables. However, there is no formula in the cells. Can you please adjust the costing sheet?	21/08/2019 A new costing sheet (v.4) has been published in which the formula is corrected. Tenderers must use this revised Costing sheet (v.4) for submission of their offers. The previous versions of the costing sheet are obsolete and shall not be used.

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#	Submission date	Publication date	Question subject	Question	Answer
98	20/08/2019 09:45	22/08/2019 10:00	3.1.4 Technical Specifications	In this section you ask for 47 Enzyme and urinal sleeves for each urinal. Can you specify this product? Are there waterless urinoirs at your location? Can you indicate why it needs to be replaced on a monthly basis?	22/08/2019 The urinals are not waterless. The Agency does not prescribe the type of product to be used; this will be the contractor's choice. Replacement frequency should be in line with the proposed product specifications.
99	20/08/2019 09:47	22/08/2019 10:01	3.1.4 Technical Specifications	In this section you ask for '25 x Sharp bins for each disabled toilet'. Are you sure you want sharpbins in every disabled toilet or do you want diaper boxes in every disabled toilet?	22/08/2019 The requests for 25 sharp bins for each disabled toilet is based on what was in use in the Agency's previous building. The Agency will require at least 10 to 12 sharp bins distributed from the Ground floor to the 4th floor and first aid rooms. Additional sharp bins may be needed for the remaining floors. The technical specifications do not include diaper boxes.
100	20/08/2019 09:47	22/08/2019 10:02	3.1.4 Technical Specifications	In this section you ask for '1 small clinical waste bin and 1 sharp bin in the first aid room'. These products require a different service than the processing of normal waste and must be emptied and processed by a specialized company. Are you prepared to remove these products from this tender?	22/08/2019 The Agency cannot remove the supply and servicing of clinical waste bins and sharp bins from the requirements of this tender.

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#	Submission date	Publication date	Question subject	Question	Answer
10 1	26/08/2019 12:06	27/08/2019 12:30	Annex III in e-Submission portal	<p>In the 'Technical Specifications' document it is stated that a completed Annex III (Declaration of honour) is required by each subcontractor where more than 10% of the contract shall be executed by subcontractors.</p> <p>However, when adding a new subcontractor in the e-Submission portal a 'Declaration of honour' is mandatory as an attachment, even if the subcontractor shall execute less than 10% of the contract. Could you please explain how tenderer should proceed with this situation? Should tenderer upload its own completed Annex III in these cases?</p>	<p>27/08/2019</p> <p>The e-submission platform is designed in a way that it is compulsory to upload a Declaration on Honour when a subcontractor is added, regardless of the volume of subcontracting. Tenderers are advised to upload their own completed declaration in cases where subcontracting is foreseen, but the volume of subcontracting is less than 10% of the contract.</p>

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