

Call for tenders' details

Title: Provision of Consultancy, Assistance and Development Services Regarding XML, SGML, HTML and XHTML Matters

Start date: 07/05/2020

Time limit for receipt of tenders: 24/06/2020

Contracting authority: Publications Office of the European Union (OP)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	13/05/2020 09:02	13/05/2020 14:26	EN-OPLUX2020OP0005 - Specifications.docx 1.10. Place of performance	could you please define this 'phrase bit more detailly : this seems ambiguous. "In the case of proximity time and means, the work is to be executed at the contractor's premises located in the proximity of the location of delivery, i.e. within a maximum of thirty (30) kilometres / one (1) hour of driving from Brussels."	13/05/2020 In the case of proximity time and means, the work is to be executed at the contractor's premises located in the proximity of the location of delivery, i.e. within a maximum of thirty (30) kilometres from the Brussels, or at another location (no kilometres limit) which guarantees that the persons working on the premises can come to Brussels in maximum one (1) hour of driving.
2	13/05/2020 11:41	13/05/2020 14:28	Annex 7, Balance Sheet and Profit and loss account	Due to the current situation, it will take more time to have the 2019 Balance Sheets ready, could you please confirm that we can provide the Balance sheets for the years closed 2017 and 2018?	13/05/2020 If it is not possible for the tenderer to provide Balance Sheets for 2019 and 2018, the ones for 2018 and 2017 will be accepted.

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#	Submission date	Publication date	Question subject	Question	Answer
3	13/05/2020 16:41	14/05/2020 09:06	PARFS - selection criteria	In case we are presenting one or various specific contract(s) under the same framework contract as a PARF, we understand that a letter of reference (from the client) of the entire FwC would be accepted. Please confirm.	14/05/2020 In the situation as described in the question reference letter from the client for the entire FWC will we accepted. The PARF in question shall clearly indicate under which FWC the specific contract(s) were executed
4	13/05/2020 09:04	15/05/2020 09:08	1.11. General terms and conditions for the submission of tenders	Hi According to this, could you provide an eligible country list? Is Turkiye eligible i.e.?	15/05/2020 Countries signatories of the GPA, as well as the following countries: Albania, Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Ecuador, El Salvador, FYROM, Guatemala, Honduras, Iceland, Iraq, Kosovo, Lichtenstein, Mexico, Montenegro, Nicaragua, Norway, Panama, Peru.
5	13/05/2020 10:38	15/05/2020 09:10	3.1. Making a tender in collaboration with other companies	As an EU company and as the main contractor : can we use subcontractors who does not fall into the scope of the subject: "1.11.General terms and conditions for the submission of tenders"	15/05/2020 It is possible to have subcontractor from outside EU/ GPA/ third country which has a special agreement with the European Union in the field of public procurement.

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#	Submission date	Publication date	Question subject	Question	Answer
6	14/05/2020 14:34	15/05/2020 09:12	CVs - non-mandatory technologies marked as "-"	Our understanding that there is no need to cover the non-mandatory technologies listed in Annex 4 and marked with "-" with any CV presented. This means, that, for example, for the TEC-CONS-XML, technologies such as Formex (SGML), Formex (XML), etc do not need to be covered by any CV (but nice to have). Please confirm	15/05/2020 The contracting authority understands that this question refers to Annex 13. We confirm that the technologies marked with "-" in Annex 13 do not need to be covered by any CV.
7	14/05/2020 14:35	15/05/2020 09:13	CVs - expertise to be acquired at takeover	In Annex 13, for some technologies is specified "If not already available, knowledge in this specific area of expertise has to be acquired at the takeover phase". Please confirm there is no need to cover this technologies by tender submission deadline by any CV (but nice to have).	15/05/2020 We confirm.

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#	Submission date	Publication date	Question subject	Question	Answer
8	14/05/2020 14:38	15/05/2020 09:14	CVs - non-mandatory technologies	<p>In tender specifications, page 19, is specified that (for example) for the TEC-CONS-XML, eight (8) non-mandatory technologies must be covered.</p> <p>Our understanding is that (1) any of the 30 technologies listed in the annex 13 can be covered in order to cover this requirement. (2) in case the technologies covered are those without a minimum requirement in months (for example: Formex (SGML) or Formex (XML)), 12 months experience would be sufficient to cover POs expectations. Please confirm our understanding in (1) and (2) is correct.</p>	<p>15/05/2020</p> <p>1) We confirm your understanding. Nevertheless, please be reminded that "In order to pass the selection phase, for each profile, each of the non-mandatory technologies listed in the profile definition (Annex 13) must be covered according to the number set out there." 2) We confirm your understanding.</p>
9	27/05/2020 14:52	27/05/2020 15:51	TIMING - time limit	<p>Due to the current situation and that some companies are still teleworking, certainly to provide all the documents admin, CV, signature of the PARF (ref) , etc., do you accept to extend minimum 1 month the time limit for receipt of tender?</p>	<p>27/05/2020</p> <p>It is not possible to extend the deadline for submission of the tenders, as it would delay all the subsequent steps in the procurement procedure. Please note also, that due to the current situation the deadline for submission of tenders is much longer than usual one.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
10	28/05/2020 10:49	28/05/2020 11:56	Annex 7 - Economic and financial capacity questionnaire & Balance sheet	It is our understanding that if the two last years for which the financial accounts of the tenderer have been closed are 2018 & 2017, the relevant figures of these years as well as the balance sheets should be submitted instead of 2019 & 2018. Please confirm that our understanding is correct.	28/05/2020 Your understanding is correct.
11	28/05/2020 10:49	28/05/2020 11:58	Annex 4B-Consortium Agreement	It is our understanding that the Annex 4B-Consortium Agreement can be signed in counterparts, each of which shall be deemed to be an original. All the identical signed documents by each consortium member, together will constitute one and the same document. Each consortium member can sign the document in hand-written or by using the company's advanced electronic signature. Can you please confirm that the described way of signing is acceptable by the authority? We kindly request you to take into consideration the difficult conditions that we are facing lately due to COVID-19 pandemic and this way of signing will facilitate/expedite the whole procedure.	28/05/2020 Considering the current situation the contracting authority accepts the solution, as described in the question. Nevertheless, if the contract is awarded to such consortium, the contracting authority reserves the right to request Annex 4B-Consortium Agreement dully signed by all its members.

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#	Submission date	Publication date	Question subject	Question	Answer
12	28/05/2020 10:52	28/05/2020 11:59	Declaration on Honour	It is our understanding that points 1(b) and 1(c) under section VII – Selection criteria, should be answered N/A by all consortium members (including consortium leader), since the selection criteria do not apply individually to any company in a Joint Tender and the option YES in 1(b) and 1(c) fields is only applicable in the case of a sole tender. In addition, the consortium capacity is declared in the consortium leader's declaration where 2(d) request will be answered YES, under the same section. Please confirm that our understanding is correct or advise accordingly.	28/05/2020 Your understanding is correct.
13	28/05/2020 10:53	28/05/2020 12:02	Electronic Signatures	According to the Invitation Letter, the Declaration on Honour and the Submission Report shall be dated and signed either by hand or by applying a qualified or an advanced electronic signature. We understand that this applies as well to all the forms/statements that require signature. Please confirm our understanding or clarify further.	28/05/2020 Your understanding is correct.

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#	Submission date	Publication date	Question subject	Question	Answer
14	28/05/2020 11:41	29/05/2020 08:53	Profiles: Education and Work Experience	When it comes down to the junior profiles without any university studies, we understand as a general rule (the same rule that is applied to the Standard and Senior profiles), that 2 years of work experience can be considered as university studies. For example, a Junior consultant with 3 years of work experience would be equivalent as a Junior Consultant with a bachelor's degree + 1 year of work experience. Is our understanding correct?	29/05/2020 Your understanding is not correct. The tender specification says clearly on pages 111 and 113 that the possibility to compensate missing university degree with additional years of professional experience doesn't apply to the respective junior profiles.
15	28/05/2020 11:43	29/05/2020 11:47	Profiles: Education	When it comes down to the "IT education", we understand that a Bachelor's and a Master's Degree from the field of (1) "Science" or (2) "engineering" are considered as a valid education for this tender. Is our understanding correct?	29/05/2020 The degrees referred to in the question are considered as having relevant subject for the purpose of this call for tenders.
16	29/05/2020 16:43	29/05/2020 17:04	Type of Orders, Section 4.6	With reference to Section 4.6, do you confirm our understanding that orders may be: i) on a fixed price basis, (ii) on a time and means basis, (iii) on a proximity time and means basis, (iv) on a quoted time and means basis and that the text "on a (proximity) time and means basis" is meant to include both T&M and PTM services?	29/05/2020 Your understanding is correct.

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#	Submission date	Publication date	Question subject	Question	Answer
17	29/05/2020 20:37	03/06/2020 08:54	Clarification on PARFs	With reference to the Tender Specifications: • Page 18 states: “a PARF must include (...) at least 250 person-days (altogether), of TEC-CONS-XML-JUN, TEC-CONS-XML and TEC-CONS-XML-SEN and/or ANA-XML-JUN, ANA-XML and ANA-XML-SEN or similar technical profiles as defined in Annex 13” • Page 10 states: “the accepted PARFs shall altogether (...) cover at least 100 person-days (altogether) of the relevant profiles.” Can you please clarify how many person days each PARF should include in order to be eligible, and how many person-days selected PARFs altogether should include ?	03/06/2020 On page 19 of the Tender Specifications please read as follows: “In order to pass the selection phase, at least three (3) PARFs must be accepted, and the accepted PARFs shall altogether: · “Cover at least 1000 person-days (altogether) of the relevant profiles. “

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#	Submission date	Publication date	Question subject	Question	Answer
18	29/05/2020 20:38	03/06/2020 08:57	Clarification on PARFs	As stated in the tender specifications on page 19 that a tenderer must "Cover ALL the services which might be requested, as defined in Chapter 4 (Technical specifications), and referred to as Sx". For S4 it is stated "Preparing and providing training courses for XML-related technologies.". Is our understanding correct that a reference which is based on XML user assistance/support, which includes many individual XML trainings and assistance of individual users as well as user groups is eligible for this purpose. Please confirm our understanding.	03/06/2020 Your understanding is correct.

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#	Submission date	Publication date	Question subject	Question	Answer
19	29/05/2020 20:41	03/06/2020 09:09	Clarification on PARFs	We can provide a reference resulting from a contract from another EU-Institution covering XML-related work undertaken for the Institution. However, within the current sanitary context, it might be complex to get a written statement from the Institution in time for the submission of this tender despite our best efforts. May we ask if a statement signed by the service provider is sufficient for such reference specifically coming from a fellow EU-Institution, taking into consideration the high level of verifiability of such reference between EU-Institutions and taking into consideration a reference letter is not required for a project executed for the Publications Office?	03/06/2020 No, reference letter cannot be replaced by the statement signed by the service provider, as it could give a preferential treatment to the tenderers already providing services to the EU Institutions.
20	29/05/2020 20:42	03/06/2020 09:12	Clarification of profile requirements / skills	Given the strict requirement of a University Degree for Junior Profiles, and number of years of professional experience in case of non-University Degrees for Regular and Senior Profiles, can the Publications Office confirm our understanding that only University Degrees recognized by countries currently involved in the implementation of the EQF are eligible, both in the tendering phase and in the delivery of the contract?	03/06/2020 Your understanding is not correct, as there is no such requirement in the Tender Specifications. Moreover, such requirement would be discriminatory versus persons who finished university in the countries not involved in the implementation of the EQF, or finished university long time ago, before EQF.

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#	Submission date	Publication date	Question subject	Question	Answer
21	03/06/2020 18:08	04/06/2020 09:41	Freelancers in the eSubmission application	It is our understanding that the signed declarations provided by the freelancers should be uploaded under "Other" documents of the Sole tenderer or of the Leader's, in case of joint tender is submitted, and the freelancers should not be added in the eSubmission as a "New party". Please confirm our understanding or clarify further.	04/06/2020 Freelancers or subcontractors should not be added in the eSubmission as a "New party".
22	03/06/2020 18:32	04/06/2020 09:46	Price schedule - case study - updated	An updated file of "OPLUX2020OP0005 - Price schedule - Case Study_updated.xlsx" has been published. However we don't see any difference between this document and the previous one. Could PO kindly describe the changes done in the excel file?	04/06/2020 The updated Excel file corrects clerical errors in linking of cells between "case study" and "Price Schedule" as pointed out in question 21.

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#	Submission date	Publication date	Question subject	Question	Answer
23	05/06/2020 16:32	09/06/2020 08:31	Specifications - Annex 13 - Knowledge and skills	You require the following skill for some TEC-CONS-XML and some ANA-XML profiles: expert in structuring legal documents (e.g. Akoma Ntoso, Formex or other similar technologies). In this context, do you recognise XBRL (eXtensible Business Reporting Language) as a similar technology that fits the skill requirement?	<p>09/06/2020 XBRL is not considered as a similar technology.</p> <p>12/06/2020 [Common answer to Q32 and Q33] SUPPLEMENTARY ANSWER TO A23 The contracting authority was unable to find publicly available information about the projects where XBRL was used for “structuring legal documents”, however it cannot be excluded that such projects exists. Consequently, XBRL can be proposed as “other similar technology” in order to prove experience of the proposed person(s) in “structuring legal documents”. In such case XBRL shall clearly be mentioned in the CV. Moreover, such CV shall be accompanied by one page of explanations, how in the projects the person(s) concerned participated in and thus acquired experience in XBRL, the XBRL was used for structuring legal documents.</p>

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24	09/06/2020 10:16	10/06/2020 08:56	Expected profiles' distribution (Intra Muros)	Could you please indicate what is the expected distribution of the following profiles TEC-CONS-XML, ANA-XML and TRAIN-XML for this FwC OP/LUX/2020/OP/0005?	10/06/2020 The contracting authority is not able to provide more details concerning the place of performance than the one already provided in the Case Stud. 10/06/2020 The contracting authority is not able to provide more details concerning the place of performance than the one already provided in the Case Study.
25	09/06/2020 10:17	10/06/2020 09:00	Particular Limitation in terms of locations for Extra Muros services	Can we use our software factories either based in India and/or Madagascar to deliver Extra Muros services?	10/06/2020 It is possible to use subcontractors/ freelancers located in India and/or Madagascar.
26	29/05/2020 20:42	10/06/2020 10:18	Question on Financial Offer Sheet	There seems to be a clerical error in the Excel sheet for the financial offer. e.g. Sheet: < Case Study > , Cell D23: the formula refers to < Price schedule > , Cell D23 instead of Cell C23. This also applies to further cells below D23. Please clarify.	10/06/2020 Please find enclosed update version of "Price schedule_Case study" in the document library.

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#	Submission date	Publication date	Question subject	Question	Answer
27	10/06/2020 10:00	10/06/2020 10:26	Sleeping cascade mechanism	In the section 1.5 of the specifications it is mentioned that: "The second contractor in the cascade will only be asked to provide the services foreseen in the FWC if the FWC with the first contractor has been terminated." Can you please indicate on which bases the FwC could be terminated? (Inability to deliver the complete scope of services, part of them....)	10/06/2020 The reasons for termination are listed in art. I.11 and II. 18 of the FWC.
28	10/06/2020 12:48	10/06/2020 16:16	Annex 10 - PARF	In page 2 of the PARF form it is required to describe the project reference according to a number of sections. Can you please confirm our understanding that this contents cannot exceed one page of length?	10/06/2020 Your understanding is correct – description of the project shall stick to the second page of the PARF.
29	10/06/2020 13:06	10/06/2020 16:21	Annex 10 - PARF	In the specifications, we read: "In order to pass the selection phase, at least three (3) PARFs must be accepted, and the accepted PARFs shall altogether: [...]Cover ALL methodologies/tools/operating systems/software specified on the CV hardware/software/method expertise page". It's not clear to which page you are referring to since CVs are only mentioning "technologies". Could you please clarify?	10/06/2020 The PARFs shall only cover technologies specified on the respective pages of the CVs, where the technologies are listed.

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30	09/06/2020 13:49	11/06/2020 10:07	Section 2.6.2, PARF requirements	At page 19 you state that "in order to pass the selection phase, at least three (3) PARFs must be accepted, and the accepted PARFs shall altogether Cover ALL methodologies/tools/operating systems/software specified on the CV hardware/software/method expertise page." Can you please clarify whether this is limited to the mandatory technologies or also include non-mandatory ones?	11/06/2020 We confirm that all technologies (mandatory or not) have to be covered by at least one PARF, except the ones marked with the following footnote "If not already available, knowledge in this specific area of expertise has to be acquired at the takeover phase., which do no need to be covered."
31	10/06/2020 17:33	11/06/2020 14:10	I.15 Draft FWC CONSEQUENCES OF NON-FULFILLMENT OF CONTRACTUAL OBLIGATIONS EUR 200 per started day of delay for breach of KPI-5, KPI-6, KPI-7, KPI-8, KPI-9, KPI-11, KPI-12	Could you please confirm what is the maximum amount that can be applied for KPI 06?	11/06/2020 The liquidated damages, according to article I.15, may not exceed 30% of the value of the specific contract. The above will be added to the FWC, before its signature, as art. I.15.4.

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#	Submission date	Publication date	Question subject	Question	Answer
32	09/06/2020 16:18	12/06/2020 15:21	Follow-up Question 23 // Contract notice 2020/S 089-211226	<p>Contract notice 2020/S 089-211226 states in Section II: Object II.1) Scope of the procurementII.1.1) Title: Provision of Consultancy, Assistance and Development Services Regarding XML, SGML, HTML and XHTML Matters. XBRL short for eXtensible Business Reporting Language is based on XML, XML Schema and XLink. Therefore, this technology is not only a mature XML standard that's been used for over 10 years and over 80 million users, the scope of XBRL is part of the XML universe as it is derived from the XML standard. Formex for example is not a widely used XML standard. It is based on standard XML but a proprietary EU standard. XBRL on the other hand is a another XML standard used by EU institutions like ECB or EIB. Therefore, an exclusion of this XML standard is incorrect in the technological scope of this tender as it represents a similar technology. In addition, this is in contradiction to the contract notice as well as the tender documents where no formal limitation of XML standards are</p>	<p>12/06/2020 Common answer to Q32 and Q33] The contracting authority was unable to find publicly available information about the projects where XBRL was used for “structuring legal documents”, however it cannot be excluded that such projects exists. Consequently, XBRL can be proposed as “other similar technology” in order to prove experience of the proposed person(s) in “structuring legal documents”. In such case XBRL shall clearly be mentioned in the CV. Moreover, such CV shall be accompanied by one page of explanations, how in the projects the person(s) concerned participated in and thus acquired experience in XBRL, the XBRL was used for structuring legal documents.</p>

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				limitation of XML standards are disclosed. We kindly ask you to consider XBRL as a similar technology.	
33	09/06/2020 16:19	12/06/2020 15:22	Follow-up Question 23	In answer to bidder's question no.23 you consider XBRL not as a similar XML technology. If a standard like XBRL is excluded, we see an urgent need for transparency here on behalf of all bidders. Please state exactly in the scope of this tender what similar XML technologies are and what is not regarded as a similar technology. We expect a concise and accurate list as an answer in order to formulate our bid. In addition, we would like to take this opportunity to point out that you are currently in the process of making major changes to the subject matter of the tender. This is in direct contradiction to the transparency and equality requirement of EU public procurement law.	12/06/2020 Common answer to Q32 and Q33 The contracting authority was unable to find publicly available information about the projects where XBRL was used for "structuring legal documents", however it cannot be excluded that such projects exists. Consequently, XBRL can be proposed as "other similar technology" in order to prove experience of the proposed person(s) in "structuring legal documents". In such case XBRL shall clearly be mentioned in the CV. Moreover, such CV shall be accompanied by one page of explanations, how in the projects the person(s) concerned participated in and thus acquired experience in XBRL, the XBRL was used for structuring legal documents.

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#	Submission date	Publication date	Question subject	Question	Answer
34	12/06/2020 13:03	12/06/2020 15:48	Annex 12 - CV Form	In the CV Form it is requested to indicate the experience in months for each technology. To this regard, could you please clarify how such months of experience should be calculated? E.g. In case a consultant has worked for 12 months using 3 different technologies, should we indicate 12 months for each or split the 12 months among the three technologies?	12/06/2020 In the situation as described in the question 12 months shall be indicated for each of the 3 technologies.
35	09/06/2020 11:01	12/06/2020 15:49	About Takeover, on page 33	Please could you confirm the takeover report is to be delivered at the end of the takeover period, and the 10 (5+5) working days associated to final report acceptance are not to be counted within the 3 months of takeover duration?	12/06/2020 The take-over report shall be submitted within 3 months of the takeover duration. Its acceptance can take place afterwards.
36	09/06/2020 10:15	12/06/2020 17:13	Current profiles' distribution (Intra Muros)	Could you please indicate what is the current distribution of the following profiles TEC-CONS-XML, ANA-XML and TRAIN-XML in the FwC 10649?	12/06/2020 In May 2020 4 TEC-CONS-XML, 6 ANA-XML and 0 TRAIN-XML were providing services extra-muros. 12/06/2020 Correction: the answer refers to intra-muros.

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#	Submission date	Publication date	Question subject	Question	Answer
37	14/06/2020 05:36	15/06/2020 07:55	Section 4.5.5 Software Licenses It is the contractor's responsibility to acquire all licenses and the costs of those licenses must be included in the unit prices fixed in the price schedule and may not be invoiced separately.	Our understanding is that we cannot exactly predict the software licenses required at this moment and can be known during execution. Hence Please clarify how to add licenses cost in the price schedule.	15/06/2020 Your understanding is not correct. The tenderers can exactly predict the software licenses required at this moment, as the software used is listed in the Tender Specifications.
38	15/06/2020 13:04	15/06/2020 14:25	Section 4.5.5:Software Licenses: It is the contractor's responsibility to acquire all licenses and the costs of those licenses must be included in the unit prices fixed in the price schedule and may not be invoiced separately	Please elaborate where we need to include the software licenses cost in the price schedule. As Price schedule consists sections A , B & C for prices of resources (Intra and Extra Murous in terms of Price/Day, Price/Hour) , not for software licenses. Please clarify how to include licenses cost in the price schedule in detail.	15/06/2020 The price per day, or per hour, shall include all the related costs, i.e. shall also include costs of the software licences.
39	15/06/2020 13:46	15/06/2020 14:27	Section 2.6:Short description of the tenderer's economic activity 2.6.1.1. Maximum five (5) pages – if applicable, irrespectively of the number of consortium members/subcontractors.	Please clarify what kind of mandatory information/Details expecting in this document.	15/06/2020 It is up to the tenderers to decide what information will included in this document.
40	15/06/2020 15:03	15/06/2020 15:34	The price per day, or per hour, shall include all the related costs, i.e. shall also include costs of the software licences.	Please elaborate whether software licenses cost in terms of price per day or price per hour to be provided in section A , B & C of price schedule by distributing the amount equally or need to provide in any one section of A, B & C?	15/06/2020 It is up to the tenderers to decide.

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#	Submission date	Publication date	Question subject	Question	Answer
41	15/06/2020 17:41	16/06/2020 10:50	Annex 4c - Letter of Intent	In case the tendering party is a Consortium, can you please clarify whether the Name of the tenderer to be indicated in Annex 4c should be: a) the Consortium name or b) the name of the Consortium's company who will sign the contract with the subcontractor?	16/06/2020 Both solutions, as presented in the question, will be accepted by the contracting authority.
42	15/06/2020 18:06	16/06/2020 15:40	Proportion of services to be delivered in Belgium	Four contracting authorities are involved in the contract. In the price schedule we find a separate price for services to be performed in Frankfurt, but only one common price for services in Luxembourg or Belgium (one for each profile). As the costs are very different in Belgium compared to Luxembourg, could you please provide the proportion of man/days envisaged in Belgium, and which profiles would be involved? Such information is really important to avoid offering abnormally low prices in one country, having to take into account the national salary regulations.	16/06/2020 As already said in answer to question 24 the contracting authority is not able to provide more details concerning the place of performance than the one already provided in the Case Study.

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#	Submission date	Publication date	Question subject	Question	Answer
43	15/06/2020 18:07	16/06/2020 15:41	TRAIN-XML Profile	In response to question 36 concerning the distribution of profiles in the current contract, it was answered that no TRAIN profiles were involved in May 2020. Can you give the number of days of this profile that were provided on current contract? We understand that the orientation of the PO could lead to increasing training needs (Akoma Ntoso, SPARQL, DITA...), can you confirm that TRAIN profiles will be involved in the contract, possibly in Frankfurt, Brussels, and Luxembourg?	16/06/2020 During the current contract TRAIN profiles were not ordered. The training may be requested at all three locations, as listed in the question.

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44	15/06/2020 18:09	16/06/2020 15:45	Consequences of non-fulfilment of contractual obligations	We note in the contract that consequences of non-fulfilment of contractual obligations are included: a. 400 EUR if a CV proposed for the requested profile is refused, b. EUR 200 per started day of delay for non-replacement of a resource with an equivalent profile. Is our understanding correct? Can you confirm that these penalties apply regardless of the profile concerned? As such penalties are high, does the awarded contractor have some trial months before being impacted by these penalties or will the PO apply strictly these penalties as mentioned in the framework contract from day 1?	16/06/2020 Your understanding of KPIs related to rejection of CV and delay in replacement is correct. The KPIs and the related liquidated damages will apply irrespectively of the profile. For the last part of your question please read point 4.8.8 of the Tender Specifications,
45	15/06/2020 18:11	16/06/2020 15:47	Profiles and penalties	If a profile - for instance TEC-CONS-XML-JUN - is requested and the awarded provider is only able to provide a TEC-CONS-XML or TEC-CONS-XML-SEN, will the PO accept to consider such a profile? If yes, without applying the penalties?	16/06/2020 The contractor shall provide profiles as requested by the contracting authority. Consequently, in the situation as described in the question liquidated damages may be applied, as the contractor was not able to provide the requested profile.

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46	15/06/2020 19:02	16/06/2020 15:50	Consequences of non-fulfilment of contractual obligations	According to answer 31, we understand that if only one profile is requested, and the profile could not be provided, the daily penalties will correspond to a maximum of 30% of the price of this profile per day. i.e: if the profile daily price is 570€, the maximum penalty will be 171€? Is our understanding correct?	16/06/2020 In the situation as described in the question KPI-10 and related liquidated damages will apply. The tenderers are reminded that in accordance with article I.11.2.1.c) the contracting authority may terminate FWC if “the contractor has been unable, for a third time in a rolling year, to propose suitable staff for the execution of intra muros services (see point 4.8.7.1 of the Annex 2);”

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