

Call for tenders' details

Title: Development and Maintenance of the Information Systems of the EU Emission Trading Scheme (ETS-DEV-3)

Start date: 25/11/2021

Time limit for receipt of tenders: 13/01/2022

Contracting authority: European Commission, DG for Climate Action (CLIMA)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
1	03/12/2021 08:38	03/12/2021 11:07	Request for extension	Given the end of year financial closing activities and mandatory holiday entitlement consumption by many staff over the Christmas period, we kindly request an extension of 2 weeks in order to prepare a quality response to this Call for Tenders.	03/12/2021 Please be informed that we have already added an extra two weeks for this Christmas Holidays
2	03/12/2021 05:12	05/12/2021 11:43	Remote work	Dear Sirs. Could you tell me please can my team work remote with you? We based in Bulgaria. Is it works for you?	05/12/2021 According to the technical specifications 1.5 "The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises. Meetings of the contractor with the contracting authority as well as trainings may take place on Commission premises."

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#	Submission date	Publication date	Question subject	Question	Answer
3	06/12/2021 16:29	06/12/2021 18:57	EN-0005 Specs, page 38	In addition to the CVs, you request a "consolidated overview of CVs of the proposed staff". a) As there is no related template, is the tenderer free to choose any form for this overview? b) Can this form be uploaded on eSubmission under "Technical and professional capacity"?	06/12/2021 The interpretation is correct. The tenderer can choose how to present the consolidated overview of the CVs, and upload it on eSubmission on "Technical and professional capacity".
4	03/12/2021 20:19	07/12/2021 08:47	Legal Capacity	Can you please clarify whether the trade register is required by the members in a joint tender to be submitted with our offer, as evidence of the legal capacity? According to Annex I. List of Documents to be submitted with the tender or during the procedure, "evidence of legal existence and status" is to be provided only upon request by the EU validation services.	07/12/2021 Your understanding is correct.
5	03/12/2021 16:50	07/12/2021 16:09	Award criteria questionnaire, criterion c)	Criterion c) under 3.4.1 "Overall methodology and management" refers to "OWASP Application Security Verification Standard – version 4.0 dated March 2019 or later" and "a level 4 verification is requested". OWASP ASVS only defined 3 levels, where level 3 is the highest. Can you please clarify what this "level 4" refers to or if this is a clerical mistake?	07/12/2021 We confirm this is a clerical mistake. Level 3, which is the highest level of verification within the ASVS, is requested.

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#	Submission date	Publication date	Question subject	Question	Answer
6	03/12/2021 16:51	07/12/2021 16:11	Project References	The selection criteria state that the tenderer needs to prove experience in developing software with at least two projects delivered during the period 2018-2021. Further, it is stated that the project references consist of a list of relevant services provided (i.e. not ongoing but fully completed). Do we correctly understand that we are allowed to present project references of on-going projects who present fully completed services, e.g. that have already functional versions successfully deployed in production between 2018 and 2021?	07/12/2021 The interpretation is correct in considering valid the references for projects' versions already in production, even if successive versions are still on development.
7	03/12/2021 16:51	07/12/2021 16:12	Award criteria questionnaire	Could you please clarify if there are any page limits or other restrictions for the replies to the award criteria questions?	07/12/2021 No page limit is specified. However on the right column the tenderers are requested to enter references to the sections in the offer relevant for the question. Hence, even with the addition of some additional or complementary comments, the length of the text on this column is expected to be inside certain limits that allows the questionnaire to be readable.

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8	03/12/2021 16:52	07/12/2021 16:14	EN-0005 Specs, page 22	"The bids are expected to be in the range of 20 to 50 pages per illustrative task on their technical content, plus possible annexes. The bids for the illustrative tasks will form part of the basis for the award process as set out in paragraph 3.5." Could you please confirm or clarify our understanding that the three criteria (criteria a, criteria b and criteria c) in the award criteria questionnaire under section 2.4.2 Illustrative Assignment shall be collectively replied in 20 to 50 pages, plus possible annexes, and that this limit number of pages does not relate to each criterion separately?	07/12/2021 The bids as a document must be in the range of 20 to 50 pages, plus possible annexes. On the award criteria questionnaire there will be references to the bid's document, for the different criteria. The limit on the number of pages applies to the bid document, not to each criteria.
9	03/12/2021 17:25	07/12/2021 16:17	EN-0005 Specs, Section 3.4.2	In the tender specifications, section 3.4.2 Illustrative tasks, it says: "Selected companies will have to score a minimum of 12 points under criterion e); a minimum of 9 points under criterion f) and 3 points under criterion g), with a minimum total of 26 points." We do not find the mentioned criteria e), f) and g). Is it the case that this is a clerical error and that the referenced criteria should be a), b) and c)?	07/12/2021 We confirm it is a clerical error. The criteria are a), b) and c) as stated in the first paragraph of 3.4.2. for the maximum points. Second paragraph, about minimum score, refer indeed to the same criteria a), b) and c).

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#	Submission date	Publication date	Question subject	Question	Answer
10	03/12/2021 17:31	07/12/2021 16:18	EN-0005 Specs, section 1.4.3.2 Take over	Does the statement "The contractor could be involved in the setup of the development environment" in section 1.4.3.2 Take over of the tender specifications mean that we may also propose tools for the development environment within our tender proposal?	07/12/2021 This sentence is not about the tenderer proposing tools for the development environment. The sentence is rather in the sense that setting up the development environment is a task requiring some effort, the task will be lead by CLIMA, but the contractor could be involved in it.
11	03/12/2021 20:20	07/12/2021 16:19	Technical Proposal	Can you please confirm that there is no page and font limitation for the "Overall methodology and management of the framework contract"? In addition, we understand that the 20 to 50 pages limitation is mandatory and applicable only to "Illustrative Assignment". Please confirm that our understanding is correct.	07/12/2021 The limit of 20 to 50 pages is applicable to the Illustrative assignment only. There are no other limits for the size of the tender documentation.
12	03/12/2021 20:20	07/12/2021 16:20	Selection Criteria	It is our understanding that a Framework Contract which is still ongoing but has a number of Specific Contracts (FP/QTM) which have been executed and completed during the period 2018-2021 will be accepted as valid project reference. Please confirm that our understanding is correct.	07/12/2021 It is correct to consider valid the references for projects' versions already in production, even if successive versions are still on development.

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#	Submission date	Publication date	Question subject	Question	Answer
13	03/12/2021 20:25	07/12/2021 16:22	Project References	<p>With reference to Tender Specifications, Section 3.2.3. Technical and professional capacity – “Criteria A – evidence relating to tenderers”, it is stated in page 35 “The project references indicated below consist of a list of relevant services provided (i.e. not ongoing but fully completed) in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.”</p> <p>We understand that the term “relevant services” referred above, concerns references/projects relevant to the scope and business domain of the FwC as described in Section 1.4. “TECHNICAL SPECIFICATIONS”. More specifically, the Tenderers should provide references related to the business domain of gas emission trading systems.</p>	<p>07/12/2021</p> <p>On the section “Criteria A – evidence relating to tenderers” it is not mentioned that the relevant services need to be in the emission trading systems business domain. The interpretation mentioned in the question is not correct.</p>

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14	03/12/2021 20:52	07/12/2021 16:23	Team	<p>With reference to Tender Specifications, Section 3.2.3. Technical and professional capacity – “Criteria B – evidence relating to the team”, it is stated in: • page 37, “The contractor must prove it has a management team with strong organisational skills that can be demonstrated by its earlier work. The tenderer must propose Project Managers who have, on their behalf, the overall responsibility for the successful implementation of the specific contracts.” • And page 38, “The tenderer must provide the evidence to fulfil the criteria relating to the team delivering the service in the form of CVs as specified under Annex CV Form of these tender specifications. In the individual CVs the tender must present the education, qualifications, skills and professional experience of the persons who will provide the service for this tender including the management staff.” We understand that the term “management staff” referred in the second bullet above, concerns the one (1) CV of the Project Manager, which should be included in our offer. Please</p>	<p>07/12/2021 A total of 24 CVs are requested, as summarized in the table on page 36 , with the characteristics described for each profile on “Criteria B – evidence relating to the team”</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				be included in our offer. Please confirm that our understanding is correct and that no additional CVs (apart from the exact 24 CVs requested in pages 37-38 of the specifications) should be provided by Tenderers.	
15	06/12/2021 12:35	07/12/2021 16:34	Annex 10: Administrative information form	The tender documentation contains Annex 10, the administration information form. This document is however not references in the list of documents to be submitted. Could you please clarify if this document should be uploaded on eSubmission and provide details on the exact location and naming convention?	07/12/2021 We would appreciate it if you could upload this annex in "other documents" as an administrative form.
16	06/12/2021 12:56	07/12/2021 16:44	Financial Offer, EN-0005 Specs, page 62	The tender specifications mention that it is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the eSubmission field "Total amount excl. taxes" corresponds to the amount indicated in the uploaded financial offer. The financial offer (Annex 6) does not contain any field mentioning a total amount. Could you please clarify which amount needs to be provided in the eSubmission field?	07/12/2021 Annex 6 is provided for guidance purposes only and may be modified.

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#	Submission date	Publication date	Question subject	Question	Answer
17	06/12/2021 16:28	07/12/2021 16:47	EN-0005 Specs, page 34	On page 34 of the tender specifications, it is mentioned that the legal capacity of the tenderer needs to be shown by a proof of enrolment in a relevant trade or professional register and proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment. These documents are not detailed in the List of documents to be submitted (Annex 1). Could you please clarify if these document should be uploaded on eSubmission and provide details on the exact location and naming convention?	07/12/2021 These documents have to be provided upon request by the validation services.
18	03/12/2021 17:29	08/12/2021 12:03	Evidence for Criterion A5, EN-0005 Specs, section 3.2.3	Would a statement from the client confirming that the application in question was delivered in compliance with OWASP ASVS v3 or v4 be acceptable in order to satisfy the Evidence requirement for Criterion A5 in section 3.2.3 of the tender specifications?	08/12/2021 As mentioned in Criterion A2, we expect that the compliance with OWASP ASVSv3 or v4 has been validated by an entity working independently from the development team. Please provide evidence to demonstrate this independence.

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#	Submission date	Publication date	Question subject	Question	Answer
19	03/12/2021 20:19	08/12/2021 14:53	Technical Capacity	Regarding technical capacity, it's mentioned that "in case of a joint offer, the thresholds mentioned below will apply at the level of the consortium and not at the level of consortium member." So, concerning Criterion A5 where the tenderer must prove that it has a valid ISO 27001 certificate or equivalent, we understand that it's sufficient for one of the involved entities in a consortium to cover that requirement. Please confirm or otherwise clarify.	08/12/2021 No, it is not sufficient if only one of the involved entities in a consortium covers this requirement.
20	03/12/2021 17:27	08/12/2021 14:56	EN-0005 Specs, section 3.2.3 Criterion A5	In the tender specifications, section 3.2.3, Criterion A5, under Evidence, there is a reference to "the sub-criteria under point 2.3.4.1". We do not find a point 2.3.4.1 in the tender specifications. If this is a clerical error, could you please provide the correct reference?	08/12/2021 It is a clerical error. It should be: "The list of relevant projects should specify which of the sub-criteria A1 to A5 were met during the implementation of that project".

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21	03/12/2021 16:52	09/12/2021 16:04	EN-0005 Specs, page 22	"The bids are expected to be in the range of 20 to 50 pages per illustrative task" The phrasing "per illustrative task" created the impression that there are multiple such tasks, whereas only one single "illustrative assignment" is described for which 5 tasks are defined on page 24. If the tasks on page 24 are referred to, this would mean a total size of 100 to 250 pages for the bid in relation to the illustrative tasks only. Could you please confirm or clarify our understanding that the here referred "illustrative task" is in fact the "illustrative assignment" described on pages 23-24, and not each task described on page 24?	09/12/2021 We confirm the that the total size for the illustrative assignment is expected to be in the range of 20 to 50 pages and this refer to the full illustrative assignment, i.e., including items a, b and c in section 3.4.2
22	08/12/2021 15:27	09/12/2021 16:06	Technical Proposal - Illustrative Assignment	Can you please confirm that the size of our response to the Illustrative Assignment (in total for all included tasks and covering all three evaluation criteria a, b, c) is limited to 50 pages?	09/12/2021 Yes, we can confirm it is as mentioned, a total in the range between 20 and 50 pages for the full assignment. Question8

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#	Submission date	Publication date	Question subject	Question	Answer
23	09/12/2021 18:39	13/12/2021 13:57	Page Limitation	With reference to published Q&A nr 8 it is stated that "The bids as a document must be in the range of 20 to 50 pages, plus possible annexes". However under the published Q&A nr 11 it is stated that "The limit of 20 to 50 pages is applicable to the Illustrative assignment only." Could you please confirm or clarify our understanding that the limit of 20 to 50 pages is applicable to the "Section 3.4.2 - Illustrative assignment" only and there is no page limit applicable to Section "3.4.1. Overall methodology and management of the framework contract"?	13/12/2021 The limit on the number of pages (20 to 50) applies to the Illustrative assignment, that could, additionally, have annexes. No limit is mentioned on 3.4.1.
24	10/12/2021 14:43	13/12/2021 14:26	EN-0005 Specs, page 35 – Test automation	On page 35. of Tender specifications, under Criterion A1, you request that the software under each project was developed using, among other technologies, "Test automation with Selenium and Cucumber". It is our understanding that a project involving test automation with Selenium but without Cucumber would be eligible, as long as the other requirements are covered. Could you please confirm our understanding or clarify further?	13/12/2021 Cucumber is clearly mentioned in the criteria and therefore, for a project to be eligible, Cucumber must have been used in it.

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#	Submission date	Publication date	Question subject	Question	Answer
25	09/12/2021 18:40	13/12/2021 14:27	Technical and professional capacity	With reference to 3.2.3. Technical and professional capacity under Criterion A4 it is stated that "The tenderer must have the capacity to maintain video conferences using team collaboration tools (Microsoft Teams, Webex, etc.)". Our understanding is that a description of the collaboration tools maintained by the Tenderer (e.g. Microsoft Teams) is sufficient for Criterion A4 and no further evidence than that is needed. Could you please confirm our understanding or otherwise clarify further?	13/12/2021 The understanding is correct.

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#	Submission date	Publication date	Question subject	Question	Answer
26	09/12/2021 18:40	13/12/2021 14:27	Technical and Professional Capacity	With reference to 3.2.3. Technical and professional capacity under Criterion A1 it is stated that 'The tenderer must prove experience in developing software with at least two projects delivered during the period 2018-2021 with the following cumulative characteristics for each project'. In addition the following it is stated 'Each project involved at least 5.000 person-days'. Our understanding is that the requirement of 5.000 consumed person days refer to the total volume of a project and not exclusively to the man-day that have been delivered within the 2018-2021. For example a project with a total volume of 5.000 days that started in 2016 and concluded in 2019 satisfy this requirement. Could you please confirm our understanding or otherwise clarify further?	13/12/2021 The interpretation is correct. The 5.000 person-days refers to the total volume of the project, delivered between the years 2018 to 2021.

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#	Submission date	Publication date	Question subject	Question	Answer
27	09/12/2021 10:39	13/12/2021 14:28	EN-0005 Specs, page 35	On page 35. of Tender specifications, under Criterion A1, you request that the software under each project was developed using, among other technologies, "Single Page Application (Angular2+) (at least one of the projects) and JSF/JSP (or similar)". If a single page web application was developed using Angular, it is not common that JSF/JSP or similar would be used as well under the same project. Therefore, it is our understanding that a project developed with Single Page Application (Angular2+) but without JSF/JSP (or similar) would be eligible, as long as the other requirements are covered. Could you please confirm our understanding or clarify further?	13/12/2021 Criterion A1 is requesting to "prove experience in developing software with at least two projects delivered during the period 2018-2021 with the following cumulative characteristics for each project: ... The software under each project was developed using: ... Single Page Application (Angular2+) (at least one of the projects) and JSF/JSP (or similar). ... " Therefore it is requested that at least in one of the projects SPA with Angular2+ was used. Other technologies may have been used in other projects.

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#	Submission date	Publication date	Question subject	Question	Answer
28	08/12/2021 16:41	14/12/2021 14:33	Declaration on Honour - Section "B - Selection Criteria"	The section "B - Selection Criteria" in the Declaration on Honour as it can be found in the Technical Specifications on page 77, differs from the Annex 2 page 7. It is our conviction that the correct document is the one in the Technical Specifications, and that in Annex 2 a section was not removed. Please confirm we can use the layout as in the Technical Specifications on page 77, or provide a new version of the Annex 2.	14/12/2021 Please use the version in Technical specifications. We will upload a new Word version shortly.
29	09/12/2021 18:41	14/12/2021 14:36	Declaration on Honour	In Declaration on Honour, section "Selection criteria applicable individually to the involved entities of the tenderer/candidate-individual assessment", we understand that points (b) and (c), referring to economic and financial and technical and professional criteria, should be marked as "N/A" by all involved entities in a joint tender (leader, members, subcontractors), since none of these criteria is applicable individually. Please confirm or otherwise clarify.	14/12/2021 Your understanding is correct, (b) and (c) is N/A for joint tenders.

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#	Submission date	Publication date	Question subject	Question	Answer
30	10/12/2021 16:16	14/12/2021 14:38	EN-0005 Specs, Annex 1	We note that the client statements in connection with the project references are not listed in the list of documents to be submitted with the tender (Annex 1). Do you confirm our understanding that these statements will be requested at a later stage in the procedure, and not with the tender submission?	14/12/2021 No these documents must be provided with the tender to prove they fulfil the technical and professional capacity as clearly indicated at the end of the Criteria A – evidence relating to tenderers “In order to prove their capacity, the tenderer must submit with its tender the evidence listed above”.

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#	Submission date	Publication date	Question subject	Question	Answer
31	14/12/2021 00:49	14/12/2021 17:01	Criterion A5 and Q&A 19	<p>The introduction to Criteria A reads "Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below". Under Criterion 5, the technical specifications further read "In case of a joint offer, the thresholds mentioned below will apply at the level of the consortium and not at the level of consortium member".</p> <p>Therefore, the answer to Q&A 19 is in direct contradiction with the tender specifications. Could the Contracting Authority clarify its position, either by explaining what they meant in Q&A 19 and what would then be considered sufficient, or by amending and publishing revised tender specifications that reflect this substantial change?</p>	<p>14/12/2021</p> <p>Q&A 19 is aligned with the tender specifications. If only one member of the Consortium has a valid ISO 27001 certificate or equivalent, the requirement is not covered since the requirement applies at the level of the consortium. The Consortium shall have a valid ISO 27001 certificate or equivalent, or all members of the Consortium shall have a valid ISO 270001 certificate or equivalent.</p>

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32	13/12/2021 17:24	15/12/2021 10:10	EN-0005 Specs, page 36	On page 36. of Tender specifications, under Criterion A3, you request that "The tenderer must prove experience of working in English with at least 3 projects delivered during the period 2018-2021 showing the necessary language coverage. The tenderer must prove capacity to draft reports in English." We understand that the projects proving experience of working in English a) can be different than the projects we present for proving coverage of Criteria A1, A2 and b) do not have to fulfill requirements laid out under criteria A1. Could you please confirm our understanding or clarify further?	15/12/2021 The understanding is correct. The projects to prove experience working in English are not necessarily related with the projects fulfilling criteria A1 and A2.
33	15/12/2021 11:00	20/12/2021 10:03	Criterion A5	Under Criterion A5 we read that the tenderer must prove that it has a valid ISO 27001 certificate or equivalent. Does this criterion also apply to the identified subcontractor(s) involved?	20/12/2021 (see Q&A 31) The Consortium shall have a valid ISO 27001 certificate or equivalent, or all members of the Consortium shall have a valid ISO 270001 certificate or equivalent.

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34	14/12/2021 17:35	20/12/2021 10:06	Commitment Letter by an entity whose capacity is being relied on - Annex 5.2	We would like to declare as supporting entities, only entities we are relying on for their technical and professional capacity. But in the Template 5.2, it is only mentioned "to rely on its financial and economic capacity". Can we adapt this Template and replace by "to rely on its technical and professional capacity"?	20/12/2021 When "supporting entities" are subcontractors on which you rely upon to fulfil the selection criteria as described under Section 3.2.3 technical and professional capacity, any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in Annex 5.1 and signed by its authorised representative.
35	16/12/2021 17:25	20/12/2021 10:21	Deadline extension	Considering the Christmas and end year period and in order to secure quality and competitive proposals in the benefit of the Contracting Authority, we kindly request 2 weeks of extension of the submission deadline.	20/12/2021 Please be informed that we have already added an extra two weeks for this Christmas Holidays
36	14/12/2021 17:36	20/12/2021 15:51	Power of Attorney - Annex 3	Power of Attorney - Annex 3 - Please can you confirm that the POA should be signed not only by the Member as indicated in the list of document Annex 1 of the Specification but also by the Group Leader in case of Consortium ?	20/12/2021 Yes all members of the group/consortium shall sign the PoA to appoint the leader

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37	16/12/2021 17:26	20/12/2021 15:55	Payment Arrangements	<p>"The chapter I.6 Payment Arrangements of the Framework Contract For services (document EN-0005 Draft Contr.) refers to Interim payment(s) of 30% of the price referred to in the relevant specific contract and payment of the balance within 60 days from receipt of invoice in order to be able to approve any submitted document. Further on in the Annex III-A of this Contract is stipulated under Article 6 ""The deducted amount shall be paid in a single payment from the Contracting Authority to the Contractor, made 30 calendar days after the Contracting Authority issues its final acceptance of all deliverables provided for under a specific contract."" 1) Can we assume that in contradiction with the previous article payments will be made by the Contracting Authority within 30 days after receipt of the invoice and after acceptance of the deliverables? The same sentence is stipulated in Annex III-B under Article 7. In the document Tender Specifications (document EN-0005 Specs.) is stipulated under Annex 8: Method of ordering services and sub clause Fixed price orders that ""Payment will be made on a lump-</p>	<p>20/12/2021 1/No, the invoice payment is due 60 days as per I.6 above mentioned; Annex III – A is the template of the specific contract (fixed price type) and Art 6, when applicable, refers to the 10% deduction on invoice payment. The payment of the retained amount (10%) will be paid within 30 days after the Contracting Authority issues its final acceptance of all deliverables provided for under a specific contract. 2/No. See chapter I.6 Payment arrangements of the draft contract. 1 interim payment (30%) related to the interim deliverable (s) according to what is foreseen in the specific contract and a balance payment linked to the final deliverable(s) as indicated in the specific contract. The invoice payments are due in 60 days from the invoice receipt. 3/No, see above answer to 2/</p>

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				<p>""Payment will be made on a lump-sum basis based on the acceptance of the deliverables by the Commission"". 2) Is our understanding correct that in case of multiple acceptances for one specific contract, multiple invoices can be set-up for instance per accepted milestone with a payment term of 30 days each (as already accepted)? In this same document (document EN-0005 Specs.) is stipulated under Annex8: Method of ordering services and sub clause Quoted Time&Means order that ""The invoicing will be carried out on the basis of each sub-task accepted and signed for by the Commission using a specific form."" 3) Is our understanding correct that in case of multiple sub-tasks defined in one specific contract, multiple invoices can be set-up per sub-task with a payment term of 30 days?"</p>	

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38	16/12/2021 17:24	21/12/2021 13:11	DevSecOps tools	Referring to 1.4.3.6 (Provide components as containerized images ready to be used). Is containerization of the application in scope. In the current environment, are the weblogic servers deployed as docker containers and if yes what is the platform used for container deployment/Orchestration. What are the security tooling options provided by the Contracting Authority for container security?	21/12/2021 Containerization is one of the possible tasks to be requested during the FwC. No additional information about the current status or the foreseen future options is to be given at this stage, neither for platforms nor for security options.
39	13/12/2021 10:46	21/12/2021 13:12	Price Document - Clarification question 16	Your reply to question 16 provides ambiguity which would allow tenderers to calculate their total price in different ways and thus not allow an objective evaluation. You do not provide any volumes for the financial offer, just a list of profiles for which we need to give a price per day. In order to calculate the total price (necessary for eSubmission), shall we calculate the average of all prices per day? Shall we calculate the sum of the prices per day across all profiles? Please provide clear instructions to ensure equal treatment of all tenderers.	21/12/2021 The price is defined in section 3.5 as Price of tenderer X = $\Sigma(P1 \cdot R1 + \dots + P11 \cdot R11)$ P being the person-day rate per profile R being the weighted ratio per profile

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40	20/12/2021 18:51	21/12/2021 16:20	Criterion A5	With reference to published Q&A 33 it is not clear yet if this criterion (i.e. Criterion A5) also applies to the identified subcontractor(s). In particular, while question #33 refers specifically to identified subcontractors, the clarification issued refers to the "Consortium" or "all members of the consortium". Having generally in mind that "members of the consortium" and "subcontractors" are different terms, we understand that it is not necessary for the identified subcontractors to cover this requirement, but the members (partners) of the Consortium. Based on that, can you please clarify which entities are involved in the term "Consortium" and "members of the Consortium", and which of them precisely must have the ISO 27001?	21/12/2021 Any subcontractor is expected to meet the same security standards as the tenderer (Single entity, Consortium) so it is expected that the subcontractor is ISO 27001 certified (or equivalent). With consortium is meant the partnership as a whole and members of the consortium are the individual partners.

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41	20/12/2021 18:49	21/12/2021 16:22	Criterion A5	<p>With reference to Tender Specifications and the published Q&As 19, 31 & 33, there is a misunderstanding/confusion between the term 'level of the Consortium or Consortium', and the term 'all members of the Consortium'. These terms appear to sometimes have the same meaning, sometimes not</p> <p>Case 1: • With reference to Section 3.2.3 it is stated that "Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below". • Based on the above, we understand that the requested criteria (i.e. Criterion A5) should be covered by the combined capacity of all members of the consortium and not by each consortium member individually. Could you please confirm our understanding or otherwise clarify further?</p> <p>Case 2: • With reference to published Q&A 31 it is stated that "If only one member of the Consortium has a valid ISO 27001 certificate or equivalent, the requirement is not covered</p>	<p>21/12/2021</p> <p>As a general rule, all partners must individually meet the requirement for the ISO 27001 certification (or equivalent). In the case that the consortium, as a whole, has invested in the assessment and achieved the ISO 27001 certification (or equivalent), it also meets the requirements.</p>

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				<p>the requirement is not covered since the requirement applies at the level of the consortium. The Consortium shall have a valid ISO 27001 certificate or equivalent, or all members of the Consortium shall have a valid ISO 27001 certificate or equivalent.” • There is a confusion in the above statement since in the beginning it is indicated that, each Consortium member should have a valid ISO 27001, in order to cover the Criterion A5, and, at the same time, this statement is contradicted, as it is indicated that the requirement applies at the level of the Consortium, therefore this criterion A5 should be covered by the combined capacities of the Consortium i.e. there is no need all consortium members to have a valid ISO 27001. Could you please confirm our understanding or otherwise clarify further? As all the above generate confusion in the Technical and Professional capacity criteria and the way proposals will be assessed by the Contracting Authority, we kindly ask the Contracting Authority to clarify its position in order to avoid any ambiguity.</p>	

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#	Submission date	Publication date	Question subject	Question	Answer
42	20/12/2021 18:52	21/12/2021 16:24	Criterion A5	Can you please advise whether the requirement ISO 27001 is covered, in case, the leader of a consortium does not have it, but it conforms and complies completely with those procedures, and, at the same time its parent company, which participates as a subcontractor does have it.	21/12/2021 As there is no assurance that the entity conforms and complies to these procedures (by not having the ISO 27001 certification or an equivalent attestation), it is not covered.
43	13/12/2021 16:11	21/12/2021 18:19	Application Developer Profile : Junior/Senior and Front-end, Back-end & Test Automation	With reference to page 47 of the Technical Specifications, and the Annex 6 "Financial Offer Template": We are requested to provide a total of 24 profiles, of which 5 Senior and 5 Junior profiles for Application Architect. 1) How shall we address the requirement for CV's of the Front-end, Back-end and Test Automation in this? 2) Please provide a number of CV's for each profile to be foreseen, eg. # of junior profiles for Front-end, # of senior profiles for Back-end, etc. 3) How can we make the difference in the Annex 6 : "Financial Offer" ? Please provide clear guidance in order to avoid submission of prices for completely different profiles.	21/12/2021 Only two Application Architect experts are required. For application Developers a total of ten, five with senior profile and five with junior profile. For each seniority level, the five of them must cover all the 3 areas of front-end, back-end and test automation. It is left to the criteria of the tenderers how to best cover those areas and how to distribute the experts in the different profiles. The tasks to be performed during the FwC, as specified on section 1.4.3, can include the 3 types of activities. The price to offer per person-day for senior developer is the same regardless of the area. And in the same way for the Junior developer profile.

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#	Submission date	Publication date	Question subject	Question	Answer
44	14/12/2021 17:48	22/12/2021 08:51	Current DevSecOps practices	On the one hand, the part of the Tender Specifications describing the current situation does not provide any information about the adoption of DevSecOps practices in developing, maintaining, and running the current EU ETS applications/systems. On the other hand, tenderers are required to elaborate upon their approach for DevSecOps in their answer to the sub-criterion "c) Security measures during the development phase" (page 57 and page 118). Please provide us with more information about the CURRENT use (primarily those of the incumbent contractors) of the DevSecOps principles and practices in the development, maintenance, and operations of the EU ETS applications/systems that are subject to this Call for Tenders.	22/12/2021 The current DevSecOps practices will only be disclosed to the awarded contractor. Besides, they are irrelevant for the tender process. The tenderer is requested on 3.4.1 c) to do a proposal for the TO BE situation in this area.

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#	Submission date	Publication date	Question subject	Question	Answer
45	14/12/2021 17:46	22/12/2021 08:53	Illustrative assignment, HR software	According to the Specifications, one of the four areas the HR Software will cover is ""eCareer (CV , promotions, application for new positions, etc.). (A): Please clarify whether the list given within the parenthesis is exhaustive, in which case the abbreviation "etc." should be ignored. In case the answer to (A) is negative (i.e., the list is NOT exhaustive), please provide us with an exhaustive list.	22/12/2021 The term eCareer is global and can include different aspects. Including 'etc' is considered appropriate and it leaves to the tenderer room to include other possible details. In any case it is not necessarily important for the assessment if other features are added or not. Of course the proposal must give the details of which aspects or features are included.
46	14/12/2021 17:45	22/12/2021 08:53	Third Level Support, access to the production environment	Please clarify whether, for the purposes of resolving incidents, DG CLIMA will provide the Contractor with access, even limited, to relevant to the incident under investigation technical data of the production/test environments (e.g., database logs, event management system logs) through a virtual desktop.	22/12/2021 The contractor will of course have the necessary means to carry out the job, what means it will have access to the necessary data and technical artefacts (DB, logs, monitoring events, etc). Of course the access will be limited and monitored and appropriate to the task.

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#	Submission date	Publication date	Question subject	Question	Answer
47	14/12/2021 17:43	22/12/2021 08:54	Current Knowledge Management activities of the incumbent contractors	Please provide us with information about: (A) the current Knowledge Management activities that are carried out by the incumbent contractors, such as the software platform and the form(s) under which the captured knowledge is maintained, updated, and disseminated; and (B) the knowledge artefacts that the ETS-DEV-3 will take over from the incumbent contractor.	22/12/2021 Current activities cannot be disclosed and will be part of the handover process. Section 3.4.1, a), point 7 states: "7. A description of the knowledge management system, as described in 1.4.3. Tasks, enabling staff working under this contract to properly distribute the acquired know-how and ensure a continuous improvement process" it is therefore to the tenderer to do a proposal for this area.
48	14/12/2021 17:42	22/12/2021 08:55	Hosting of the Knowledge Management Server	According to the Specifications (page 13) "The contractor must maintain an efficient knowledge management system". Please clarify whether the Knowledge Management Server (or the equivalent) will be hosted by DG CLIMA or the Contractor.	22/12/2021 The knowledge management system is to be hosted by DG CLIMA
49	14/12/2021 17:41	22/12/2021 08:56	Testing environment(s)	Having regard that DG CLIMA will host (and provide the Contractor with access to it) the development environment (page 12 of the Specifications), please confirm that DG CLIMA will also host (and provide the Contractor with access to it) the testing environment(s).	22/12/2021 Yes, DG CLIMA will also host the testing environment. The term development environment in page 12 must be taken on the broad meaning, implying all the resources required for the full development life cycle.

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#	Submission date	Publication date	Question subject	Question	Answer
50	14/12/2021 17:40	22/12/2021 08:57	EN-0005.specs.pdf section 1.4.3.2	It is mentioned that Statistical information on the last two years incidents will be provided to the contractor in Takeover phase. Can the Contracting Authority provide the indicative number of incidents/problems/changes addressed during the last year?	22/12/2021 No, the requested information cannot be disclosed and will only be talked about with the awarded contractor.
51	14/12/2021 13:23	22/12/2021 08:58	Development environment	Has DG CLIMA installed tools on the workspaces of the development environment on Srv4Dev? If yes, can you please give us a list of the installed tools? Also, can the contractor install additional tools and/or install alternative tools on the workspaces?	22/12/2021 For this question we must refer to section 3.4.1, a), point 8: "8. A description of the infrastructure and tools, to be deployed and managed by the tenderer (housed at the Commission's cloud services), that the tenderer proposes to use;" The possible tools already available are of no interest for the tenders. Instead, it is required that the tenderer does a proposal on this area.

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#	Submission date	Publication date	Question subject	Question	Answer
52	14/12/2021 00:38	22/12/2021 08:59	Criteria B – Evidence relating to the team	<p>The Contracting Authority states in the tender specifications that "The team presented [by] the tenderer must be the one carrying out the tasks". The only company which can provide such a guarantee within a 20% margin of error on turnover is the current/incumbent contractor, which already has a team who will remain assigned to the tasks until the transition to the new FWC starts. It is not just impractical but impossible for any other company to guarantee that a proposed team of 24 professionals will be available to implement the services many months later. This entire team would need to remain unassigned, or be drawn from other projects, thereby disrupting the contractor's activities - and they could simply no longer be working for the tenderer. This requirement leads to a much higher probability of a new contractor being at fault, even before the signature of the FWC, than the incumbent contractor, and therefore deters the submission of offers. Could the Contracting Authority confirm that the 20% KPI on turnover shall be assessed only during contract execution, and that</p>	<p>22/12/2021 Criteria B, evidence related to the team, is to assess the capacity of the tenderer to present a pool of experts appropriate to carry on the different tasks. It is not acceptable presenting a team that finally would not be involved in the the tasks. Hence the spirit of the maximum annual rotation of 20% is in the line of having a fair assessment of the different tenders, by assessing the real teams and not ideal teams that would not be real. The awarded tenderer must be in a position to guarantee that the team will be as close as possible to the one presented, otherwise this criteria B would lose all the usefulness.</p>

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				during contract execution, and that any turnover in the team proposed at tender stage will not count towards this KPI if no Specific Contract identifying said team has yet been signed?	
53	13/12/2021 19:07	22/12/2021 08:59	Criterion A1	With reference to 3.2.3. Technical and professional capacity under Criterion A1 Tenderers are requested to provide at least two projects, each of which executed using a specific set of tools/technologies or equivalent/similar to them. For example, projects must cover Git or similar source code version control systems, jBPMN/Camunda or similar BPMN workflow engines, JSF/JSP or similar technologies etc. Similarly to the above, we understand that projects with any test automation toolchain similar to Selenium and Cucumber (such as Protractor and Jasmine which provide the same capabilities for automation testing) should be accepted for covering the specific criterion avoiding thus to accept or promote only specific product vendors. Can you please confirm that our understanding is correct?	22/12/2021 The words 'or similar' applied in previous points are also of application for test automation.

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#	Submission date	Publication date	Question subject	Question	Answer
54	13/12/2021 17:19	22/12/2021 09:00	Award criterion a) 8.	In the tender specifications, section 3.4.1, criterion a) 8., you ask for "A description of the infrastructure and tools, to be deployed and managed by the tenderer (housed at the Commission's cloud services), that the tenderer proposes to use." However, in Annex 15, the wording of this criterion is substantially different: "A description of the infrastructure and tools, deployed/hosted/managed at the tenderer's premises, that the tenderer proposes to use." Can you please confirm which version of this criterion is the correct one?	22/12/2021 Indeed, Annex 15, criterion A, point 8 is incorrect. Point 8 On section 3.4.1, criterion A is the correct wording and it is the criterion to be used in the questionnaire. Annex 25, a, 8 should say: "8. A description of the infrastructure and tools, to be deployed and managed by the tenderer (housed at the Commission's cloud services), that the tenderer proposes to use;"
55	16/12/2021 17:27	23/12/2021 17:46	Specific contracts	Will a model for Specific contract - Maintenance (3rd level support) be provided by the Contracting Authority?	23/12/2021 The models are already provided in the tender documentation. On the Draft contract, Annex III A and B
56	16/12/2021 17:27	23/12/2021 17:47	Framework Agreement - Warranty	"In the ANNEX D- SERVICE LEVEL GUARANTEE, under bullet 10 is mentioned that ""A warranty of 2 years must apply to the deliverables provided under each subtask and accepted by the Commission"". Must this warranty cover the full maintenance (3rd level support) as well during these 2 years?"	23/12/2021 The warranty is related to defects - bugs-. It is difficult to imagine how it could be related to support activities.

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#	Submission date	Publication date	Question subject	Question	Answer
57	16/12/2021 17:28	23/12/2021 17:48	Annex 6 - Financial Offer Template	The financial offer template foresees only off-site rates for the different profiles. Can it be extended to include on-site rates? If yes, which weightings need to be applied on the different rates?	23/12/2021 On section 3.5, page 54 it is stated: "Tenders shall specify a fixed price per type of expert proposed to perform the tasks outside of the Commission premises (extra-muros). Daily fee rates must be flat and include all costs (administrative costs, overheads, project management, quality control, support resources, insurance etc.) The prices are excluding VAT." The activities of the contractor will not take place at the Commission premises.

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#	Submission date	Publication date	Question subject	Question	Answer
58	22/12/2021 16:01	23/12/2021 17:49	Criterion B – "Evidence relating to the team" and your answer to Question #52	<p>Relating to the question #52 and the answer provided by the DG Clima, we would like to come back on this aspect. It appears to us that, due to the delay between the submission and the actual starting of the contract, it is quite impossible to offer any kind of guarantee that the proposed team will be the one that will do the work, even with a 20% rotation. All our people are actually working at different companies and are not unemployed. We are convinced that this is the case for all the companies answering this tender, and it seems to us that only the incumbent companies will have the possibility to fulfil this criterion... May we then ask DG Clima to review his position ?</p>	<p>23/12/2021 We understand your point of view but we cannot agree. The proposed experts must be in a position to be a part of the team. Of course we understand the experts may be currently working, but if the tenderer is proposing them is either because the assignment will end on time or the expert can be replaced in their current project. If it is not the case then the point is to not present this expert as part of the team. It is to be foreseen that normally not the full team will be required from day one and that there would be some progressive incorporation, but key members will be required from the take-over process. It is up to the tenderer to organize itself and to present a team that is feasible. Presenting a team that is not viable, just for the bid, is precisely what DG Clima wants to avoid.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
59	23/12/2021 17:20	24/12/2021 12:35	Weighed ratio of profiles	With reference to the Technical Specifications, page 60: 1) What is the exact understanding for the weighed ratio's per profile? 2) Is it considered to be a percentage of FTE? and 3) How can we compare our price estimation against the provided budget - to make certain we do not submit a price above budget ?	24/12/2021 The price for the bid is to be calculated using the formula in that same page: Price of tenderer X = $\Sigma(P1 \cdot R1 + \dots + P11 \cdot R11)$ Being P the price per day for each profile and R a weighted rate. The tender specifies a maximum budget for the duration of the FwC. The tenderer has to provide, to present a bid, a unit price or price per day per category. Hence the price for the bid is totally unrelated with the maximum budget for the duration of the framework contract.

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#	Submission date	Publication date	Question subject	Question	Answer
60	17/12/2021 18:37	24/12/2021 12:44	Technical Proposal	<p>With reference to Tender Specifications, "Section 1.4.8. Illustrative tasks" it is stated that under the Compliance of the technical offer part: "The technical offer must cover all aspects including the tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated." a) Our understanding is that the above mentioned requirement (i.e. "The technical offer must cover all aspects including the tasks required in the technical specifications and provide all the information needed to apply the award criteria") concerns our offer for the Illustrative Task since it is indicated under the relevant section (i.e. Section 1.4.8. Illustrative tasks). Could you please confirm our understanding or otherwise clarify further? b) If our above understanding is correct, could you please specify how we will address</p>	<p>24/12/2021 a)Yes, it is in section 1.4.8 and it is indeed referring to the illustrative tasks. b)The tasks for the illustrative assignment are described on page 23, Tasks under the illustrative assignment, points 1 to 5. The paragraph "The technical offer must cover all aspects including the tasks required in the technical specifications and provide all the information needed to apply the award criteria..." refers to section 3.4.2, Award criteria, Illustrative tasks, points a) to c), which are the basis to assess the proposals of the tenderers for the illustrative assignment.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
				please specify how we will address all tasks under the Illustrative Assignment, since some of them are not applicable to the needs of the Illustrative Assignment? For example, the following tasks such as the Takeover, Handover, Third Level Support, etc. are not relevant to the needs of the Illustrative Assignment.	
61	17/12/2021 16:11	24/12/2021 12:45	Illustrative assignment	Is there any reference architecture (e.g. SOA) that we should comply with?	24/12/2021 No, there is no reference architecture mentioned, other than the base technologies. It is therefore left to the tenderer to propose an architecture that best fits the task.
62	17/12/2021 10:38	24/12/2021 12:45	Illustrative assignment	Hosting of the PROD environment: Will there be any private cloud used? If this is the case, which one?	24/12/2021 As mentioned in section 1.4 of Tender Specifications, page 7: The Hosting Organisation of the Union Registry and the EUTL is the Commission's Data Centre at the Directorate-General for Informatics (DIGIT) of the Commission.

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#	Submission date	Publication date	Question subject	Question	Answer
63	17/12/2021 10:37	24/12/2021 12:46	Illustrative assignment	Is there any software catalogue that we should comply except Weblogic, Java and Oracle DB?	24/12/2021 Only Java, Weblogic and Oracle DB are mentioned as base technologies. Using any other technologies or platforms is left to the initiative of the tenderers.
64	17/12/2021 10:37	24/12/2021 12:47	Illustrative assignment	The architecture to be proposed depends on the NFRs. Please let us know of the required RPO, RTO, and SLA?	24/12/2021 It is left to the tenderer to propose the NFRs the tenderer thinks are appropriate for the system in the illustrative assignment and then to propose the suitable architecture.
65	16/12/2021 17:25	24/12/2021 12:48	EN-0005.specs.pdf section 1.4.1 (Page 8) - Size and Complexity of systems	We see there are currently 5 applications in production (EUCR, EUTL, Extract Server, URA and Swiss Linking Bridge). Can the Contracting Authority provide indicative size of applications in terms of % workload / FP / KLOC and complexity of the applications ?	24/12/2021 The order of complexity of the components is as stated in the question, in decreasing order: EUCR, EUTL, Extracts, URA and Swiss Linking Bridge. In total, the sum of all five components, the number of lines of code is closed to but does not reach 1 Million. For the functional complexity we have to refer to the Directive and Regulations mentioned in the tender specifications.

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#	Submission date	Publication date	Question subject	Question	Answer
66	29/12/2021 07:15	29/12/2021 13:08	EN-0005.specs.pdf Section 3.4.1. Overall methodology and management of the framework contract (max. 60 points)	"Referring to point 8 of Criteria A - ""A description of the infrastructure and tools, to be deployed and managed by the tenderer (housed at the Commission's cloud services), that the tenderer proposes to use"". We understand that DevSecOps toolchain and the required Development/Test Environments will be provided (deployed and managed) by the Contracting Authority. Therefore can the Contracting Authority confirm this understanding and provide further insight on their expectation in this specific criteria?"	29/12/2021 This is not correct: "We understand that DevSecOps toolchain and the required Development/Test Environments will be provided (deployed and managed) by the Contracting Authority" Please refer to section 1.4.3.2 Take over, Development environment. CLIMA will house the environment for development, including testing. The setup and management is a joint effort, and the definition of the environments must also be agreed, following a proposal from the contractor.
67	29/12/2021 19:14	30/12/2021 09:15	Draft FWC - II.16 Reduction in price	In order to bring the clause in line with market conformity, the Contractor suggests to limit the reduction in price to 10% of the total value of the relevant Specific Contract (i.e. the remaining chargeable amount is minimum 90% of the price). Would you please confirm or adjust this? If you do not wish to confirm and/or adjust this, we kindly but urgently request you to motivate this.	30/12/2021 The section II.16 is standard at the EC. Of course the objective is to have deliveries with the appropriate quality. EC does not need to justify the section, but it is uncertain if setting a maximum of 10% would help achieving the objective, i.e., deliveries with agreed quality standards.

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#	Submission date	Publication date	Question subject	Question	Answer
68	29/12/2021 19:14	30/12/2021 09:17	Draft FWC - II.15 Liquidated Damages	In order to bring the clause in line with market conformity, the Contractor suggests to limit the aggregated maximum amount of Liquidated Damages to 10% of the total value of the relevant Specific Contract. Would you please confirm or adjust this? If you do not wish to confirm and/or adjust this, we kindly but urgently request you to motivate this.	30/12/2021 The clause on II.15.1.1 is standard at the EC. Of course the objective is to have deliveries on time. EC does not need to justify the clause, but it is uncertain if setting a maximum of 10% would help achieving the objective, i.e., the on time delivery.
69	29/12/2021 19:12	30/12/2021 09:18	Draft FWC Annex D - Warranty	The Contractor deems the stated period of 2 years too long and not market conform and would suggest to reduce this period to 1 year. Would you please confirm or adjust this? If you do not wish to confirm and/or adjust this, we kindly but urgently request you to motivate this.	30/12/2021 EC CLIMA is requiring a warranty of two years, and it has to be accepted by tenderers. EC CLIMA does not need to motivate that choice, however for the sake of understanding: a) Two years warranty for software development is a quite usual duration at EC b) Consumer guarantees: EU law stipulates a minimum 2-year guarantee as a protection against faulty goods c) Two years guarantee has been in place in precedent CLIMA FWC's d) Developments can take long and be delivered iteratively. Time from delivery until deployment in production can be long for certain new regulations. Some functionalities are only used during specific month in the year -compliance-. In our opinion all these factors justify the choice of two years.

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#	Submission date	Publication date	Question subject	Question	Answer
70	29/12/2021 19:11	30/12/2021 09:19	Draft FWC - I.6.3 Payments	In this article, the Contracting Authority's payment obligation is made fully dependent on the validation by the Contracting Authority. This means that with regard to its payment claims, the Contractor is completely dependent on the Contracting Authority's choice whether or not to proceed to validation, which the Contractor deems unreasonable. Are you prepared to accordingly amend this provision? Would you please confirm or adjust this? If you do not wish to confirm and/or adjust this, we kindly but urgently request you to motivate this.	30/12/2021 What do you propose, that CLIMA does not validate the payments? It seems reasonable that CLIMA validates that the works being invoiced have been delivered according to the contract (QTM) before validating the payment. In the rare event of disputes that cannot be resolved by the teams, that should really never happen, the contractor is referred to I.12 I.12. APPLICABLE LAW AND SETTLEMENT OF DISPUTES
71	29/12/2021 19:10	30/12/2021 09:45	m.d per year	Can the Contracting Authority indicate what is the reference number of m.d per year to be considered? e.g. is it 210 m.d/year?	30/12/2021 Why is the p*d per year important for the bids? For the price, it is calculated daily, according to the prorated formula. If it is important for the tender's internal calculations, then the tender's internal p*d per year should perhaps be used. Still, if you need CLIMA reference, 220 p*d/year can be used.

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#	Submission date	Publication date	Question subject	Question	Answer
72	29/12/2021 19:15	06/01/2022 10:07	Draft FWC - II.24 Checks and audits	Contractor suggests to limit the allowed frequency of audits to a maximum of one (1) per calendar year, with a prior written notice of at least three weeks. Furthermore, Contractor's assistance in relation to the audits will be charged at Contractor's then applicable rates. Would you please confirm or adjust this? If you do not wish to confirm and/or adjust this, we kindly but urgently request you to motivate this.	06/01/2022 For our call for tenders we publish the contract that will be signed so that potential tenderers are fully informed of the conditions before submitting their offer. These are standard clauses, they have been validated by the European Commission Legal Service and are considered balanced for both parties. In any case, no changes could be done at this point as that would substantially change the conditions of the contract. This is an open procedure and not subject to negotiation.
73	29/12/2021 19:13	06/01/2022 10:08	Draft FWC - II.18.4 Termination	Contractor deems it reasonable that termination for convenience by the Contracting Authority should only be possible subject to full recovery of non-recoverable investments and appropriate stranded cost (e.g. assets, subcontractors), restructuring, compensation for dedicated non transferring employees/severance costs. Would you please confirm or adjust this? If you do not wish to confirm and/or adjust this, we kindly but urgently request you to motivate this.	06/01/2022 For our call for tenders we publish the contract that will be signed so that potential tenderers are fully informed of the conditions before submitting their offer. These are standard clauses, they have been validated by the European Commission Legal Service and are considered balanced for both parties. In any case, no changes could be done at this point as that would substantially change the conditions of the contract. This is an open procedure and not subject to negotiation.

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#	Submission date	Publication date	Question subject	Question	Answer
74	29/12/2021 19:12	06/01/2022 10:09	Draft FWC - II.6 Liability	<p>The Contractor wishes to expressly exclude, as is also customary in the ICT market, (1) liability for indirect damage, including consequential damage, loss of profit, lost savings, mutilation or loss of data and damage due to business interruption, etc. and (2) limit its liability for attributable failure(s) in the fulfillment of the agreement or otherwise, including for guarantees and indemnifications, to direct damage up to a maximum of the value of the relevant specific contract.</p> <p>Are you prepared to implement the changes proposed under (1) and (2) above? If you do not agree, please substantiate this and make an alternative requirement that is compliant.</p>	<p>06/01/2022</p> <p>For our call for tenders we publish the contract that will be signed so that potential tenderers are fully informed of the conditions before submitting their offer. These are standard clauses, they have been validated by the European Commission Legal Service and are considered balanced for both parties. In any case, no changes could be done at this point as that would substantially change the conditions of the contract. This is an open procedure and not subject to negotiation.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
75	24/12/2021 11:49	06/01/2022 10:36	CV Forms, and the requirement to provide Personal Information (names & dates of birth)	To our understanding, providing Personal Information (named CV's) or allowing selection of our resources by any customer, is in contradiction to the Belgian Labour Law - except for interim companies. Can you please provide the legal basis for your request so we can honour your requirements? Thank you.	06/01/2022 The processing of personal data by the European Commission is necessary when managing award procedures (procurement, grants, experts) and managing the execution of contracts (procurement, experts) and the implementation of agreements (grants) concluded during the procedures to assess whether you have the capacity to propose a team with the required profiles. CVs will not be used to do a selection of your resources and will be processed pursuant to Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies.

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