

Clarifications during tendering
F-SE-15-T01
Provision of Web Development Services
Questions and Answers IV

Vienna, the 3/6/2015
Ref: 2015-outgoing- 837

Reference: Open call for tender F-SE-15-T01 Provision of Web Development Services
Subject: Clarifications during tendering

Dear Sir/Madam,

We received questions of general interest from the tenderers. Please find herewith the answers to these questions.

Yours sincerely,



Constantinos Manolopoulos
Director a.i.

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Question 20:

Lot 1 - Scenario A. In our sense Document Management System offers a wide range of possibilities. Do you have a scope for the document management? E.g.

1. What kind of area the collaboration part is based upon, projects, teams?
2. Is there a self-site creation for working spaces planned?
3. Are there any collaborative tools already in place?
4. Do you plan a specific scope of your document management? Currently we consider the full document life cycle, this includes collaborative parts, record management, master data management and ediscovery.
5. In the Scenario A you also mention "the above mentioned features". We do not see any concrete features either directly above or in full document. Are there any concrete features requirements existing or should we just assume them?

Answer 20:

Regarding points 1,2,3 and 4 above, and as described in Annex A - Tender Specifications, 18.1 Technical evaluation for Lot 1 Scenario A: Fixed price service request, the tenderer is requested to provide a technical proposal covering the activities listed in the context of developing a Document Management System. This proposal will be evaluated in accordance with the technical award criteria included in section 18.1 of Annex A – Tender Specifications. Therefore, no further detailed information is deemed necessary in this regard.

Regarding point 5 above, the sentence in Scenario A shall read: "Development of the system". Please consider "the above mentioned features" as deleted.

Question 21:

Lot 2 - Scenario A

1. It is not specified where the survey data is stored. We can assume that it's stored in LimeSurvey or IBM SPSS but we need more details about how you provide the data and if we also have to do the data parsing using R.
2. It is mentioned that the visualisation application must be available on your corporate website built in Drupal 7, but it's not clear if it should be part of it. - It can be an independent Drupal platform linked from the corporate site or a module that extends the functionality of your corporate site. We assume that it's an independent site because it should be hosted externally but we need more info about how you plan to link both sites.

3. It is also mentioned that the data should be available from different parts of the corporate site. It's a little bit ambiguous how we should provide the data. R provides the data in different ways (images, PDFs, interactive charts...) so we need a definition of your expectations.
4. You mention the Drupal platform should be able to provide multilingual content. We assume that you don't mean the corporate site so the Drupal platform should be independent from the corporate site. Are we right?
5. What kind of accessibility should the platform provide? There are three levels: A (lowest), AA and AAA (highest).

Answer 21:

Regarding points 1,2,3, 4 and 5 above, and as described in Annex A - Tender Specifications, 18.1 Technical evaluation for Lot 2 Scenario A: Fixed price service request, the tenderer is requested to provide a technical proposal covering the activities listed in the context of developing a data visualisation application. This proposal will be evaluated in accordance with the technical award criteria included in section 18.1 of Annex A – Tender Specifications. Therefore, no further detailed information is deemed necessary in this regard.

Question 22:

We assume that within contract negotiation it will also be possible to discuss limitations of liability?

Answer 22:

The liability provisions governing this contract are those stated in Annex B – Draft Framework Contract and cannot be altered or negotiated after contract signature. Amendments to the contract are possible during project implementation but are strictly limited to the situation provided for in article 2.8 of Annex B – Draft Framework Contract.

Question 23:

We assume that delivery from near- and offshore locations will be possible?

Answer 23:

As mentioned in Section 6 of Annex A.1 – Technical Specifications, fixed price specific contracts or order forms will be executed, in general, at the contractor's premises; Quoted Time and Means specific contracts or order forms will be executed at the contractor's premises and Times and Means specific contracts or order forms will be executed at the Contracting Authority's premises (Vienna, Austria).

Provided that the above requirements are met and that the rules of origin of the tenderers submitting a tender as provided for in Section 9 of Annex A – Tender Specifications are respected, the tenderer is free to organise how the work is delivered.

Question 24:

Do we have to treat affiliated companies like subcontractors and provide all documents necessary for subcontractors?

Answer 24:

Tenderers may rely on the economic and financial and/or technical and professional capacities of other entities (i.e., affiliated company) **to perform the contract** (see sections 17.2.1 and 17.2.2 of Annex A – Tender Specifications). In that case, the tenderer must provide a written undertaking signed by the other entity (i.e., the affiliated company) so as to show that it will have at its disposal the resources necessary for the performance of the contract.

If the tenderer also relies on the economic and financial and/or technical and professional capacities of other entities (i.e., affiliated company) **to meet the selection criteria**, then, in addition to the undertaking mentioned above, the tenderer shall provide the evidence requested in sections 17.2.1 and 17.2.2 of Annex A for the entity on which the tenderer relies to fulfil the selection criteria.

Please note that affiliated companies can be treated as subcontractors if specific subcontracting arrangements are agreed between the tenderer and the affiliated company for the performance of the contract. In that case, the tenderer needs to provide the documents requested for subcontractors under section 11 of Annex A – Tender Specifications (see answer 46 in this respect).

Question 25:

Mobile apps are mentioned a few times in the RFP documents as being part of the scope. Yet the list of technologies and platforms used within the organisation does not list mobile-specific tools or languages. Does EUFRA currently own or operate any mobile apps? Which technologies are used and should be supported by the supplier?

Answer 25:

The FRA has developed a mobile app with information about the EU Charter of Fundamental Rights which is available for iOS, Android and as a web app. It can thus be assumed that the supplier should have the necessary tools and technologies to develop apps for iOS and Android, as well as web apps. The list of technologies in the Technical Specifications includes technologies commonly used in app development such as Objective-C, Java, HTML5 and CSS - see Annex A1 – Technical Specifications.

Question 26:

What technical documentation exists for the current setup? Can we assume that a number of handovers will be organized as "Time & Means" projects for our team to get a handover of the current applications?

Answer 26:

As mentioned in section 8.2 of Annex A.1 – Technical Specifications, the meeting expenses for the take-over and/or handover of the contract, if needed, will be paid to the contractor on the basis of Times and Means request for services.

The relevant technical documentation will be provided to the contractor at the handover of the contract.

Question 27:

The development environment for all projects should be hosted by the supplier. Do we understand correctly from the Annex C, Form F1 that we should include license fees for development environments (eg Oracle) in the day-rates presented in the proposal (no separate mention)?

Answer 27:

The FRA website has both production and staging environments, for which any necessary licences are and will be provided by the FRA. For any licences needed by the contractor for the development of the applications used in the development environment, the contractor is expected to meet the cost.

Question 28:

Scenario B. Quoted Times and Means service request. This section contains the following description: "Technical support following the requests received by the Contracting Authority. This includes handling of requests for maintenance and enhancing existing features". Does this include 24/7 monitoring of the applications and emergency support outside of business hours. Or is this covered by another supplier or hosting company?

Answer 28:

24/7 monitoring of the FRA website and emergency support is provided by the FRA's web hosting contractor. However, should an issue occur outside business hours with an application or website component developed by the web development contractor that cannot be resolved by the hosting contractor, then the web development contractor should assist the latter in resolving the issue.

Question 29:

In Annex A – Technical Specifications, Section 18.1, p. 14, we read: "Tenderers should prepare a technical proposal for Scenario B including the following:

B.2 The proposed methodology to establish the composition of the team to undertake the technical support activities for the enhancement of the current features and the development of new ones.

B.3 The description of the methodology to be used to establish and operate a Helpdesk function to address corrective maintenance requests (resolution of bugs) of the information system."

a) Do you expect the Tenderer to also describe its methodology for the provision of evolutive maintenance (apart from the methodology to establish the composition of the team)? If yes, under which question should the Tenderer present this?

b) Our understanding is that the Tenderer's Helpdesk will be accessible by FRA's helpdesk agents or FRA's responsible personnel only. The Tenderer's helpdesk will not be accessed directly by end users. Please confirm our understanding or clarify.

Answer 29:

a) Annex A - Tender Specifications, 18.1 Technical evaluation for Lot 1 Scenario B criteria B.2 states "The proposed methodology to establish the composition of the team to undertake the technical support activities for the enhancement of the current features and the development of new ones. It should include a description of the security provisions in place when connecting to the contracting's authority staging and production environments."

This should include the methodology to establish the composition of the team and the methodology to deliver the requested services.

Please note that there is an error in the weightings corresponding to the technical award criteria of **Lot 1 Scenario B – Quoted Times and Means service request**. The technical award criteria shall read as follows:

B.1 The methodology to be used to take over the application from the contracting authority and/or its current contractor.	60 10
B.2 The proposed methodology to establish the composition of the team to undertake the technical support activities for the enhancement of the current features and the development of new ones including the methodology of undertaking the related tasks . It should include a description of the security provisions in place when connecting to the contracting's authority staging and production environments.	30 60
B.3 The description of the methodology to be used to establish and operate a Helpdesk function to address corrective maintenance requests (resolution of bugs) of the information system.	10 30

Therefore, section 18.1 of Annex A – Tender Specifications will be amended accordingly.

Please note that due to the correction needed above, the contracting authority **will extend the deadline for submission of tenders** so as to allow potential tenderers to take into account the correction when preparing their tenders. **A corrigendum to the contract notice extending the deadline for submission will be published in the Official Journal and on our web page in the coming days.**

b) Your understanding is correct. Only a limited number of FRA's personnel will be accessing the helpdesk.

Question 30:

Concerning the Technical Proposal Lot 1, Scenario B, we understand we should present as part of our proposal a methodology to deliver the maintenance and support services. Based on the description of the award criteria, it is not clear for us if we should include this methodology under Award B.1 (which has more importance in terms of award points) or under Award B.2.

We would appreciate if FRA could specify where we should include this part.

Answer 30:

See answer to question 29 a) above.

Question 31:

In Annex A – Tender Specifications, Section 18.1, p. 13, we read:

“Description of activities:

- Development of the system that addresses the above listed features”

To which features do you refer? Please provide us with the list.

Answer 31:

The sentence above shall read: “Development of the system”. Section 18.1 of Annex A – Tender Specifications will be amended accordingly.

Question 32:

In Annex A – Technical Specifications, Section 18.1, p. 15, we read: “The contracting authority wants to provide a data visualization application for a large set of survey data. The data visualization must be available on its corporate website”.

a) It appears that there is already a tool for data visualization on FRA’s website (<http://fra.europa.eu/en/vaw-survey-results>). What is the relationship of the data visualisation application requested as part of this tender and the existing data visualisation tool?

b) Should the Tenderer include a technical solution for the data visualization application?

If the answer to question b) is yes, please provide answers for the following questions:

c) Should the data visualization application support interactivity on the user’s end? If yes, please provide representative examples of such interactions with the data.

d) Where are the survey data stored? In what formats?

e) Will the data visualization application access data pre-processed by R or raw data stored in the database, which have to be processed by R in the frame of this application?

f) Is the Tenderer allowed to propose additional technologies (out of FRA’s existing infrastructure or other free of charge technologies) as part of its solution?

Answer 32:

Regarding a), b), c), d), e) and f) above, and as described in Annex A - Tender Specifications, 18.1 Technical evaluation for Lot 2 Scenario A: Fixed price service request, the tenderer is requested to provide a technical proposal covering the activities listed in the context of developing a data visualisation application. This proposal will be evaluated in accordance with the technical award criteria included in section 18.1 of Annex A - Tender Specifications. Therefore, no further detailed information is deemed necessary in this regard.

Question 33:

In Annex A – Technical Specifications, Section 18.1, p. 14, we read: “The duration of the requested services is 12 months and the number of foreseen person-days per year is 200 of which 40 person-days relate to corrective maintenance and the rest to technical support and enhancements.”

How are the person-days allocated to the activities of the scenario? In particular, how many person-days are estimated for: a) evolutive maintenance; b) enhancement of existing features; c) takeover activities; and d) reporting?

Answer 33:

As indicated under Annex A – Tender Specifications, Section 18.1, p. 14, the estimated persons-days for technical support and enhancements including related reporting are estimated to be on equal footing.

With regards to the take-over activities, it is expected to undertake a specific one-off task at the beginning of the contractual arrangement prior to the technical support and maintenance activities commencement.

Question 34:

In Annex A – Technical Specifications, Section 18.1, p. 16, we read: “The timeframe for the implementation of the activities above is 12 months and the estimated number of person-days is 150.”

How are the person-days allocated to the activities of the scenario? In particular, how many person-days are estimated for: a) corrective maintenance; b) evolutive maintenance; c) enhancement of existing features; d) takeover activities; and e) reporting?

Answer 34:

The estimated number of person-days is 150, of which activities a), b) and c) will amount for the majority of the person-days and activities d) and e) will amount a smaller number of person-days.

With regards to the take-over activities, it is expected to undertake a specific one-off task at the beginning of the contractual arrangement prior to the technical support and maintenance activities commencement.

Question 35:

In Annex A - Tender Specifications, Section 17.2.2 Technical and professional capacity (per Lot), page 12 of 23, "b) A list of the principal services provided in the past three (3) years, with the sums, dates and recipients. For Lot 1, tenderers are required to prove that they have completed at least three (3) projects in the last three (3) years (counting backwards from the deadline for submission of tenders) in the field of intranet web development services of an amount of at least EUR 50,000.00 each. For Lot 2, tenderers are required to prove that they have completed at least three (3) projects in the last three (3) years (counting backwards from the deadline for submission of tenders) in the field of internet web development services of an amount of at least EUR 50,000.00 each."

- a) Our understanding is that the same project can be used to cover both Lots. Please confirm.
- b) Our understanding is that we can provide contracts/projects that are still ongoing but have completed tasks/services until deadline for submission of tenders. Please confirm.
- c) Can we provide a project that the main service of the project is corrective and evolutive maintenance?
- d) If the answer to the previous question is yes, we assume that the project can still be ongoing, provided that the consumed budget is over 50.000 EUR. Please confirm

Answer 35:

- a) Yes, provided that it meets the requirements of both lots.
- b) Yes, completed specific contracts, orders or requests for services within an ongoing framework contract are acceptable provided that they meet the requirements specified in section 17.2.2 b) of Annex A.
- c) Yes, such a project will be accepted provided it falls under the context of services specified in Annex A - Tender Specifications, Section 17.2.2 Technical and professional capacity, criterion b.
- d) Completed specific contracts, orders or request for services for a value over 50,000 EUR within an ongoing framework contract are acceptable provided that they meet the requirements specified in section 17.2.2 b) of Annex A.

Question 36:

In "Invitation to tender", point 2, p. 1, we read: "Please also add a text-searchable digital version of the offer in data storage devices such as USB ..."

Can we use a CD-ROM instead of a USB flash drive?

Answer 36:

Yes, a CD-ROM will also be accepted, however the contracting authority prefers to receive a USB flash drive instead.

Question 37:

In Annex A - Tender Specifications, section 23, pages 20-23 the details of how to submit a tender are described. If a Tenderer intends to submit an offer for both lots, please answer the following questions.

Question:

- a) Is it acceptable to submit administrative documents only once?
- b) Is it acceptable to submit the technical proposal in the same package and binder for both lots (however clearly separating the answers relating to each lot)?
- c) Same question as above for the financial proposal.

Answer 37:

- a) Yes, it is acceptable, but Form D.1 (Educational and professional qualifications) and Form D.2 (List of principal services provided) must clearly indicate for which lot they are submitted.
- b) Yes, it is acceptable, provided they are included in a separate sealed envelope clearly marked "Technical Proposal".
- c) Yes, it is acceptable, provided that they are included in a separate sealed envelope clearly marked "Financial proposal".

Question 38:

Regarding Section D of the Annex C - Standard Submission Form document, with reference of the note at page 22 of 45 what does "A given period of professional experience may be counted only once" mean?

Could you please specify if, e.g. for a Developer profile, we have to consider 3 years of professional experience of which 2 years of experience in web developer or we have to consider 3 years of professional experience and others 2 years of experience in web developer (and so totally 5 years of professional experience)?

Answer 38:

For the Developer profile, a minimum of 3 years of professional experience in IT are required, out of which, a minimum 2 years of professional experience in web development and database and working with at least 3 of the products, technologies and tools listed in Section 4 of Annex A.1 Technical Specifications for the corresponding lot are necessary. The 5 years of professional experience mentioned are only needed if the expert proposed does not have a university degree.

Please note that there is an error in the first requirement of the Developer grid for Lot 2 included in Annex C –Standard Submission Form. As correctly stated in the Developer grid for Lot 1 and as mentioned in section 17.2.2 of Annex A – Tender Specifications and section 8 of Annex A.1 Technical Specifications, it should read:

"University degree or secondary education followed by 5 years of professional experience".

Annex C – Standard Submission Form will be amended accordingly.

Question 39:

Regarding the professional experience that Developers, Senior Developers and Senior Analysts should have for at least 3 of the products, technologies and tools listed in Section 4 of annex A, could you please specify if all the products, technologies and tools listed should be known for each profiled above? e.g. for Lot 1 one of the requirement of the list is:

- Business Intelligence & reporting tools like Microsoft Reporting Services, SpagoBI (Open source) and Jasper reports;

Could you please specify if the applicant has to know all the technologies listed above in order to say that this requirement is fulfilled?

Answer 39:

Each profile shall prove, as a minimum, experience in **at least three** of the products, technologies and tools for the corresponding lot. As regards the example mentioned in your question, experience in any of the reporting tools mentioned is acceptable (see answer 14 in Questions and Answers III)

Question 40:

Due to the necessity to organize complex number of resources for the purposes of this tender, we would like to ask, if you could kindly extend the time limit for the submission of the tender?

Answer 40:

Please see answer 29 a) above.

Question 41:

When is the anticipated start date for the provision of the services?

Answer 41:

The signature of the framework contracts is expected to take place by the end of September 2015.

Question 42:

Annex B, Draft Framework Contract, Item 2.3.3. Liability

In order to be able to place a bid without the obligation of going through restrictive internal liability boards and to limit the uneconomical risk premium for the contracting authority, we would like to ask, whether it would be possible to amend the contractor's liability as follows:

"The contractor shall be held liable for any loss or damage sustained by the contracting authority in performance of the FWC, including in the event of subcontracting, and for any

claim by a third party, but only to an amount not exceeding three times 100% of the total amount of the relevant order form or specific contract."

Answer 42:

See answer 22 above.

Question 43:

Annex B, Draft Framework Contract, Item 2.15.4 Tax Exemption

According to our knowledge, the deliveries and other services to European Union Agency for Fundamental Rights are taxable according to Austrian law and have to be invoiced by the Contractor with Value Added Tax. However, European Union Agency for Fundamental Rights has the opportunity to submit an application for a refund of the sales tax at the Federal Ministry of Finance. Is our information correct?

Answer 43:

Yes, it is correct. Under Directive 2066/112/EC, entities with an Austrian VAT number can invoice the Agency with VAT, which can then be recovered by the Agency. When the Agency purchases goods or services from a VAT registered entity established in an EU Member State other than Austria, the entity needs to obtain from the Agency a signed 1510 VAT exemption form to be able to exempt their supply of goods or services from VAT.

Question 44:

May you confirm that for LOT 2 – scenario B, evaluation questions are correct? They appear to be more relevant to a situation of new application development than of application maintenance.

Answer 44:

We confirm that the technical award criteria for Lot 2, Scenario B are correct as given in Annex A - Tender Specifications.

Question 45:

We would like to submit one additional question relating to the selection criteria of the situation when a prime contractor intends to subcontract a part of the contract and will rely on the technical capacity (resources) of the subcontractor during the implementation.

Is our understanding correct that based on Chapter 17.2.2 of Annex A it is acceptable to use the project references and CVs of the persons of the subcontractor together with the references and CVs of the prime contractor to meet together the minimum selection criteria (i.e. the number of project references and CVs, average number of employees) or is it necessary that both prime contractor and subcontractor meet the minimum selection criteria completely themselves?

Answer 45:

Yes, your understanding is correct. As mentioned in section 11 of Annex A – Tender Specifications, when the tenderer relies on the economic and financial and/or technical and professional capacities of a subcontractor to meet the selection criteria, then subcontractors shall be treated as if they were consortium partners and therefore, they shall provide proof of economic and financial and/or technical and professional capacity as well, depending for which selection criterion they are providing their capacity.

Question 46:

In relation to the above question is it necessary that any subcontractor whose share of the contract is above 10% must also present declaration of honour, financial statements, the statement of annual average turnover and average number of employees as mentioned in Chapter 11 of Annex A? Are there any other compulsory documents, which we haven't mentioned?

Answer 46:

Any identified subcontractor whose share of the contract is **above 10%** must present:

- A completed Legal Entities Form plus supporting documents
- A signed letter of intent (this has to be provided by all identified subcontractors, regardless of their percentage of subcontracting)
- A declaration of Honour with respect to the Exclusion Criteria and Absence of Conflict of Interest

In addition, if the tenderer relies on the capacities of an identified subcontractor (regardless of the percentage of subcontracting) to meet the selection criteria (economic and financial and/or technical and professional capacity); then the subcontractor shall present the documents for the selection criterion for which they are providing the capacities. For example:

- If the tenderer only relies on the subcontractor to meet the economic and financial capacity, then the subcontractor only has to provide financial statements and statement of annual average turnover (plus the documents listed above if its percentage of subcontracting is above 10%).
- If the tenderer relies on the subcontractor to meet the minimum average number of employees, then only Form D.4 has to be provided (plus the documents listed above if its percentage of subcontracting is above 10%).