



EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS



**F-SE-14-T07**

## **Provision of Internet, Voip & Mobile Services**

### **Questions and Answers II**

Vienna, the 6/2/2015

Ref: 2015-outgoing-000175

**Subject:** Provision of Internet, Voip & Mobile Services

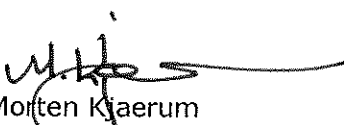
**Contract notice:** 2015/S 001-000004 of 02/01/2015

**Ref.:** Additional information regarding the specifications of the tender

Dear Sir / Madam,

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

Yours faithfully,

  
Morten Kjaerum  
Director

**Morten Kjaerum, Director**

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## QUESTIONS & ANSWERS (II)

### Provision of Internet, Voip & Mobile Services

Open Call for tender No F-SE-14-T07 (OJ/S 2015/S 001-000004 of 02/01/2015)

#### **Question 3:**

Annex B, Draft Framework Contract, Item 2.3.3. Liability

In order to limit the uneconomical risk premium, we would like to ask, weather 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 3:**

Section 2.3.3. (Liability) of Annex B, Draft Framework Contract, is part of the General Conditions, and cannot be changed.

#### **Question 4:**

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 4:**

The Agency is indeed exempt from VAT. However, for supplies and/or services bought in Austria the Agency is obliged to pay VAT and then requests a reimbursement.

VAT is reimbursed only upon the submission of a formal request to the Federal Ministry of Finance.

#### **Morten Kjaerum, Director**