



FRA

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS



**Clarifications during tendering
F-SE-13-T01
Web Development Services**

Questions and Answers I

Vienna, the **04. März 2013**
Ref: 2013-outgoing- **0345**

Reference: Open call for tender F-SE-13-T01 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 faithfully,


Morten Kjaerum
Director



Morten Kjaerum, Director

European Union Agency for Fundamental Rights

Agentur der Europäischen Union für Grundrechte | Agence des droits fondamentaux de l'Union Européenne

Schwarzenbergplatz 11 | 1040 Vienna | Austria | T +43 (1) 580 30 - 0 | F +43 (1) 580 30 - 699 | info@fra.europa.eu

fra.europa.eu | www.facebook.com/fundamentalrights | twitter.com/EURightsAgency | www.linkedin.com/company/eu-fundamental-rights-agency

460

Clarifications during tendering

F-SE-13-T01

Web Development Services

Questions and Answers I

Question 1:

In Annex C in the standard submission form the navigation pane in MS Word shows up a lot of different sections. E.g. Title "Form D – Description of technical equipment plant" or "Form D – Description of quality measures" and some others which do not have a visual reference in the document. On checking the document a lot of other headings with no real section in the document came up too. We have checked this issue with Word 2010 and 2013. Do we have to work on this issues?.

Answer 1:

The navigation pane in MS Word shows the headings of some forms that are not applicable to this open call for tenders. The tenderer only has to provide information on the forms requested in Annex C and that are listed in Section 23 of Annex A –Tender Specifications.

Question 2:

In Annex A in the tender specifications it is mentioned that 3 parts must be presented in the proposals (lit 23 on page 17): The standard submission form Annex C includes we could find part 1 (administrative proposal) and part 3 (financial proposal) – but not part 2 (technical proposal) which is afterwards the basis for the technical evaluation. For the technical part we only found the educational background a.s.o. starting with D resp. D.1 in the standard submission form, Annex C.

Where do we have to put the technical offer? Are we free on providing this technical offer or do we have to take a template in concern?

Answer 2:

As mentioned in Section 23 of Annex A – Tender Specifications, the tender must be presented in three parts, submitted in three separate envelopes:



- Part 1 – Administrative proposal, including all documents listed under sections A,B,C, and D and that must be prepared using the corresponding forms of Annex C – Standard Submission Form.
- Part 2 – Technical proposal. As mentioned in page 22 of Annex A, there is no specific form to present the technical offer. It should be drawn up following the instructions laid down in Section 23 of Annex A (pages 18 to 22) and must include all the information required by the contracting authority for the evaluation of tenders on the basis of the technical award criteria described in Section 18.1 of Annex A (pages 12-13).
- Part 3 – Financial proposal. It has to be presented following the Financial Offer Forms included in Section F of Annex C.

Please note that the CVs to be proposed by the tenderer covering the profiles described under Section 17.2.2 of Annex A are not part of the Technical Offer but of the Administrative Proposal.

Question 3:

Concerning the CVs and educational information provided in the technical offer we would like to inform ourselves if they have to be directly signed by each person or is a substitute signing of a legal representative of our company enough?

Answer 3:

If the CVs proposed are from employees of the tenderer, the selection grid can be signed by the organization employing the experts proposed. If the CVs belong to experts not employed by the tenderer, like subcontractors or freelancers, then the selection grid must be signed by the experts themselves.

Question 4:

Should we bind each part (Administrative documents, Technical Offer and Financial Offer) of our proposal separately (one bound original and two bound copies for each envelope)?

Answer 4:

Each part (Administrative documents, Technical Offer and Financial Offer) shall be bound separately and included in three sealed envelopes. The tender must submit three copies of each part. How the three copies are presented is indifferent for the Contracting Authority as long as the three parts are in three separate envelopes.

Please note that a separate offer must be submitted per each Lot.

**Question 5:**

Regarding page 15 of Annex A1, second table (Breakdown of effort per Lot per technology for ENISA):

In order to propose the most appropriate team (in terms of skills and experience) would you please detail the nature of the services using Sharepoint and Java to be delivered for ENISA in a brief description similar to Annex A, section 23, Part 2, which covers only systems owned by FRA ? (tool for management of stationery requests (FP) plus maintenance of project management system (T&M) for Lot 1, and respectively migration of Charterpedia and Case-Law Database to Drupal (FP) plus technical support and maintenance for CMS (T&M) for Lot 2).

Answer 5:

As mentioned in Section 1 of Annex A - Tender Specifications, FRA and ENISA are collectively the contracting authority of this call for tenders. Therefore, when Section 23, Part 2 describes the content of the technical proposals under each Lot, does refer explicitly neither to FRA nor to ENISA.

Annex A.1- Technical Specifications, section 4 details the services which will be covered under Lot 1 and Lot 2 and hence allowing tenderers to identify the skills and expertise that may be requested during the implementation of the framework contract by the contracting authority (FRA or ENISA).

Please note that tenderers are requested in Section 23, Part 2 of Annex A to submit in their technical offers two proposals per Lot that are examples of the services that could be requested by means of specific contracts or order forms during the execution of the framework contract. Their only purpose is to provide the contracting authority with a basis for the technical evaluation of the offers received. They do not reflect the full scope of the services to be provided under this framework contract, which is described in detail in Section 4 of Annex A.1 – Technical Specifications.

Question 6:

Also regarding the split of effort between FRA and ENISA, would you please specify if the Contractor is expected to deliver services in parallel for both organisations during the first year (in which case a larger team needs to be managed)?

Answer 6:

Following the award of the framework contract and depending on the needs of FRA and ENISA, services may be requested also in parallel. Therefore, the tenderer must have the capacity to undertake services requested in parallel. Such simultaneous requests may take

place throughout the duration of the framework contract including the first year of its implementation.

Question 7:

Regarding page 12 of Annex A, section 17.2.2 point d): In case of a consortium, does the minimum condition for annual average number of employees (25) applies to each partner or to the entire consortium (as requested for turnover of 500,000 EUR in point b. above)?

Answer 7:

As mentioned in Section 10 of Annex A (page 5), the selection criteria for technical and professional capacity will be assessed in relation to the consortium or group of companies as a whole. Therefore, the minimum of 25 employees refers to the entire consortium in case the tender is submitted by a group of companies.

Question 8:

Regarding page 14 of Annex A, section 18.2 (Financial score for fixed price service request proposal): Please clarify if the financial score be calculated only by using the rates per man-day per profile (as requested in Annex C, Forms F.1A and F.1B)?

Where should the tenderers detail the effort estimation (number of man days) for the two fixed price requests? Will the total price count in the financial award criteria?

Answer 8:

The financial score will be calculated only by using the rates per man-day per profile as defined in Annex A - Tender Specification, section 18.2.1.

The number of persons-day required for the fixed price requests could be presented by the tenderer in its technical offer under section 18.1 Technical evaluation (for Lot 1 and Lot 2), award criterion A.2 "The methodology, organisation of the team and tools to be put in place to deliver the project requirements".

The total price for the fixed price requests (profile rates x person days) will not be considered for the financial evaluation.

Question 9:

Regarding Lot 1 – fixed price request (page 19 of Annex A – Description of activities): Should the fixed price financial offer also include maintenance (corrective/evolutive) of the new application? According to page 3 of Annex A.1, section 4.1 the related services include



“Development and maintenance of new intranet applications”, but it is not specified if their maintenance will be requested as fixed price or QTM/TM.

Answer 9:

As described in Annex A - Tender Specifications section 23, Part A, Lot 1, the request relates to the development of the intranet application. The activities to be covered are also defined in this section under heading “Description of activities” and do not entail any maintenance services.

Question 10:

Regarding Lot 1 – fixed price request (page 19 of Annex A – Description of activities): For a better estimation of the effort and to reduce the probability of incorrect assumptions made by the tenderer would you please provide some volumetric data for the management of stationery request tool (such as number of users, how many workflow types, what is their complexity (how many steps, how many roles involved) or how many reports are needed)?

Answer 10:

As described in Annex A - Tender Specifications section 23, Part A, Lot 1, the tenderer is requested to provide information regarding the activities described thereby. This is part of the technical evaluation where the tenders will be assessed on the basis of their technical approach to the requested activities and not in relation to monetary terms. Therefore, no further information is deemed necessary in this regard.

Question 11:

In the tender specifications, at page 11, it is stated that profiles must cover all technologies and fields of expertise described under Section 6 of Annex A.1. Though, Chapter 6 of Annex A.1 Technical Specifications is about “Contract execution”. Can you please confirm you actually meant “technologies and fields of expertise described at page 6 of Annex A.1”?

Answer 11:

The reference made in page 11 stating “that profiles must cover all technologies and fields of expertise described under Section 6 of Annex A.1” should read “that profiles must cover all technologies and fields of expertise described under Section 4 of Annex A.1”.

Question 12:

In the annex A.1/technical specifications, at page 6 there is no mention of Sharepoint among the technologies required for Lot 2 but this technology is instead present in the second table



at page 15 as a technology required under Lot 2 for ENISA. Can you please clarify which technologies are actually to be covered between the list at page 6 and the table at page 15?

Answer 12:

Annex A.1 Technical specifications page 6 should include "SharePoint" amongst the technologies to be used in Lot 2 and should read as follows:

"The products, technologies and tools to be used are the following:

- Drupal 7, LimeSurvey, Piwik
- Java, PHP, MySQL, Javascript, Objective-C, SQL, ORACLE, PL/SQL, ORACLE, (BEA) Weblogic, HTML, HTML5, XML, XSL, CSS
- SharePoint 2010 or higher".

Question 13:

The current ENISA website appears to rely on Plone technology. Though, skills regarding Plone are not requested for Lot 2. Can you please confirm that Plone is not among the technologies required for lot 2? If a migration to Sharepoint is under way, can you disclose the name of the contractor carrying out this migration and the contract under which this activity is performed?

Answer 13:

As stated in Annex A.1 - Technical Specifications, the Plone technology is not required for Lot 2. In case a migration is necessary, further information will be provided during the implementation of the framework contract.

Question 14:

On Page 11 Point b you request that:

"The list of the principal services shall be accompanied by certificates of satisfactory performance and completion of the services."

Given that in some cases clients such as the EU Agencies and European Commission do not provide such documents, would the provision of invoices as evidence of the completion of the service suffice?

Answer 14:

In case certificates of satisfactory performance and completion of the services are not available, the tenderer can prove the completion of the services by any other available means, like copies of the contracts plus the invoices corresponding to final payments, certificates of acceptance of the tasks completed or deliverables provided, etc.

**Question 15:**

On Page 11 Point b you request that the tenderer should provide:

A list of the principal services provided and supplies delivered in the past three (3) years, with the sums, dates and recipients.

Could you please specify the exact time frame that you require for the three years ie 01/2010 - 04/2013? Also, does this time frame refer to the start date of the project or its end date?

Answer 15:

The tenderer shall present a list with services delivered in the past three (3) years counting from the deadline for submission of tenders (04/04/2013), backwards. To meet the minimum selection criteria, the tenderer must provide evidence of having completed at least three projects in the last three years. The end date of the project will be considered in order to meet this criterion.

Question 16:

On Page 11 Point b you request that the tenderer should provide at least 3 projects that amount to 50,000 Euros. Can you please clarify if one project that is broken down into multiple specific contracts qualifies?.

Answer 16:

Yes, provided that the project carried out in the specific contract meets the requirements mentioned under Section 17.2.2 b).

Question 17:

Regarding Annex B - General Conditions for Service Framework Contracts, clause 2.3.5, please clarify the following aspects:

- a) Is the "insurance policy against risks and damage relating to the performance of the FWC if required by the relevant applicable legislation" a Professional Indemnity Insurance policy?
- b) Is this insurance policy mandatory for the entire frame contract or for specific orders only?
- c) Can the policy be concluded by the tenderer after award of the contract?
- d) Can the policy be signed and governed by the national legislation where the contractor and the insurer have their headquarters?
- e) What is the foreseen amount covered by this policy? Should it cover 3x the value of each specific order, as mentioned in chapter "2.3 Liability", paragraph 2.3.3?

**Answer 17:**

- a) Yes
- b) In principle, each specific contract should be covered by an insurance policy against risks and damage for a value not exceeding three times the total amount of the relevant contract. Therefore, it is up to the contractor to determine with its insurance company the best economic approach for covering its liability during the lifetime of the framework contract, having due regard to the principle mentioned above and the lack of protection for legitimate expectations under the framework contract to receive the overall volume of this contract for the four years as forecast by the Agency.
- c) The insurance policy should be available once the contract is signed with the successful tenderer and before the commencement of the services.
- d) Yes
- e) See answer b).

Question 18:

On section 23 of the Tender Specifications you request the tenderer to describe in its technical proposal in relation to Lot 2 – Quoted Times and Means request for services proposal: *“The methodology and approach to be used to take over the application to perform the requested activities”*.

Could you please confirm that take over in this context refers to: taking over the application from the existing contractor.

Answer 18:

The take-over mentioned above can be both from the current contractor and from the contracting authority.