

QUESTIONS AND ANSWERS

INVITATION TO TENDER NO. ACER/OP/DO/03/2014

Provision of maintenance and development services for the websites of the Agency for the Cooperation of Energy Regulators

Contract notice: OJEU S 2014/S 137-245114 of 19/07/2014
Corrigendum N° 1: OJEU S 2014/S 172-304204 of 09/09/2014

Last update: 26/09/2014

Question 1:

To the best of our understanding the electronic version downloaded is considered to be the only official one and no paper version and/or additional CD-ROM is dispatched for this call.

Answer 1:

As stated in the contract notice published in the OJ/S S137 on 19/07/2014 tender documents are available on the Agency's website at the following address: http://www.acer.europa.eu/The_agency/Public_Procurement/Pages/Open-calls.aspx
Tenderers can download the tender documents and eventually any additional documents and information from this website. No paper version and/or additional CD-ROM will be sent to tenderers.

Questions 2:

In the Tender Specifications, page 16, Section 19.3 (Technical and professional capacity) is stated: "*Minimum level of qualifications for the expert in the domain of web design activities: - at least three (3) years' professional experience covering the following fields: website design, usability, ergonomicity web interfaces, web interfaces on mobile devices, design imaging, web design, animation, multimedia design, content management, multimedia programming and technology etc.;*".

- a) Our understanding is that tenderers may present more than one CVs of *experts in the domain of web design activities*. One expert does not need to cover all the above fields. Please confirm.
- b) For the profile of "expert in the domain of web development" it is stated that half of the fields need to be covered. How many fields should be covered by the CVs in total? In particular, how many fields should be covered by the "expert in the domain of web system administration"?
- c) We understand that the 3-year professional experience is the minimum total experience in the area required by each expert. The expert does not need to have 3 years of experience in each of the fields s/he covers. For example, an expert with 2 years of experience in website design and 2 years of experience in animation is acceptable. Please confirm.

Answers 2:

- a) The expected minimum level of qualifications for the various domains (e.g., the domain of web design activities) should be met by the expert as proposed by the tenderer for the relevant domain. The requirements for a particular domain are not allowed to be fulfilled jointly by the team.
- b) The tenderer must provide CVs covering at least half of the fields of “expert in the domain of web development”. The Agency has no specific preference in the fields covered by the expert provided they cover at least half of the fields requested in the Tender specifications.
- c) The experts need to have at least three (3) years total professional activity in the fields mentioned in the profile description.

Question 3:

In the Tender specifications, page 16, Section 19.3 is stated: *“Evidence that the tenderer has provided the services as requested in this tender for the total amount of at least EUR 400,000.00 in 2012 and 2013 combined;”*

Please clarify what you expect as evidence (e.g. a statement, invoices, list of services including service description).

Answer 3:

As an evidence requested under Section 19.3 of the Tender specifications the tenderer has to provide a signed and dated statement with the list of the services as requested in the Tender specifications provided for the total amount of at least EUR 400,000.00 in 2012 and 2013 combined or other documents (i.e. invoices) clearly demonstrating that the tenderer provided the services as requested for the total amount of at least EUR 400,000.00 in 2012 and 2013 combined.

Questions 4:

In the Tender specifications, page 20, Section 21.2 the table presenting the man/day costs refers to the “Expert in the domain of web system maintenance and support” profile not included in the description of the profiles (section 19.3).

- a) Is this a new profile (requiring extra CVs)?
- b) We understand that this profile can be covered by the “Expert in the domain of web development”. Please confirm.

Answers 4:

Inclusion of the “Expert in the domain of web maintenance and support” in the Section 21.2 of the Tender specifications is a clerical error.

This profile cannot be covered by any other listed profiles.

Questions 5:

In the Tender specifications, page 9, Section 11.1 is stated: *“...In particular, tenderers should take note of the provisions on safeguarding employees' rights in the event of a change of employer as a result of a legal transfer.”*

- a) How many persons actually provide the service? What is the type of their employment contract?
- b) Please provide a list of the persons that the new contractor should continue employing according to national employment laws and their current remuneration (including all the benefits and employer costs, e.g. for social security).

Answers 5:

As stated in the Section 11.1 of the Tender specifications the tenderer's offer must be established in conformity with the applicable national and European employment legislation regarding the transfer of undertakings, and specifically Directive 2001/23/EC¹ and its national implementing measures. In particular, tenderers should take note of the provisions on safeguarding employees' rights in the event of a change of employer as a result of a legal transfer.

Questions 6:

In the Tender specifications, page 10, Section 12.1 is stated: *»The principal place of performance of specific contract(s) shall depend on the nature of each specific contract and shall be indicated in the relevant request for services (the place may either be at the Agency's premises in Ljubljana, Slovenia or at the Contractor's premises).»*

In connection with the Tender specifications, page 20, Section 21.2:

- a) Will you allow a VPON connection to the systems?
- b) How many of the days under the column QUANTITY of the table of page 20 are expected to be provided at the Agency's premises?
- c) For tenderers not established in Slovenia the man/day cost varies significantly depending on whether services are to be delivered at the Agency's premises or at the Contractor's premises. To allow a fair pricing without hidden risks for tenderers please consider splitting column D of the table in page 20 (Cost per unit in EUR) in two: "Unit cost at the Contractor's premises" and "Unit cost at the Agency's premises". Column E (Quantity) should be split accordingly in days at the Contractor's premises and days at the Tenderer's premises.

Answers 6:

- a) If VPON is meant to be Virtual Private Network (VPN), the Agency may allow the use of VPN to the selected contractor for connecting with the Agency.
- b) The provision of maintenance and development services for the websites of the Agency will be subject to a framework contract which will be performed through specific contracts. The principal place of performance of specific contract(s) shall depend on the nature of each specific contract and shall be indicated in the relevant request for services (the place may either be at the Agency's premises in Ljubljana, Slovenia or at the Contractor's premises).
- c) As indicated in the table on page 20 of the Tender specifications the unit prices quoted shall include all services as described in Section 5 of the Tender specifications, including any travel and/or subsistence expenses, and shall specify the cost of man/day per experts. The principal place of performance of the FWC) shall be at the Contractor's premises (working inside the country - WIC). In cases, where the performance of a

¹ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or part of undertakings or businesses, OJ L 82 of 22.03.2001, p. 16.

specific contract shall take place outside the country where the Contractor's premises are located, this shall be considered as working outside the country – WOC.

Also as stated in the Section 21.2 of the Tender specifications the prices stated in the financial offer (Annex II to the invitation to tender) should include all necessary man-hours, technical equipment as well as deliverables needed to perform the tasks.

CORRIGENDUM to ANSWER 6/c:

The Agency is currently preparing a corrigendum to the answer no. 6/c. The answer no. 6/c, as published, should therefore not be taken into account by the tenderers.

ADDITIONAL INFORMATION N° 1 TO TENDERERS:

The Agency shall publish a corrigendum to the contract notice and the tender documentation in the coming days. The corrigendum shall relate to the issues raised by questions no. 4 and no. 6/c.

ADDITIONAL INFORMATION N° 2 TO TENDERERS:

Due to reasons beyond the Agency's responsibility the Agency shall publish a second corrigendum related to the tender documentation in the coming days. The corrigendum shall relate to the issues raised by questions no. 4 and no. 6/c.

Question 7:

In the Invitation to tender page 2, Section 3, it is stated that the tenders must be placed in two sealed envelopes. The inner envelope must also contain two sealed envelopes, one containing the technical tender and the other the financial offer.

Where to include all the forms/documents, which are part of the selection criteria (Professional capacity, Financial and economic capacity, Technical capacity)? Are these documents part of the technical tender or are they independent part and we can put them apart from technical and financial offer (they would be inside the inner envelope)?

Answer 7:

A tender shall be submitted in one original and two copies in English language. Each envelope shall contain the technical tender and the financial offer, clearly indicating the content ("Technical" and "Financial").

The following documents should be placed in the envelope containing the technical tender:

- A cover letter;
- A reference table related to the exclusion and selection criteria;
- Declaration of honour on exclusion criteria and absence of conflict of interest;
- All the documents relating to the selection criteria listed in Section 19 of the tender specifications, namely professional capacity, financial and economic capacity and technical capacity;
- The technical tender, as described in Section 20 of the tender specifications.

The above mentioned envelope must be clearly marked with "Technical".