

## Open Tender Clarification no. 2

European Banking Authority Tender: Supply of Interim Staff for General Administration EBA/2013/003/OPS/SER/OP

Date: 14<sup>th</sup> March 2013

No.	Questions	EBA Response
1	Is TUPE included, if so do you want this included within pricing.	TUPE is not included.  The agreements related to the current interim staff are for a definite period of time and will run until the new interim staff agency is selected and the contract is signed. EBA cannot predict if the existing interim staff will be interested to continue working for the EBA under the new supplier/interim staff agency conditions.
2	Within Annex I under 'Service recording and invoicing' EBA make reference to monthly time recording. It is normal practice for PAYE engaged interim staff to record, agree and submit time sheets on a weekly basis and to be paid on a weekly basis accordingly. Monthly pay is only normally used for day rate contractors with a Limited Company status. Can EBA confirm if weekly time recording and payment of interim staff is an option under any resulting contract?	EBA can confirm the monthly time recording and payment, weekly payment is <u>not</u> an option.

3	<p>Within Annex I under 'Price Revision' there is no provision for changes in pricing required due to changes in statutory legislation. Can EBA confirm that such alterations enforced through legislation, i.e. an increase in NI, statutory holiday allowances, etc. would be able to be reflected in pricing at time of change throughout the contract life?</p>	<p>According to the Tender Specifications B.4 The content of the financial offer: The prices proposed by tenderers in their financial proposals shall be applicable to the tenderers for the execution of the framework contract, should they be awarded the contract. The prices in the financial proposal shall be fixed and not subject to revision <u>during the first year</u> of duration of the framework contract.</p> <p>As specified in the Tender Specifications: <b>During and throughout implementation of the framework contract, the Staff Agency will be responsible for ensuring that when it provides interim staff to EBA, the employment of such interim staff by EBA complies in full with all current UK law relating to the employment of temporary workers.</b></p> <p>From the beginning of the second year of performance of the Framework Contract, prices may be revised upwards or downwards each year, where such revision is requested by one of the contracting parties by notice served no later than three months before the anniversary of the date on which the contract became effective, please refer to Tender Specifications (Contract Prices and Price Revision) and Framework Contract (Article I.3) regarding price revision.</p> <p>EBA anticipates paying the interim staff rates which are comparable to rates of EBA's contract agents in similar positions. Please consult the EBA Calendar available on EBA's website to verify EBA's Public Holidays.</p>
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4	<p>We cannot find any reference to EBA's stance on the Agency Worker Regulations. Are EBA currently operating parity for PAYE interims? If so are you able to provide the applicable pay rates for purposes of accurate and workable pricing in Annex IV? If you are using parity any service provider would be required to mirror pay rates with comparable permanent EBA staff. This will obviously have a considerable effect on resulting on costs and consequently charge rates.</p>	<p>EBA can confirm that it is currently operating parity for PAYE interims. The rates currently paid to the current interim staff are based on the basic salaries of contract agents in similar positions at the EBA.</p> <p>Regarding the rates and leave entitlements please refer to the rules laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (Title IV Contract Staff, Conditions of Employment of Other Servants of the European Economic Community) available on EBA's website.</p> <p><a href="http://www.ecdc.europa.eu/en/aboutus/jobs/Documents/2007_StaffRegulations.pdf">http://www.ecdc.europa.eu/en/aboutus/jobs/Documents/2007_StaffRegulations.pdf</a></p> <p>Please see below the list of function groups attributable to the job profiles which are included in the Tender Specifications and Costing Sheet.</p> <table data-bbox="1070 715 1579 989"> <tr> <td>Receptionists</td> <td>FG II</td> </tr> <tr> <td>Event coordinator</td> <td>FG III</td> </tr> <tr> <td>HR Assistant</td> <td>FG III</td> </tr> <tr> <td>Admin. assistant</td> <td>FG III</td> </tr> <tr> <td>Secretary</td> <td>FG III</td> </tr> <tr> <td>Finance assistant</td> <td>FG IV</td> </tr> <tr> <td>Communications assistant</td> <td>FG IV</td> </tr> </table> <p>The volume of the contract has been calculated accordingly taking into account the above and the recruitment agency potential margin.</p>	Receptionists	FG II	Event coordinator	FG III	HR Assistant	FG III	Admin. assistant	FG III	Secretary	FG III	Finance assistant	FG IV	Communications assistant	FG IV
Receptionists	FG II															
Event coordinator	FG III															
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Secretary	FG III															
Finance assistant	FG IV															
Communications assistant	FG IV															

5	<p>Having reviewed the proposed Terms and Conditions supplied by EBA our lawyers have raised some comments that we will need to submit along with our response. As there is no where formally to do this within the response structure are we able to add in a contractual comments section?</p>	<p>Yes. Please refer to Tender Specifications B.2.5. “Important Note Submission of a tender implies acceptance of all the terms and conditions set out in this Invitation to Tender and in the model contract and waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.</p> <p>Minor modifications to the model contract <u>may</u> be accepted.”</p>
6	<p>We are asked to quote in GBP but in Annex VIII it talks about the price for specific contract being in EUR (as per extract below). We also see that on page 15 of Annex I the following statement is given...<i>Please note that EBA is using the official exchange rate published on the European Commission web site for the month of tender deadline (in case of the tender for supply of interim staff for general administration it will be April exchange rate).</i> From this are we to surmise that you want our price to be effected by ongoing fluctuations in the GBP : EUR exchange rate, i.e. we price in GBP and that price is transposed into a fixed EUR price that then holds fast for the governing contract?</p>	<p>No. Please see corrigenda issued on 7<sup>th</sup> March 2013.</p> <p>Tenderers must submit their prices in GBP. EBA will pay invoices in GBP.</p>
7	<p>How many temps do you currently have in place?</p>	<p>Please refer to Clarifications no 1- question 12.</p>
8	<p>Please could you outline the purpose and benefits of the Public Opening Session?</p>	<p>The purpose of the tender opening session is to verify that the submitted tenders are complete and in order.</p> <p>The tender opening session is a formal and public process. The Evaluation Committee opens the tenders in public at the place and time specified in the tender dossier and the contract notice. Please note that the participation in the tender opening session is restricted to one representative of the companies that are tendering for the contract.</p>

9	Please could you specify the corresponding placements per role to projected spend?	<p>We cannot specify the number of placements per role as this depends on the actual need.</p> <p>We estimated the annual number of hours for each role which may be spent by one placement for the full year or by more than one placement for a shorter period of time always depending on the actual need.</p>
10	How will recruitment for permanent staff at EBA be handled? Will there be scope for this sole supplier agreement to cover that?	<p>The recruitment for permanent staff at EBA is handled and managed exclusively by EBA itself therefore it is outside of the scope of the contract for the interim staff.</p>
11	We are aware that a similar tender exercise was conducted by EBA within the last six months, but for the provision of IT and General Administration recruitment services combined. Could you confirm the outcome of the previous tender?	<p>The tender for the provision of IT and General Administration was divided into <u>two</u> lots; Lot 1 was completed successfully however Lot 2 failed and is now relaunched as a new open procedure.</p>
12	Can you confirm if there is a maximum number of staff agencies to be appointed to the Framework following this tender exercise?	<p>According to Tender Specifications B.2.1 EBA wishes to conclude a framework service contract with a single economic operator.</p>

13	<p>Invitation Letter_point 2 - we are submitting our tender response in English, so could you confirm if only two hard copies are required?</p>	<p>For the technical proposal EBA requires one signed original and two copies, all in paper form.</p> <p>Please refer to Tender Specifications C.4. How to package your tender. According to Tender Specifications: Tenders must be submitted using the double envelope system – i.e. one outer envelope and one inner envelope - in order to guarantee the confidentiality and integrity of data.</p> <p>If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape.</p> <p>The inner envelope shall contain three envelopes properly marked, as follows:</p> <ul style="list-style-type: none"> <li>• Envelope A containing the Administrative documentation</li> <li>• Envelope B containing <u>one signed original</u> of the Technical Proposal <u>with two copies</u></li> <li>• Envelope C containing one signed original of the Financial proposal</li> </ul>
14	<p>Annex 1_page 13_bullet point F - due to the profile of the interim staff required, are staff agencies able to process and pay timesheets on a weekly basis? We note and confirm our adherence to the requirement for monthly invoicing, but believe that running weekly payroll for the interim staff is essential to ensure fulfilment and retention.</p>	<p>EBA anticipates paying invoices monthly.</p>
15	<p>Annex 1_page 14_”Service recording and invoicing” - can you confirm if the attendance sheet (timesheet) detailed here can be provided by the staff agency? We propose to use our proprietary online timesheet system to ensure accuracy and efficiency,</p>	<p>EBA confirms that the timesheet can be provided by the staff agency.</p>

16	<p>Reading through the specification and tender documentation we note your minimum requirement for ISO accreditation. We have this in one part of our business – logistics – but not across our whole business. We have an internal Quality Assurance policy that works to the principles of ISO but would not be in a position to provide you with ISO certification across our business. Is this going to preclude us from tendering for this business?</p>	<p>EBA can confirm that the minimum requirement for the selection criteria is ISO 9001 certificate, if the tender does not have such certificate it will be excluded from further tendering process.</p>
17	<p>At any time what is the average population of temp workers, can you split this by different job types please?</p>	<p>Please also refer to Clarifications no 1- question 12. The population of interim staff depends on the actual need of the agency.</p>
18	<p>Please could you clarify your annual spend for the resources in scope of this recruitment project. We understand that the maximum value of the contract is GBP £2,500,000, and whilst we do of course appreciate that this is a maximum value, it does not seem to correlate with the breakdown of interim staffing numbers cited within your clarification questions:</p> <p>Q: At any time what is the average population of temp workers, can you split this by different job types please?</p> <p>A: So far the largest population of interim staff was for finance assistant jobs (4 intercoms in the course of the year during peak periods and 1 covering for maternity leave), secretaries (2 interims covering for the periods between recruitment and taking up duty of the recruited staff, 1 interim covering maternity leave), event coordinator/receptionist (1 interim on long term basis), communication officer (1 interim covering during annual leave and peak period)</p>	<p>The estimated annual spend for the resources within this project is £ 625,000.</p> <p>The interim staff population at the EBA since its establishment has been limited by the absence of any contractual arrangement and procurement procedure compliant with EBA public procurement rules. So far the interims have been recruited on an exceptional basis due to the fact that the EBA did not run a proper tender procedure and therefore EBA has been holding back the recruitment of interims despite the existing need.</p> <p>.</p>