



Procurement Procedure for Supply of Interim Staff for IT and General Administration Ref. EBA/2012/018/OPS/IT/RT

Clarifications 2
Date 29th August 2012

No.	Document Reference	Question	EBA Response
1.	PQQ/Contract Notice	Can you consider an alternative to the notary or oath option? It seems other agencies are also seeking clarification on this. We have taken legal advice from the REC and understand that we are not legally obligated to provide such a formal declaration; we have not previously been asked for this information and there would be considerable cost in contacting a public notary. Can you consider a certificate of good standing from Company House?	No. A certificate of good standing from Company House does not provide information relating to all exclusion criteria listed in 3.4 of the PQQ.
2.	PQQ/Contract Notice	We would like to know how many other contracting authorities.	There are two contracting authorities The tender procedure should result in specific contracts with EBA in London and EIOPA in Frankfurt am Main.
3.	PQQ/Contract Notice	<p>As proof to points 3.4.1 to 3.4.10 in the PQQ we are looking to provide Statutory Declaration that is going to be signed in front of local solicitor who is also a Commissioner for Oaths.</p> <p>I have been authorised to sign on behalf our company. Can you confirm if this is acceptable or does Declaration need to be signed by person at Director level?</p>	Signature should be by a company director <u>or</u> any person with powers of representation or control in relation to the applicant.
4.	PQQ/Contract Notice	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.	The electronic version under http://www.eba.europa.eu/Aboutus/Procurement/Current-calls-for-tender-60000.aspx is the official version and no paper version or additional CD-ROM is dispatched for this PQQ.

5.	PQQ/Contract Notice	<p>Can you provide further clarification regarding 3.4.1 – 3.4.10?</p> <p>The company has answered No to all these questions, are we still required to provide a signed statement from a public notary.</p>	<p>Yes. The required proof for legal and natural persons and public entities from the UK is a declaration on oath from a public notary or commissioner for oaths. Therefore the Declaration upon honour (Section 3.4 of the PQQ) must be made before a public notary or commissioner for oaths. It must be completed, dated and signed by the applicant. It must be witnessed, signed and dated by a public notary or commissioner for oaths. The name and address of the public notary or commissioner for oaths should be included.</p>
6.	PQQ/Contract Notice	<p>You have stated an estimated total value range of purchases of 5,000,000 – 6, 145, 000 EUR per annum across Lot 1 (IT) and Lot 2 (General Administration staff) over the duration of the framework. Is there an estimated regional breakdown of expected volume of and/or value of purchases for work based in the UK (EBA) and Germany (EIOPA)?</p>	<p>Following the assessment of the PQQ, the EBA and EIOPA will invite eligible and qualified companies to submit a tender. The detailed resource specifications and other relevant information will be provided to the eligible, qualified companies.</p>
7.	PQQ/Contract Notice	<p>You have requested proof of authorisation to perform the contract under national law (UK and German law). Will you accept a bid from a supplier that is based in 1 country (i.e. UK) that also has the capability to supply interim staff to other countries?</p>	<p>A supplier that is based in 1 country (i.e. UK) that also has the capability to supply interim staff to other countries may apply.</p> <p>All applicants must however have the authorisation to perform the contracts under national law (i.e. UK and German law).</p> <p>The base of the supplier is considered independent of the abovementioned authorisation to perform the contract under national law.</p>
8.	PQQ/Contract Notice	<p>Will you accept a bid from a supplier for only 1 lot in only 1 country?</p>	<p>No, we will not accept a bid for only 1 country, regardless of the lot.</p>
9.	PQQ/Contract Notice	<p>Please would you be able to clarify for me whether a statement on company letterhead</p>	<p>No. A statement on company letterhead signed by the company solicitor would not meet the requirements of the</p>

signed by the company solicitor will meet the requirements of the mandatory documentation requirement below?

Mandatory supporting documentation to be provided in support of above responses:

Proof	Mandatory documentation required
A	Proof regarding situations mentioned in points 3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.4.5, 3.4.6 and 3.4.9 in the form of a recent extract from the judicial record, or failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are satisfied. The extract(s) or equivalent documentation must be the most recent available.
B	The Tendering Authority will accept a recent certificate issued by the competent authority of the country concerned as satisfactory evidence that the Applicant is

mandatory documentation requirement. The required documentation for legal and natural persons and public entities from the UK is a declaration on oath from a public notary or commissioner for oaths. Therefore the Declaration upon honour (Section 3.4 of the PQQ) must be made before a public notary or commissioner for oaths. It must be completed, dated and signed by the applicant. It must be witnessed, signed and dated by a public notary or commissioner for oaths. The name and address of the public notary or commissioner for oaths should be included.

		<p>not in the situation mentioned in the point 3.4.8 above. The certificate must be dated less than four months before the final date for submission of this PQQ.</p>	
		<p>C Where no such certificates or documents are issued in the country concerned, they may be replaced by a sworn or a solemn statement made by the Applicant before a judicial or administrative authority, a notary or a qualified professional body in the country of origin of provenance.</p>	
10.	PQQ/Contract Notice	<p>With regards to the submission of the PQQ, it mentions that one copy of all documents is to be supplied on CD-ROM, this can be accommodated, however would USB Memory Sticks be an acceptable alternative?</p>	<p>No, USB Memory Sticks are not an acceptable alternative. A CD-R or a DVD-R needs to be supplied.</p>
11.	PQQ/Contract Notice	<p>Point number 2 in the answer regarding the mandatory supporting documentation for questions 3.4.1 - 3.4.10 is one that we have not been requested to provide with any other previous tender to my knowledge.</p> <p>The cost of providing a sworn oath from a notary or commissioner of oaths will cost somewhere in the region of £300-£500 to</p>	<p>It is confirmed that the acceptable proof for legal and natural persons and public entities from the UK is a declaration on oath from a public notary or commissioner for oaths. It is confirmed that declarations counter-signed by company secretaries, auditors or accountants are not acceptable.</p>

		<p>us, rather than providing our normal auditor guarantee.</p> <p>Can I please re-confirm that this is an absolute essential requirement for all companies wishing to proceed with this PQQ?</p>	
12	PQQ/Contract Notice	<p>Contract Notice, Section III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers, page 4/6 - <i>"It must be completed and returned with the requested supporting documents no later than <u>5.9.2012 (12.00), BST</u> to the address given in point I.1"</i></p> <p>and</p> <p>Contract Notice, Section IV.3.4) Time limit for receipt of tenders or requests to participate, page 5/6 - <i>"<u>7.9.12 - 12:00</u>"</i></p> <p>and</p> <p>Pre-Qualification Questionnaire (PQQ), Important note to applicants, page 03/028, <i>"Responses (one signed original PQQ, supporting documents and one copy of all documents on CD-ROM) must arrive, marked as instructed in point 2 of this PQQ, to the address indicated, no later than the following time and date for cases of hand delivery: <u>12.00pm BST on Friday 7th September 2012</u>"</i></p> <p>Questions:</p> <p>a) Our understanding is that the time limit for receipt of tenders is Friday 7th September 2012 - 12:00 pm. Please confirm.</p> <p>b) We further understand that in case of submission by registered post or by</p>	<p>a) The deadline for the receipt of tenders is <u>12:00pm BST on Friday 7th September 2012.</u></p> <p>b) It is clarified that in case of submission by registered post or by courier service, EBA will accept responses dispatched no later than the date and time indicated above. The postmark or the date of the deposit slip with the courier service will serve as proof of dispatch.</p>

		<p>courier service, the postmark or the date of the deposit slip with the courier service will serve as proof of dispatch. In this case, the time (12:00 pm) limit does not apply. Please confirm.</p>	
13	PQQ/Contract Notice	<p>Pre-Qualification Questionnaire (PQQ), Selection criteria: professional and technical capacity, Section 3.7.4, <i>“Quality assurance: Please provide details of any quality assurance accreditation the applicant currently holds, any accreditations applied for and their current status. The following is the minimum requirement: ISO 9001”</i></p> <p>Questions:</p> <p>a) Our understanding is that in case of consortia it is sufficient for one consortium member to present an ISO 9001 certificate. Please confirm.</p> <p>b) We further understand that subcontractors need not have a quality certification. Please confirm.</p>	<p>a) In case of consortia all members need to have ISO 9001 certification.</p> <p>b) Subcontractors which are staff agencies need to have ISO 9001 certification.</p>
14	PQQ/Contract Notice	<p>Pre-Qualification Questionnaire (PQQ), Selection criteria: professional and technical capacity, Section 3.7.3, <i>“Past work references: The applicant must have as references <u>at least</u> 2 contracts similar in scope (as described in Sections 1 and 3.3.) and value to that of this contract in the past 3 years (2009, 2010, 2011).”</i></p> <p>and</p> <p>Pre-Qualification Questionnaire (PQQ), Section 3.3, page 01/028 - LOT-1: IT Profiles... LOT-2: General administration profiles.</p>	<p>a) The reference contracts must be similar in scope and value. The reference contracts do not need to be identical in scope and value.</p> <p>b) No. Two reference contracts are required.</p> <p>c) Yes. Two reference contracts are required.</p> <p>d) Yes. There is no template for the description of the reference contracts. Only the one A4 page limit per reference contract applies.</p>

		<p>and</p> <p>Pre-Qualification Questionnaire (PQQ), Section 3.7, Selection criteria: professional and technical capacity, page 024/028, <i>“If more than 20 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates will be re-examined to identify the 20 best applications for the tender procedure. The only factor which will be taken into consideration during the re-examination is the value of <u>the two reference contracts</u> i.e. the 20 candidates with the highest value shall be invited to tender.”</i></p> <p>Questions:</p> <ul style="list-style-type: none"> a) Our understanding is that the scope of the reference contracts is the provision of IT Staff, not necessarily covering all the profiles listed in Section 3.3 of the Questionnaire (for each lot). Please confirm our understanding or provide clarifications. b) If more than two reference contracts are provided, will these have an effect on the ranking of the application? c) Is there a maximum number of reference contracts that Tenderers may present? d) Our understanding is that there is no particular template for the description of reference contracts. Only the one A4 page limit per reference contract applies. Please confirm. 	
15	PQQ/ Contract Notice	Pre-Qualification Questionnaire (PQQ), Section 2. About this PQQ, page 06/028 <i>“Applicants</i>	Yes, it is confirmed. Please consider the reference as Section 3.9.

		<p>should make use of the checklist given in Section 8 to ensure that their PQQ is complete"</p> <p>Questions: Our understanding is "Section 8" should be replaced by "Section 3.9". Please confirm.</p>	
16	PQQ/ Contract Notice	<p>Pre-Qualification Questionnaire (PQQ), Section 3.2 Organisational Information, "Where a joint application is proposed, please present this information together with a registered office address and registration number for each member individually".</p> <p>Pre-Qualification Questionnaire (PQQ), Section 3.5 Insurance, "Where a joint application is proposed, please present the information for each member individually".</p> <p>Questions: Our understanding is that information requested under Sections 3.2 and 3.5 should be provided only for members of joint offers and not for subcontractors. Please confirm.</p>	Information requested under Sections 3.2 and 3.5 should be provided for individual applicants, members of joint offers.
17	PQQ/Contract Notice	<p>Pre-Qualification Questionnaire (PQQ), Important note to applicants, page 03/028, "Responses (one signed original PQQ, supporting documents and one copy of all documents on CD-ROM) must arrive, marked as instructed in point 2 of this PQQ, to the address indicated, no later than the following time and date for cases of hand delivery..."</p> <p>Questions: Could you please specify if every page should be signed or initialled or signature is necessary on selected pages only (cover letter, forms, and</p>	Signature is necessary on selected pages only (e.g. cover letter, forms, declarations, specific annexes, signature page).

		specific annexes)?	
18	PQQ/Contract Notice	<p>Pre-Qualification Questionnaire (PQQ), Section 2. About this PQQ, page 05/028, <i>“Responses must be entered onto this template. No other form is acceptable”</i></p> <p>And</p> <p>Pre-Qualification Questionnaire (PQQ), Section 3.9 Enclosures, page 026/028, <i>“Applicants should check and tick box that the following documents are enclosed with the completed PQQ. Please also note that supporting documents should be marked clearly with the question number to which they apply.”</i></p> <p>Questions: <i>Our understanding is that tenderers are allowed to make external references to additional annexed information or documents (apart from those mentioned in the Enclosures List). Please confirm.</i></p>	It is confirmed.
19	PQQ/Contract Notice	To clarify, you say “EBA and EIOPA will sign separate contracts with the selected Staff Agency”, therefore can we bid for this tender for the supply of EBA only and therefore UK only?	No, we will not accept a bid for only 1 country, regardless of the lot.
20	PQQ/Contract Notice	We wish to clarify the documentation requirements of question 3.4.1. We dispose of a district court document confirming that no insolvency proceedings, bankruptcy proceedings or composition proceedings have been instituted. The document is in German. Will this document be accepted as Proof A? If that is not the case, what must be stated as Proof C? In Germany, it is common for public customers to accept self-certifications without involvement of a public notary. Will such a self-certification be	A district court document in German (or a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are satisfied) will be accepted as Proof A for point Error! Reference source not found..

		accepted?	
21	PQQ/Contract Notice	We wish to clarify the documentation requirements of question 3.4.8. We dispose of documents confirming that we regularly pay our social security contributions as well as a document confirming that we regularly pay taxes. These documents are in German. Will these documents be accepted as Proof A? If that is not the case, what must be stated as Proof C? In Germany, it is common for public customers to accept self-certifications without involvement of a public notary. Will such a self-certification be accepted?	We will accept a certificate in German issued by the competent authority of the country concerned as satisfactory evidence that the Applicant is not in the situation mentioned in the point 3.4.8. The certificate must be dated less than four months before the final date for submission of this PQQ.
22	PQQ/ Contract Notice	We wish to clarify the documentation requirements of questions 3.4.2, 3.4.3, 3.4.4, 3.4.5, 3.4.6, 3.4.7, 3.4.9 and 3.4.10. In Germany, it is common for public customers to accept self-certifications without involvement of a public notary. Will such self-certifications be accepted?	For questions 3.4.7 and 3.4.10 no proof is required. Self certifications will not be accepted.
23	PQQ/Contract Notice	As we are located in Germany, any official document, i.e. the trade register, is in German. Are we right in assuming that all documentation can be provided as original in German?	Yes.

