

Restricted Tender Procedure Clarifications No. 2**European Banking Authority Procurement Procedure:** Supply of Interim Staff for IT (Lot 1)**EBA/2014/06/OPS/SER/RT (Lot 1)****Date: 4th September 2014**

No.	Question	EBA Answer
1	What is the anticipated contract term?	The Framework Contract for the supply of interim staff is anticipated to be for a duration of one year with option to renew up to four years in total.
2	What is the anticipated start date of the contract?	The contract is expected to be signed in December 2014, from which date it would be available for use by the EBA.
3	Page 3 of the PQQ document states that during the implementation of the contract interim staff may be needed that are not listed in 3.3. Can give an indication of what these might be?	Depending on the EBA and EIOPA annual work programmes, we will need to implement IT solutions requiring the profiles we have listed under section 3.3. If a specific solution requires an <u>IT profile</u> that is not listed, we would like to have the flexibility to use this contract for such profiles also.
4	What levels of recruitment do you anticipate over the next 12 months? Are there any factors that we should be aware of that are likely to affect this?	The contract size gives an indication of the annual level of usage. However this is only indicative and shall not be binding on the EBA and should not be treated as warranty as to the potential contract value.
5	What is the motivation for setting up this framework?	The EBA and EIOPA work programmes require more interim staff than anticipated. The current Framework Contract is no longer sufficient and will soon come to an end.
6	Is this framework replacing another one? If so, how many suppliers were awarded spaces on the previous framework?	Yes, we are replacing an existing Framework Contract where we had three suppliers awarded.

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7	While information will be provided in the PQQ for each member of a joint offer, there is no question in the PQQ which explicitly asks for information on the structure of the group presenting the joint offer (leader, member, etc). Please clarify if this information is required and if so, where it should be provided in the PQQ (e.g. section 3.2)	Please provide the information on the structure of the group presenting the joint offer in section 3.2.7. You can also provide the organisational chart.
8	For a joint offer, we assume that the information in section 3.1 should relate only to the group leader; please confirm.	Information in section 3.1 relates to the group leader.
9	For a joint offer, we assume that the information on the applicant's banker in section 3.6.7 should be provided only for the group leader, not the group members; please confirm	Yes
10	We note that there is no stated requirement for a Power of Attorney document to be submitted in the case of a joint offer. Will it suffice that the group leader alone signs the PQQ, or should all group members sign the PQQ jointly?	Please note that the PQQ should be signed by any person with powers of representation, decision-making or control in relation to the applicant.
11	Annex 1, Declaration of Honour, is only provided as a PDF. In order to facilitate its completion, can the EBA provide the original MS Word version?	The PDF document has been replaced by a Word document.
12	If a group member is from a country (e.g. the UK) where the requested supporting documents to the Declaration of Honour are not issued, can the alternative "sworn or solemn statement" be provided by the member by his signature of the Declaration before a "judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance"? If not, is there a standard form of such a statement that you can provide to us?	The acceptable proof for legal and natural persons and public entities from the United Kingdom is declaration on oath from a public notary or commissioner on oaths. Declarations counter-signed by company secretaries, auditors or accountants or other similar occupations are not acceptable.

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13	<p>In question 3.2.2, we assume that "other" type means an applicant which is not one of the types mentioned in question 3.2.1 (Public Limited Company, Limited Company, Sole Trader, Partnership); also that in the context of question 3.2.2, "consortium" does not means the grouping submitting a joint offer. Please clarify</p>	<p>If the organisation is an "other" type, please clearly state the legal status of the applicant's organisation (e.g. un-incorporated association, trust, co-operative, or consortium).</p> <p>No, "consortium" does not mean the grouping submitting a joint offer.</p>
14	<p>Important notes to Applicants, page 3 of 23:</p> <p>"During performance of the framework contract the supplier will be responsible for compliance with the relevant national laws on employment of temporary workers."</p> <p>Questions</p> <p>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).</p>	<p>Further information will be provided to Tenderers who are invited to submit a bid, after receipt of their PQQ.</p>
15	<p>Annex IV – Contractor CVs:</p> <p>Question</p> <p>a) We are not certain what "Available Contractors of Applicant" means. Is this the number of qualified experts employed currently by the Applicant?</p> <p>b) We assume that "Applicant" means all the members of a joint application plus subcontractors. Please confirm.</p> <p>c) We assume that "Engaged Contractors of Applicant" means freelancers. Please confirm or explain.</p>	<p>a) The number of qualified experts which are available in the database of the applicant for immediate engagement.</p> <p>b) Yes</p> <p>c) "Engaged Contractors of Applicant" means contractors that are now under contract with the applicant and are working for a customer of the applicant.</p>

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16	<p>What documents should be submitted as regards subcontractors? A letter of intent? Other documents?</p>	<p>Yes letter of intent is sufficient. Each applicant, including subcontractors, must complete the parts relating to the exclusion criteria, economic and financial capacity. Please refer to PQQ.</p>
17	<p>We note the requirement stated in both the PQQ document and Clarification questions (22nd August) that all bidders must be ISO 9001:2008 compliant. We have a stringent Quality Management System in place but this is not yet ISO accredited.</p> <p>We would be extremely keen to participate in this tender. Has your answer on this requirement changed, or would there be a means by which we could submit a non-compliant bid for evaluation?</p> <p>Is this a standard requirement for EBA procurement i.e. will this clause prohibit us in the future for bidding on EBA contracts – framework or otherwise?</p>	<p>Please refer to question 2 of PQQ Clarifications 1 for Lot 1 (dated August 22nd) and note that our requirements have not changed.</p> <p>The EBA is procuring many products and services that have specific requirements. Before deciding on applying for a tender please review the defined requirements.</p>
18	<ol style="list-style-type: none"> 1. Is ISO compliance required for LOT 2? 2. Do you require submission of sample CV's as part of the PQQ process? 3. What is the indicative timetable for the ITT process? 	<ol style="list-style-type: none"> 1. The ISO compliance is required for the LOT1 2. The documents required are specified in the PQQ. Please follow instructions. If a document is not specifically required, you don't have to submit it. 3. As specified in the Contract Notice published by the European Commission: <ul style="list-style-type: none"> • this is a Restricted procurement procedure and we will follow the standard steps and timeline. • in section IV, the first deadline to submit requests to participate is 15/9/2014 • it is anticipated to have a contract signed early January 2015.

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19	<p>Section 3.6 refers to Economic and Financial Capacity and implies a certain turnover level must demonstrated. The implication being that a failure to demonstrate this turnover would exclude the applicant from the ITT process and consequently a direct contractual relationship for this service.</p> <p>Please may I confirm that this understanding is correct?</p>	<p>Yes, this understanding is correct.</p>
20	<p>If that understanding is correct please may I also confirm that the average minimum annual turnover threshold over the past three years you are looking for is the equivalent of EUR 43,250,000 for Lot 1; EUR 6,875,000 for Lot 2 and EUR 50,125,000 combined for both Lots?</p>	<p>Yes, these are the thresholds that must be met.</p>
21	<p>If this turnover limit does exclude a potential respondent will you be willing to pass on the details of those invited to the ITT stage to other organisations with an interest in supporting you. Albeit indirectly. The purpose of this being to facilitate engagement in a dialogue between those submitting an ITT and those excluded at the PQQ stage on the basis that an opportunity to provide support to the potential prime suppliers will exist for SME's.</p>	<p>No, the EBA cannot pass on such information at this time.</p> <p>The successful tenderers will be announced by way of the contract award notice.</p> <p>Interested parties (i.e. successful and unsuccessful tenderers) may request further information only after notification of exclusion, selection or award decisions.</p>
22	<p>Q 3.2.7: Do you want us to provide details of our organisational structure within the answer box in the PQQ document or as a separate attachment with the question number to which it applies?</p>	<p>You may describe your organisational structure within the answer box or very clearly refer to a specific annexed document(s).</p>
23	<p>Q 3.2: In addition to providing the relevant company and VAT registration numbers, do you also require copies of our Certificate of Incorporation and VAT Certificate as separate attachments?</p>	<p>Yes, please provide copy of your VAT Certificate and Certificate of Incorporation as separate attachments.</p>

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24	Q 3.7.3: Do you want us to provide details of two contract references within the answer box in the PQQ document or as a separate attachment with the question number to which it applies?	You may provide details of two contract references within the answer box or very clearly refer to a specific annexed document(s).
25	Q 3.7.4: In addition to providing details of our ISO 9001:2008 quality accreditation within the answer box in the PQQ document, including our certificate number and awarding body, do you also require a copy of our ISO 9001:2008 certificate to be provided as a separate attachment?	Yes please provide a copy of the requested ISO certificate annexed.