

Restricted Tender Procedure Clarifications No. 3

European Banking Authority Procurement Procedure: Supply of Interim Staff for IT (Lot 1)

EBA/2014/06/OPS/SER/RT (Lot 1)

Date: 12th September 2014

No.	Question	EBA Answer
1	Section 3.7.4 - This section states that the quality management system must be applicable to recruitment services. Our company has the ISO 9001:2008 standard for quality assurance and can submit proof of possession of ISO 9001:2008. However the stated scope of our ISO certificate is "Management & Technology Consulting" which includes recruitment in the external audits as we also provide interim staff. Can you please clarify if this meets the selection criteria?	As described, your ISO certificate does not meet the selection criteria, which state that it must be applicable to recruitment services.

No.	Question	EBA Answer
2	Please advise how the Declaration of Honour on Exclusion Criteria and Absence of Conflict of Interest document (3.4 Exclusion Criteria) should be completed by a company not an individual	<p>This is a fictitious example of company ABC Consulting Limited, represented by its Director, Mr B F September. It is presumed that the company is not in any situation of exclusion and has thus responded accordingly:</p> <p>Declaration upon honour The undersigned, Mr B F September, representing the following legal person:</p> <p>full official name: ABC Consulting Limited official legal form: Limited company full official address: 1a The Street, London VAT registration number: 12345</p> <p>declares that the above-mentioned legal person is not in one of the following situations:</p> <p>a) ...to j)</p> <p>Date: _____ Signature of authorised representative: _____ (Print name): Mr B F September</p> <p>Position in Company: Director, Representing (name of tenderer): ABC Consulting Limited</p> <p>Declared this day of2014 Before me Commissioner of Oaths OR Public Notary</p> <p style="text-align: right;">OFFICIAL STAMP SHOWING NAME AND ADDRESS OF COMMISSIONER OF OATHS OR PUBLIC NOTARY</p>

No.	Question	EBA Answer
3	Please can you clarify what you mean by Legal Representative (Annex II)?	By Legal Representative we mean Director or Partner of the applicant or any person with powers of representation, decision-making or control in relation to the applicant.
4	To comply with legal requirements regarding temporary workers in Germany and the UK it might be necessary to have two separate group entities signing the two framework agreements with EIOPA and EBA. Is it possible that a German entity which also acts as a lead entity signs the contract with EIOPA and its UK affiliate enters into the agreement with EBA?	The Applicant which is awarded the contract for Lot 1 needs to sign the contract with EBA and the same Applicant needs to sign the contract for Lot 1 with EIOPA.
5	Do both entities have to fulfil the selection criteria (in particular 3.6) or is it sufficient if one (the lead entity) complies?	<p>For the evaluation of the selection criteria for economic and financial capacity, where there are minimum viability standards set, an individual evaluation will take place. However a consolidated evaluation of all the members of the grouping will take place where a certain overall turnover is stipulated.</p> <p>For the evaluation of the selection criteria for technical and professional capacity, an assessment shall be made in relation to the combined capacities of all the members of the grouping as a whole.</p> <p>The award criteria will be considered in relation to the tender as a whole.</p>
6	In case not, is it possible that the lead entity or an ultimate parent entity provides a parent company guarantee?	It is possible; please refer to point 3.2.5 in the PQQ where this must be clearly stated.
7	If the foregoing is possible will both parties have to submit a PQQ or only the lead company? Can they submit a joint PQQ indicating that one party will sign a contract for the UK and one for Germany?	Please refer to the instructions in the PQQ, point 3.2. Organisational Information: "Where a joint application is proposed please present this information together with the registered office address and registration number for each member individually". Please refer further to PQQ parts relevant to joint tenders.

No.	Question	EBA Answer
8	<p>If the foregoing is not possible is it possible to enter into a three-party agreement (German and UK entity; not a consortium) with EBA to provide UK interim staff from the UK?</p>	<p>As explained in the Contract Notice, EBA's aim is to select a Tenderer who is able to provide temporary workers for Lot 1 for offices in London and Frankfurt.</p> <p>Certain operational tasks provided for in the contract may be entrusted to subcontractors, but the main contractor retains full liability towards the Agency for performance of the contract as a whole.</p> <p>If a tenderer's tender envisages subcontracting, the tender must include:</p> <ol style="list-style-type: none"> 1. a document mentioning the reasons why subcontracting is envisaged; stating clearly the name(s), address(es) and registration numbers of the proposed subcontractors in addition to the roles, activities and responsibilities of subcontractor(s), and; specifying the volume / proportion of the tender being subcontracted for each subcontractor; 2. a letter of intent by each subcontractor stating its intention to collaborate if the tenderer wins the contract, unless, in the case of works contracts, the identity of the subcontractor is unknown at the time of tendering; 3. if so requested, documents regarding the exclusion and/or selection criteria for the proposed subcontractor(s).