
Questions and Answers relating to Tender – EMEA-2008-71-PM-IT

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Questions and answers

No.	Question	Answer
1	Could you please clarify if there is a clerical error [in the Contract Notice] in the time-limit for the submission of the tenders which is set for the 11 th of July 2008? This is very short given the volume of the market is 54mio€. In addition, could we request your services to have an extension of the deadline by 4 weeks?	There was no clerical error in the Contract Notice. The original date for submission of tenders was 11 th July 2008. After due consideration, we have now extended the deadline by two weeks until Friday 25 th July 2008. It is not possible, owing to internal constraints, to extend it any further.
2	Please can you clarify exactly what formats you would like the document sent back as you have mentioned that electronic signatures are not acceptable?	We refer you to Section 5.1 on page 55 of the Invitation to Tender document, where full details are given of the required formats. Where declarations are required to be signed, the signed original should be submitted on paper and a scanned version on the electronic media (CD/DVD). No tender may be submitted by electronic mail. Any tender submitted in such a way will be immediately eliminated from the procedure.
3	When we include supporting documentation can this be in PDF format as you have specifically requested the Excel documents remain as they are.	Supporting documents may be in PDF format. The Excel response questionnaires in Annex C should not be submitted as PDF files but as Excel files.
4	Have you launched this procurement procedure previously?	EMEA has previously launched similar procurement procedures for external service providers in a number of different domains. The previous contract notices and information can be accessed through Tenders Electronic daily (www.ted.europa.eu), the website of the OJEU (Official Journal of the European Union). EMEA is now launching new procedures to replace some of the current framework contracts which are due to expire, the content of which is similar but not identical to previous procedures.
5	Are you seeking to put in a place a cascade of multiple framework contracts?	For Lots 1 to 5, we are seeking to put in place a cascade of up to three companies for each Lot. For Lot 6, the fixed price lot, we are seeking to put in place a pool of up to 10 framework contracts. Tenderers from this pool will then be invited to bid for each Specific Contract.
6	Are there current incumbents with contracts in place for the Lots in this tender?	There are framework contracts in place for Lots 1, 2 and 3. There are no framework contracts in place for Lots 4, 5 and 6.
7	Can you tell us who are the current incumbents for these contracts?	Details of contracts awarded by EMEA are available on the Tenders Electronic Daily website (www.ted.europa.eu) in the form

		of Contract Award notices.
8	I have received Annexure A to I and ITT EMEA-2008-71-PM-IT via the secure e-mail. From what I could understand, we have to submit Annexure C only as part of the tender, since the rest of the Annexure contain only information/formats. Please confirm if this is right.	Annexes A-B and D-I are provided as supplementary information to the Invitation to Tender and tenderers are advised to review these carefully, particularly Annex D, which contains draft framework contracts. Annex C contains the Response Questionnaires which tenderers are required to complete and submit as part of their response to the tender, depending on which Lots they are applying for.
9	In the Annex C Lots 1-5 Response Questionnaire in the Excel sheet "03 Financial and Economic Capacity" in question 4 is mentioned that proofs of Financial and Economic Capacity of the ultimate holding company of each member of a bidding consortium should be supplied in the response to the Call for Tenders. Is the provision of this information mandatory even if the company (member of the bidding consortium) does not indent to rely on the capacities of its parent company?	Yes.
10	In the Annex C Lots 1-5 Response Questionnaire in the Excel sheet "05 CV Template" (as well as in Annex C Response Questionnaire Curricula Vitae" for some of the cells to be completed there is a note "Insert URL reference if applicable; otherwise leave blank". Could you please clarify what is expected is a URL reference? For example, is it equivalent to a hyperlink where a document is referenced describing in more detail the experience/general characteristics of the consultant in a specific domain?	The term URL is equivalent to the term hyperlink and refers to a link to documentation in the electronic submission on CD or DVD which is provided in support of a response to a question in the Response Questionnaires. A corrected version of both Annexes will be published shortly on the EMEA website. Tenderers may decide whether or not they wish to use the new versions or continue to use the original versions.
11	Please note that in the Annex C Lots 1-5 Response Questionnaire in the Excel sheet "06 Individual skills template" (as well as in Annex C Response Questionnaire Curricula Vitae) in cell D6 is not allowed the entry of numeric values.	Cell D6 contains an empty drop-down list. This can be removed by going to the Data menu, selecting Validation, then Settings and changing the setting in the box labelled Allow to "Any value". Tenderers will then be able to enter normal figures in that cell.
12	In the Invitation to Tender document, page 6/80 it is referred that "Tenderers should be aware that the incumbent suppliers of these services currently employ significant resource in situ at EMEA's premises which includes the supplier's employees carrying out exclusive functions for EMEA. Any change of service provider may, therefore, be subject to the Transfer of Undertakings". a) Could you please specify the incumbent contractors per EMEA/2008/71/PM-IT Lot?	a) Please refer to Contract Award Notices published on the OJEU website (www.ted.europa.eu) for details of incumbent contractors. See also the answer to Q.7 above.

	b) Could you please elaborate further on the "Transfer of Undertakings" issue and its applicability to Lots 1-5?	b) The applicability of the Transfer of Undertakings to any change of service providers is a matter of general law and whilst we wish to bring to your attention that it may apply, it is not incumbent on us to advise or elaborate on its precise applicability as this is an issue which will arise between third parties (namely your organisation and that of the incumbent service provider). We would urge you to seek the guidance of your legal advisors generally.
13	In the Invitation to Tender document, page 57/80 it is referred that "A standard costing table for those lots involving time and materials and a separate table for the lot involving fixed price is included in Annex C: Response questionnaires". To our understanding Annex C: Response questionnaire for Lot 6 does not include a costing table and therefore Tenderers bidding for Lot 6 should not submit a financial offer. Could you confirm that our understanding is correct? If not could you please clear this issue out?	Your understanding is correct. No pricing is required for Lot 6.
14	In the Invitation to Tender document, page 64/80 it is referred that "d. For Lots 1 and 2 only, all prices are exclusive of expenses, which will be reimbursed ...". To our understanding Tenderers bidding for Lot 1 and/or Lot 2 should not include in their Financial Offers (i.e. Costing Tables) the expenses including accommodation (e.g. hotel) expenses, daily allowances, travel expenses, transportation expenses. Could you please confirm this?	Your understanding is correct. For Lots 1 and 2, tenderers should present prices exclusive of expenses as listed in your question. They should also complete worksheet 12 in the Lots 1-5 Response Questionnaire entitled "Lots 1 and 2 Expenses Scenario".
15	In the Invitation to Tender document, page 70/80 and in particular under the "Business Domain" section, specific requirements and explanations are provided as regards Lots 1 -5, while there is not any reference to Lot 6 requirements. a) Could you please elaborate on this issue, as in "Annex C Lot 6 Response questionnaire.xls" there is a specific sheet concerning business domain expertise (i.e. 04 06 Business Domain Expertise)?	a) The Business Domain response sheet 04 06 Business Domain Expertise relates to the Professional and Technical Capacity section of the selection criteria phase of the procedure and specifically to Q. 04.07 in worksheet 4 "Professional and Technical Capacity". The Business Domain Expertise worksheet should have been numbered 04.07 to match the question to which it relates and this will be corrected new version of the questionnaire.

	b) Regarding sheet 04 06 Business Domain Expertise, it is not clear what Tenderers should present. More specifically could you please elaborate on the following: i. Is this 04 06 Business Domain Expertise sheet cross-related to the 04 03 Project Reference sheets? For example, should Tenderers fill in one 04 06 sheet per project reference presented? ii. Should Tenderers fill in and submit one 04 06 Business Domain Expertise sheet per "Business Domain"? iii. Should Tenderers present domain related projects previously undertaken? Furthermore, should these projects be presented in separate 04 06 sheets? iv. Could you please explain (by example if possible) what unique identifier should be inserted in the "Identification Reference"? Is it related to the "Identification Reference" of the projects in worksheets 04 03? v. As regards to the "First exposure to this business domain" field, could you please specify whether Tenderers should indicate the start date of their first project implemented in this domain? If not, could you please specify what should be presented in this field? vi. Regarding the "Duration of the expertise (months)" field, could you please specify whether Tenderers should calculate and fill in the sum of the duration of all their domain related projects? If not, could you please specify what should be presented in this field? vii. As regards to the "Description" and "What was learned" fields, could you please specify whether these fields relate to all the domain related projects previously undertaken? Should Tenderers provide	i. Sheet 04 06 Business Domain Expertise relates to Q. 04.07 in sheet 04 "Professional and Technical Capacity" and should have been labeled 04 07 and not 04 06. Only one Business Domain Expertise sheet should be filled in per Lot. ii. No, one Business Domain Expertise sheet should be completed per Lot as all three business domains appear on the same sheet. iii. No, tenderers should only complete one Business Domain Expertise sheet per Lot and one reference project per domain worked in should be presented. iv. The Identification Reference in the Business Domain Expertise sheet is not linked to the Identification Reference in the Project worksheets under 04.03. Tenderers may choose their own unique Identification Reference for the Business Domain Expertise sheet and should enter this reference in Cell F21 as a cross-reference. v. Tenderers should indicate the month and year in which their organization first worked in the domain in question See the comment in cell C6 of worksheet 04 06 vi. Yes, tenderers should calculate and fill in the sum of the duration of all their domain-related projects in months. vii. The tenderer should describe one reference project in the business domain and the lessons learned from it. This need not be the first project but should be one which best represents the
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	descriptions for all projects? Or just the first project (i.e. first exposure) should be presented? Please elaborate in detail. viii. As regards to the "Number of Staff" field, could you please specify whether Tenderers should indicate number of staff (e.g. 10 staff) or number of man-months? ix. Regarding the "Reference Contact" field, could you please specify whether Tenderers should indicate the Client contact details for each of the projects presented or should the Contractor's project specific Project Officer be indicated? x. We assume that the Tender should depict exposure to all three business domains. Is our assumption correct?	tenderer's expertise in the domain. viii. Tenderers should indicate the number of staff. ix. Tenderers should provide client contact details for the project which they have entered under Description. x. If the tenderer has exposure to all three business domains, then all three should be presented. If not, then they should present the exposure to the domains in which they have experience.
16	In Annex C Lot 6 Response questionnaire.xls, and in particular in the 05 Quality of Service Deliv. sheet it is referred that "Provide, for one of the following five domains, actual documentation used in executing a recent fixed price project ...". a) Could you please specify whether Tenderers should submit actual documentation for only one of the referred five domains or for all five? b) To our understanding the actual documentation to be submitted per domain should not include all the documents listed in 05a Example Document list (e.g. one Vision document example for a previous fixed price project is sufficient). Could you please confirm this? If not, please specify the number of example documents to be submitted per domain.	a) As stated in point 05 01 in worksheet 05 Quality of Service Delivery, tenderers should submit actual documentation for one one of the five domains indicated in points 05.1.1 to 05.1.5. They should indicate under question 05.02 whether they have experience in the other domains and, if so, which ones. b) The list of documents in worksheet 05a Example Document List provides examples of the type of documentation to be provided. Tenderers should decide which documents they provide and are advised to refer for guidance to the documents mentioned in Section 6.4.1 Quality Monitoring of the Invitation to Tender.
17	In the excel file 'Annex C Lot 6 Response questionnaire.xls' worksheet '04 - Selection Prof & Technical' the cell E34 seems not to take into account all the mandatory fields to switch from 'No' to 'Yes'. Please confirm.	You are correct concerning cell E34. This is being corrected and an updated version of the Lot 6 Response Questionnaire workbook will be published on our website.

	Also there are 11 instances of the word 'mandatory' but there are 12 areas/fields in this worksheet to be completed. Could you please specify then which field is not mandatory?	The final question on this sheet relates only to Lot 6 and will be removed in the updated sheet to allow the "Yes/No" field to complete automatically. All questions on this sheet are mandatory.
18	With regards the EMEA ITT (Reference EMEA/2008/71/PM-IT), I notice that the Business Domain Award Criteria for Lot 6 carries a zero rating. Could I just confirm that Business Domain knowledge within the EMEA domain for Lot 6, as requested in questionnaire worksheet "04 06 Business Domain Expertise", does not carry any significant bearing on the overall evaluation of responses submitted?	Worksheet 04 06 Business Domain Expertise forms part of the Professional and Technical Capacity selection criteria and relates specifically to question 04 07 in worksheet 04 Professional and Technical Capacity. It should be completed for Lot 6. Business Domain expertise is not a criterion in the award phase for this Lot, which is an entirely separate phase from that of selection, and for that reasons carries a zero rating in the award criteria table.
19	In the Invitation to Tender document, page 69/80 and in particular under the "Skills Assurance" section, specific requirements and explanations are provided as regards Lots 1 -5, while there is not any reference to Lot 6 requirements. Could you please elaborate on this issue, as in "Annex C Lot 6 Response questionnaire.xls" there is a specific sheet concerning skills assurance (i.e. 06 Skills Assurance)?	The sheet "06 Skills Assurance" was inadvertently left in the workbook for Lot 6 and should have been removed. There is no need for tenderers to fill in this sheet as Skills Assurance is not an award criterion for Lot 6.
20	Invitation to Tender document page 68/80: For the award criterion "2. Skills Assurance", it is our understanding that this topic is not relevant for lot 6 as it weights 0% of the award criteria. Therefore, is it still needed for Lot 6 to fill in the sheet "06 Skills Assurance" of the Excel template "Annex C Lot 6 Response questionnaire"?	See answer to Q19 above.
21	In 05 Quality of the Service Delivery (Lot 6), and in particular under 05.5 it is requested that tenderers should "illustrate with specific examples". To our understanding the submission of one "Project Management Plan" produced for a previous fixed-price project suffices. Please confirm.	The tenderer must decide what supporting information to provide in response to questions where EMEA has not indicated specific requirements.
22	In 05 Quality of the Service Delivery (Lot 6), and in particular under 05.4 it is requested that tenderers should submit a Technical Proposal for the "system for which documentation has been provided under 05.1". a) To our understanding Tenderers should elaborate on the System's "Architecture" and "Development Plan" with the assumption that all the	a) Your understanding is correct.

	documentation of the "Specification" Phase have been provided to him. Could you please confirm that our understanding is correct? If not, could you please specify the elements and the documents which should be provided by Tenderers in response to this requirement (i.e. 05.4)? b) Further to the above, it is our understanding that Tenderer's Technical Proposal to 05.4 should not include a Financial Quotation, but only estimation of the effort allocation per available profile. Please confirm. c) Could you please specify whether Tenderers should submit also the CVs of the Project Team to be proposed for the implementation of this "05.4" System?	b) Your understanding is correct. c) If the CVs of the Project Team would normally form a part of the response to a request for services then they should be included.
23	As regards the Financial Identification Form (i.e. Annex I - Financial Identification form.pdf), we noticed that this form is slightly different from the one published on Europa (i.e. http://ec.europa.eu/budget/execution/ftiers_en.htm#en_es_fr). We understand that both forms could be used. Please confirm.	The Financial Identification Form supplied in Annex I to the Invitation to Tender is the form used by EMEA. This form and no other must therefore be used.
24	In relation to section 5.1.1 Labelling and sealing the tender, pp. 55,56/80, we understand that in the case a Tenderer is submitting an offer for more than one Lots, then the offer for each Lot should be packaged separately following the guidelines for the "outer" and "inner" envelopes specified in the above section (i.e. one separate package per Lot using the specified guidelines). Could you please confirm that our understanding is correct? Please elaborate.	The inner packaging for each Lot must be separate. The outer packaging can be separate also, but if tenderers want, for example, to package the inner envelopes for more than one Lot in a single box, then that is acceptable, provided that the sealing and labeling for both outer and inner packaging are compliant with the instructions in the Invitation to Tender.
25	Annex C Response questionnaire Curricula Vitae: Can EMEA provide examples of documentation that can be provided in support to the mandatory questions (like the question to be answered in cell D35 of sheet PM 1 (a) of the Curricula Vitae Questionnaire) ?	In Cell D35 the tenderer should indicate the competences that a candidate has which are suited to this particular role. The required competences for each role are listed in the profile specification, in the case of sheet PM1 that of Project Manager. For the time management section, tenderers may consider, for example, addressing issues such as how conflicting priorities were managed by the candidate proposed within projects.
26	Can you inform us when EMEA intends to publish the new corrected versions of the annexes on its web site?	The corrected versions of Annex C Response Questionnaire Lots 1-5 and Annex C Response Questionnaire Curricula Vitae were published on 1 July 2008. The Lot 6 questionnaire will follow shortly.

27	In section 5.2.2 Joint Offers it is said that award criteria will be considered in relation to the tender as whole, it means that each part of the consortium may present their own CVs, references... Could you please clarify in case of Subcontracting if CVs and references from subcontractors may be included as a part of the tender? As well it is not clear if the exclusion criteria and selection criteria are applicable to subcontractors. Could you please clarify it, too?	In a joint offer, the consortium or group should present the information required in response to the award criteria as a group. There is no need to present separate CVs, references etc. for each part of the group, rather a selection from across the group. References from sub-contractors may be included. Sub-contractors are not required to provide the documentation mentioned in the exclusion criteria and financial and economic selection criteria sections. The Professional and Technical selection information is required for the group and will be assessed for the group as a whole.
28	In the Annex C Lots 1-5 Response Questionnaire in the Excel sheet "Professional and Technical Capacity", Could you please clarify the following concepts: 04.8. What do you understand as policy on account management? 04.9. What do you understand as policy on operational support? 04.10. What do you understand as test its charges in the marketplace? Could you please give a brief description of what is expected to be answered in this 3 point?	For a general definition of EMEA's understanding of what constitutes a policy, see the answer to Q. 55 i) 2.below. 04.8 Account management is understood to be the management of customer relationships. 04.9 Operational support is understood to be the ongoing support given by the contractor to its staff working on EMEA premises, from both the administrative and technical points of view. 04.10 Testing charges in the marketplace is understood to be the benchmarking of charges against those of competitors.
29	Can you please clarify whether the Lead Partner of a Group of companies will have to also complete the Worksheet of "Annex C Lots 1-5 Response Questionnaire" entitled "01b - Joint applicants" or this Partner has only to complete the Worksheet entitled "01 – Identification"?	The Lead partner of a group only needs to complete the worksheet 01 – Identification.
30	Can you please confirm that companies declared as sub-contractors do not have to complete the Worksheets of "Annex C Lots 1-5 Response Questionnaire" entitled "03 - Selection Financial" and "03b - Selection Financial"?	Companies declared as sub-contractors do not need to complete the worksheets entitled "03 – Selection Financial" and "03b – Selection Financial".
31	On worksheet 05 Quality of Service Delivery (Lot 6), questions 05-1 and 05-5, as regards the requested "actual documentation", "deliverables" and "examples", we assume that the Table of Contents and a specific number of pages of each document suffice. Please confirm. If the whole document should be submitted, please elaborate on the case where there are specific confidentiality issues restraining the disclosure	In principle the whole document should be submitted. Where confidentiality issues arise, redaction techniques should be employed.

	of the whole document.	
32	In 06 Skills Assurance.xls sheet, 06.3 question asks for Tenderer's willingness to adjust its training policy to EMEA's needs, while 06.3.1 requests from Tenderers to describe their approach for doing that. Could you please elaborate on these requirements and specify EMEA's training needs?	Periodic changes in technology may result in changes to EMEA's training requirements. Tenderers are required to confirm their willingness to adapt their training policy to the needs of EMEA and to propose their approach to a situation such as that described above.
33	06 Curriculum Vitae template What should the "Profile Reference" be? The cell comment box says: "Insert the profile identification number in the invitation to tender in respect of which this candidate is being proposed" Is this the Job specification code that has been allocated i.e. PM1, BA1, etc? If not can you please give additional detail	The profile reference should include the name of the profile i.e. Project Manager, Business Analyst etc. and/or the job specification code i.e. PM1, BA1 etc. If the tenderer wishes to add a unique identifier of its own choosing, it may do so.
34	06 Curriculum Vitae template Under "Project experience," what is the meaning of Domain 1, Domain 2, Domain 3 and Domain 4 please?	The domains refer to the list given in Note 2 at the bottom of sheet 06 Curriculum Vitae template. Up to four domains may be entered and tenderers should remove the heading [Domain 1] and replace it with the two letter code for a domain shown in the list in Note 2.
35	06 Curriculum Vitae template "Job experience" What is the meaning of "Business Domain" please in the context of Job experience?	We assume you are referring to the section entitled "Project Experience", as there is no section entitled "Job Experience". "Business Domain" in the context of "Project Experience" refers also to the list in Note 2 on the template and refers to the areas in which the individual candidate proposed has worked.
36	05 Individual skills template How do we measure length of experience please if someone has two years experience in a particular skill say 2 years ago, but nothing since then? Do we assume 24 months, the duration of the experience, or 48 months which is from the start of the experience till now	The length of the experience itself should be measured, so if the experience is of 24 months duration, that is the duration that should be entered.
37	04 03 Project references Can you please advise if we are allowed to include references from work previously undertaken within EMEA or should these be excluded?	EMEA would prefer to have references from work done outside EMEA.
38	04 06 Business Domain Expertise	Medicines information includes information related to the

	Can you please provide a definition or clarification of the “Business Domain Medicines information” and “Business Domain Regulation”	assessment, characteristics, use, effects and warnings associated with medicinal products. This list is non-exhaustive. “Business Domain Medicines Information” encompasses any area which involves work with medicines information, either in the public or private sectors. With regard to “Business Domain Regulation”, there are a number of industries and sectors that operate under the guidance and direction of a government-designated authority that lays down rules and procedures with which the regulated bodies are required to comply. Such sectors include the financial sector, aviation and the pharmaceutical sector. Experience in any such sector is relevant.
39	04 06 Business Domain Expertise “Reference contact” Can you please advise if EMEA requires a particular level of contact to liaise with as a reference or can it be someone of any level that has worked at the reference site?	The reference contact should be someone directly involved in the project and in a position of authority e.g. the person from the client side managing the project.
40	Invitation to Tender, point 5.2.2 Joint Offers, page 59/80 “Tenderers must also ensure that the documentation required under the exclusion and selection criteria sections of this invitation to tender are provided for each member of the consortium or similar entity, as well as for the main tenderer”. Question: It is our understanding that the aforementioned requirement regarding the exclusion and selection criteria does not apply to subcontractors. In such cases only the main Tenderer and not the subcontractors are required to provide the documentation related to the exclusion and selection criteria. Please confirm that our understanding is correct.	See answer to Q30 above.
41	Invitation to Tender, point 5.2.2 Joint Offers, page 59/80 and point 5.2.3 Subcontracting Question: Our understanding is that the term “Joint Offers” refers to the tenders submitted by a consortium of partners. All procedures and requirements referred in this Tender as well as in the Annex C Response to Questionnaire concerning “Joint Offers”	The term “Joint Offers” refers to tenders submitted by a number of companies working together, either in a consortium or informal grouping. This does not relate to subcontracting.

	do not apply in the case that a Tenderer intends to submit an offer using one or more subcontractors. Please confirm that our understanding is correct.	
42	Invitation to Tender, point 5.4.2.2 Professional and Technical, page 67/80 “ details of at least 3 projects per lot. • For Lots 1-5, in respect of which professional IT staff were supplied; • For Lot 6, that were commissioned 4. each project being for a different client (departments, divisions, directorates etc. are regarded as the same client) Questions: a) Could you please elaborate further on the term “commissioned”? b) Tenderers may have worked through a framework contract on a project, to which more than one specific contracts have been signed throughout the duration of the framework contract (e.g. specific contracts 4, 12, 34, 55, 78, etc.). Is the Tenderer permitted to present as a single project reference all these specific agreements since they correspond to the same framework contract, or not? c) To our understanding framework contracts / contracts / projects that the major part of them has been delivered/implemented but they are still active (i.e. projects that are in the maintenance phase) are considered as acceptable. Please confirm that our understanding is correct. d) In case of on-going project references, is there a constraint in the proportion of person days that should have already been consumed? For example, is the Tenderer permitted to provide a project reference where a proportion of 50% of the estimated volume has only been consumed up to date? e) Could you please elaborate further on the requirement concerning the “different clients”? Our understanding is that it is acceptable for a Tenderer to provide two project references concerning the provision of services to two different Directorates of the European Union (e.g a project for DG DIGIT and a project for DG EAC). Please confirm that our understanding is correct. f) According to our understanding it is acceptable for a Tenderer to provide two project references concerning the provision of services to two different ministries	a) In this context, “commissioned” means a project on which the tenderer has quoted and for which the client has accepted the proposal and ordered the services. b) The reference required refers to a single project regardless of the contract mechanisms applicable. c) Your understanding is correct. d) There is no constraint e) Your understanding is incorrect. It is stated that “each project being for a different client (departments, divisions, directorates etc. are regarded as the same client).” In the example, DIGIT and DG EAC are both directorates of the European Commission and are considered to be the same client. f) Your understanding is correct.

	of the same country (e.g. a project for the Ministry of Health of Finland and a project for the Ministry of Finance of Finland). Please confirm that our understanding is correct.	
43	Invitation to Tender, point 5.4.2.2 Professional and Technical, page 67/80 "5. a statement of the Tenderer's policy on the use of subcontractors, and of the means of ensuring quality when subcontractors are used..". Question: Could you please elaborate further on the requirement "a statement of the Tenderer's policy on the use of subcontractors"? According to our understanding a document presenting the Tenderer's procedures for selecting, communicating and performance monitoring of subcontractors should be sufficient in order to cover this requirement. Please confirm that our understanding is correct.	Your understanding is partially correct. The items that you mention in your question are required as well as the tenderer's policy on when to use subcontractors and when not.
44	Invitation to Tender, point 5.4.2.2 Professional and Technical, page 67/80 "6. quality assurance accreditation(s) held by the Tenderer. If no accreditations are held, an outline of the Tenderer's quality assurance policy should be provided". Question: Our understanding is that the provision of a copy of an ISO certification for the delivery of services related to the implementation of information systems (e.g an ISO 9001:2000) should be considered as sufficient in order to cover the requirement mentioned above. Please confirm that our understanding is correct. In case that your answer to the above question is positive we understand that a Tenderer providing his ISO certification should not provide any other information concerning his quality assurance policy. Please confirm.	The tenderer should present any certifications which relate to the services in question. An ISO certification as described is sufficient. If the tenderer holds no certifications, as indicated in point 5.4.2.2, the tenderer should provide its quality assurance policy instead.
45	Invitation to Tender, point 5.4.3 Award, page 69/80 <i>"...Tenderers will also be required to indicate if they have expertise relevant to the other domains and, if so, which ones. It is anticipated that up to 10 framework contracts will be concluded for this Lot."</i> Question: a) Could you please elaborate further on the way in which the framework contract Lot 6 will be concluded?	a) The framework contract for Lot 6 is a multiple framework contract with reopening of competition. The award criteria for the framework contract are described in the Invitation to Tender.

	b) The Tenderers are requested to provide actual documentation of a project in respect of one of the five domains covered by the Lot and indicate in which of the remaining four domains they have expertise. Could you please specify how will this information affect the conclusion of the framework contracts? For example consider the following scenarios: 1. A Tenderer provides documentation for the one domain, let as say for domain No 1, and indicates that he has experience in the rest four domains. Another Tenderer provides documentation for domain No2 and indicates that he has not experience in any other of the domains. Assuming that both Tenderers are evaluated as competent enough and not eliminated during the evaluation phase, could you please clarify what the difference, if any, should be between the Framework Contract with the first Tenderer and the respective Framework Contract with the second one? 2. In the light of the above example could you please clarify if the second Contractor (assuming that he will be awarded with a framework contract) will be included in the re opened competition procedures concerning specific contracts regarding domains in which he will not specify that he has experience in? (e.g for the example provided above will the second Tenderer receive request for offers for specific Contracts related to domains No 1, 3, 4 and 5)? 3. Could you please elaborate further on the way in which the framework	Evaluation of award criteria when awarding the framework contract is independent of the evaluation of award criteria when awarding a Specific Contract. Framework contracts are awarded without any priority amongst contractors and without any reference to price. A maximum of 10 framework contracts will be awarded to form a pool of contractors. When services are required, EMEA will issue an invitation to tender for a Specific Contract to all the contractors in the pool of framework contracts and contractors will then decide whether or not they wish to bid. The award criteria on the basis of which tenders for Specific Contracts will be evaluated are described in the current Invitation to Tender, including price. b) 1. As indicated in a) above, framework contracts under Lot 6 will be awarded to a number of contractors without any priority among them. All contractors in the pool will receive invitations to tender for Specific Contracts under this Lot and it will be up to the contractors to decide whether or not they are able or wish to bid for each Specific Contract. b) 2. See the answer to b) 1 above. b) 3. See the answers to a) and b) 1 above.
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	agreements will be established between the 10 Contractors and furthermore on the procedures according which the requests/invitations for specific contracts will be addressed to the Contractors?	
46	Annex C Lot 6 Response Questionnaire Question: In the 01-Identification Sheet of the Excel Workbook, Cell E 108 contains a drop down list in order to respond to the Lot to which the workbook relates. This dropdown list does not include LOT 6 which is the lot that this workbook applies to. Please clarify.	This was a typographical error. It is suggested that tenderers remove the drop-down list following the instructions in the answer to Q11 and enter "Lot 6" directly into Cell E 108.
47	Annex C Lot 6 Response Questionnaire Question: In the 04-Selection Prof & Technical Sheet of the Excel Workbook, in Cell D 15 "A statement of the tenderer's policy on the use of sub-contractors, and of the means of ensuring quality when sub-contractors are used" is required. Could you please elaborate further on this requirement? Does the Tenderer has only to state if he intends to use subcontracting or is required to present its general methodology for the use and management of subcontractors?	See answer to Q.43 above.
48	Annex C Lot 6 Response Questionnaire Question: In the 04-Selection Prof & Technical Sheet of the Excel Workbook, in Cell D 17 "the title and contents pages of the Quality Assurance manual" is required. Please confirm that only the name and the Table of Contents of the Tenderers Quality Assurance Manual is sufficient for this requirement.	Yes.
49	Annex C Lot 6 Response Questionnaire Questions: In the 04-Selection Prof & Technical Sheet of the Excel Workbook, in Cell D 23 "A statement of the tenderer's policy on account management" is required. Could you please elaborate further on what the Tenderers should present under this requirement in order to reply sufficiently? According to our understanding this requirement refers to a description of the life-cycle of a request for a specific Contract (request handling procedures) e.g who will	See the answer to Q28 above.

	be the entry point for the request, how the Tenderer will answer, how he will setup new teams, etc. Please confirm that our understanding is correct.	
50	Annex C Lot 6 Response Questionnaire Questions: In the 04-Selection Prof & Technical Sheet of the Excel Workbook, in Cell D 25 “A statement of the tenderer’s policy on operational support” is required. Could you please elaborate further on what the Tenderers should present under this requirement in order to reply sufficiently? According to our understanding this requirement refers to the Tenderers procedures for the provision of operational support services during the implementation of a project (i.e Technical and Operational Support Services, Maintenance and Helpdesk Support Services, Consulting Services, Training Services). Please confirm that our understanding is correct.	See the answer to Q28 above.
51	Annex C Lot 6 Response Questionnaire Questions: In the 04-Selection Prof & Technical Sheet of the Excel Workbook, in Cell D 27 “A statement on how the tenderer ensures that contracts are operated efficiently and how it tests its charges in the marketplace.” is required. a) Could you please elaborate further on what the Tenderers should present under this requirement in order to reply sufficiently? b) According to our understanding this requirement as regards the “statement on how the tenderer ensures that contracts are operated efficiently” refers to the Tenderers procedures for monitoring the performance and the quality of the services provided. Please confirm that our understanding is correct. c) Could you please what is meant by the phrase “how it tests its charges in the marketplace” and clarify what procedures is the Tenderer expected to present under this requirement?	See the answer to Q28 above.
52	Annex C Lot 6 Response Questionnaire Question: In the 04-Selection Prof & Technical Sheet of the Excel Workbook, in Cell D 31 “A description of how the tenderer sets up a development environment that replicates	Details of the architecture of the development environment in EMA will be made available to successful tenderers as required. Your understanding of the approach required from tenderers to

	the architecture of EMEA for fixed price contracts at its own premises.” is required. Could you please indicate where the architecture of the development environment of EMEA is described? We understand that the Tenderer has to present his approach (procedures and methodologies) for setting up the EMEA’s development environment in his premises. Please confirm that our understanding is correct.	this question is correct.
53	Annex C Lot 6 Response Questionnaire, 04 06 Business Domain Expertise Sheet Question: a) It is our understanding that the requirement for experience in the business domain required should concern the Tenderer as a whole including any partners and/or subcontractors that the consortium may include. In such a case the <i>04-06 Business Domain Expertise Sheet</i> could be filled by different partners and/or subcontractors of the main tenderer based on the experience that each member of the tendering entity has. For example a tendering entity is composed by a Company A with experience in “Medicines Information” in partnership with a Company B with expertise in “Pharmacovigilance” and they have as subcontractor a third Company C with expertise in “Regulation” domain. In this scenario it is acceptable that Company A fills in the first part of <i>04-06 Business Domain Expertise Sheet</i> that concerns the Medicines Information domain, the Company B fills the second part of the Sheet (Pharmacovigilance) and the Company C fills the respective third part of the Sheet. Please confirm that our scenario is valid. b) Please confirm that demonstration of experience in at least one business domain referred in this Sheet is sufficient for this selection criterion. c) In Cell C12 and D12 where Number of Staff involved is required, we understand that the Tenderer should fill in with the number of staff involved in the project described under description (Cell C9) and NOT with the number of staff involved in all the projects of the Tenderer in the domain. Please confirm.	a) Sheet 04 06 forms part of the Professional and Technical selection criteria. This section is evaluated for the tenderer as a whole rather than for each individual company, so the scenario described is valid. b) Confirmed. c) Tenderers should complete the cell re Number of Staff with the number of staff involved in <u>all</u> the projects of the Tenderer in the domain.
54	Invitation to Tender, point 5.4.3 Award, page 69/80 Skills Assurance <i>“For Lots 1-5, the Contractor will be required to ensure that the skills levels of personnel assigned to EMEA projects are maintained throughout the period that they</i>	See the answer to Q 19 above.

	<u>are working at EMEA.... Tenderers should complete the worksheet entitled Skills Assurance in the Lots 1-5 questionnaire in Annex C: Response questionnaires."</u> <u>Question:</u> Based on the fact that the requirement above refers only to Lots 1-5 AND that the Skills Assurance requirement Award Criterion for Lot 6 carries a zero rating (Table of page 68/80 of the Tender Document) we understand that either there is not need for the Tenderer to fill the 06 Skills Assurance Sheet of the Annex C Lot 6 Response Questionnaire (for Lot 6) or that he has to fill this sheet but this will have not any effect in the evaluation result. Please clarify.	
55	Annex C Lot 6 Response Questionnaire, 05 Quality of Service Delivery (6) Sheet Questions: a) Could you please clarify whether actual deliverables or just the table of contents of actual deliverables should be provided? b) Our understanding is that the name of the project, the client, any classified information (e.g IPs), any personal data, financial information etc. included in the deliverable documents should not be disclosed. Please confirm that our understanding is correct. c) Our understanding is that it is acceptable for the Tenderers to provide actual deliverables of several specific agreements/contracts that are implemented under a single framework Contract. Please confirm d) Could you please clarify if Tenderers that intend to provide actual documentation of a project that cover more than one domains (e.g Document and records management, content management and web publishing systems domain and Oracle Products domain) covered by this Lot, should indicate this reference to both cell corresponding to this domains (i.e cell F9 and F13 for the example given above). e) Could you please clarify if Tenderers has to provide ALL the documents presented in the 05a Example document list Sheet? f) Cell D15, "Please indicate whether the Tenderer has expertise relevant to the other domains and, if so, which ones". According to our understanding the	a) Actual deliverables should be provided. b) Where there are confidentiality issues, redaction techniques should be employed. c) A set of deliverables in respect of a single project is required. d) Yes. e) Tenderers should provide as much documentation as they feel is appropriate. The list gives examples of the types of documents to be submitted. Tenderers are reminded that the quality of the tender as a whole forms one of the award criteria.

	Tenderer should not provide any reference to a separate document in order to reply for this point but he should indicate in Cell F15 the title of the domains in which he has experience (e.g “On-line transactional processing systems” AND “On-line analytical processing systems”). Please confirm. g) Cell D17 <i>“Provide a completed example of a monthly project report that the tenderer would make available to a customer to meet the expectations set out in the tender.”</i> 1. Our understanding is that an example of a monthly report of an imaginary project and not an actual progress report for a real project should be provided in this point. Please confirm 2. Is there a specific report template used in recommended by EMEA in which the Tenderers should reply? 3. <i>“...to meet the expectations set out in the tender”</i>. Our understanding is that this requirement refers to section 6.4.1.2.1 Quality of the service delivery, page 76/80, where the contents of the regular progress reports are described. In this context we understand that it is sufficient that a Tenderer provides a monthly project report that should contain: i) <i>Executive Summary of the Status of the Project</i> ii) <i>Status of all the milestones</i> iii) <i>Risks List</i> iv) <i>List of Issues</i> Please confirm. h) Cell D 19 <i>“Taking the system for which documentation has been provided under 05.1 above, please prepare a proposal in the form that would be used in response to request for services to complete the work as if it were a system to be supplied to EMEA. The proposal should, inter alia, include a resource plan that takes into account both tenderer and EMEA personnel.”</i> 1. Could you please elaborate further on the mentioned above requirement?	f) Yes. g) 1. An example of a monthly report for a real or imaginary project may be provided. Real projects are preferable. g) 2. No. g) 3. Yes. Tenderers are reminded of the requirement in section 6.4.1.2.1. h) 1. The tenderer will be aware of the specifications that gave rise to the project implemented as described in his response to Q5.1. The tenderer should therefore assume that these are specifications that have been made available by EMEA and construct the proposal on the basis of such specifications.
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	2. Is there a specific "proposal template" or form in which the Tenderer is required or preferred to reply? 3. Based on the fact that the documentation provided under 05.1 refers to a real project implemented for another client, could you please elaborate further on the way in which the "as if it were a system to be supplied to EMEA" requirement should be treated and what modifications this requirement should imply in the procedures followed in the actual implementation of the project? 4. Could you please indicate what the contents of the Tenderers proposal should be? 5. Our understanding is that the Tenderers should not include any financial information or offer in the requested proposal under this requirement. Please confirm that our understanding is correct. 6. <i>"The proposal should, inter alia, include a resource plan that takes into account both tenderer and EMEA personnel"</i>. It is our understanding that this requirement as regards the EMEA personnel refers to the EMEA personnel responsible for the management of the specific Contract (e.g the EMEA Contract Manager, EMEA Project Director etc.) i) Cell D21 <i>"Describe project management techniques used by the tenderer to assure successful delivery. Illustrate with specific examples."</i> 1. Could you please elaborate further on the above mentioned requirement? 2. According to our understanding the Tenderer should present in this point the Project Management methodology he follows during the implementation of a project and provide examples of real projects in which he has implemented these procedures. Please confirm that our understanding is correct.	2. No 3. The procedures to be followed on actual implementation would be as described in the Invitation to Tender. 4. No. The tenderer should decide what is to be included in its proposal. 5. Your understanding is correct. 6. Your understanding is incorrect. The requirement refers to the EMEA personnel that would be considered as necessary by the project team in order that the project can be completed. i) 1. See answer to Q i)2 below. i) 2. Your understanding is correct.
56	Annex C Lot 1-5 Response Questionnaire, 09 Skills Assurance Sheet Questions: a) Cell D3 <i>"Provide a statement of the tenderer's training policy for both permanent and non-permanent staff and, in relation to both, technical and "soft" skills"</i>.	

	1. Could you please elaborate further on the mentioned above requirement? 2. Our understanding is that the Tenderer should present his training methodology and the organization and operation of his internal training centre. Please confirm that our understanding is correct. 3. We understand that the Tenderer has to present his training methodology for the extra-muros and the intra-muros personnel corresponding the intra-muros to the non-permanent staff. Please confirm that our understanding is correct. b) Cell D14 <i>“Training Standards assurance (including either external accreditation or internal quality assurance or both.)”</i>. Our understanding is that the Tenderer should provide under this point his procedures for evaluating and monitoring the performance of the training courses he provides. Please confirm. c) Cell D18 <i>“Please provide details of the means and methodologies used to assure the quality of the tenderer's training programme”</i>. 1. Could you please elaborate further on this requirement? 2. Our understanding is that the Tenderer should provide his methodology for monitoring the performance of his training programmes. Please confirm. 3. What is the difference between this requirement and that of question b) above (Cell D14)? Should the Tenderer provide his internal procedures twice? d) Cell D22, <i>“If the answer to 09.3 is yes, describe your proposal for adjusting your policy to EMA's needs.”</i> 1. Should the Tenderer take into account specific EMA training needs, and if yes could you please specify which are they? 2. Could you please clarify if this requirement refers only to the subject and duration of the training programmes? 3. We understand that the training needs of EMA are defined by the technological framework of EMA and the services that may be requested in	a) 1. See Q. a)2, and a)3 below. a) 2. A policy is a high-level overall plan that sets out general goals and constraints that apply to a given set of activities or situations. Procedures are then formulated and executed in accordance with this set of directions. The tenderer's response to requirements that specify a policy should comply. a) 3. Tenderers should present their policy and methodology with regard to training of permanent and non-permanent staff. This would be an illustration of the application of the policy. b) Where possible, tenderers should provide any certification or accreditation from external bodies held in respect of training as well as their internal quality assurance policy in respect of training. c) 1. See Q c)2 and c)3 below. c) 2. Your understanding is correct. The establishment of the training programme should also be taken into consideration. c) 3. Training standards assurance is applicable in the main to the staff providing the training. The quality of the training programme refers to the breadth and depth of the curriculum and the quality of the courses provided in satisfaction of that curriculum. d) 1. See the answer to Q 32. d) 2. No, it applies also, for instance, to the levels of expertise expected of individuals or teams and the recommended quality of training per individual.
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	the frame of this contract. Please confirm that our understanding is correct. e) Cell D24 <i>"Provide a statement of the tenderer's recruitment policy for both permanent and non-permanent staff in relation to the establishment of the fitness for purpose of qualifications and experience of individuals recruited for specific roles, which may include profiles as defined in this invitation to tender".</i> Our understanding is that the Tenderer should provide under this point his procedures for recruitment of staff and the procedures for maintain minimum qualifications of personnel (e.g performance measurement, training etc). Please confirm that our understanding is correct.	d) 3. Your understanding is correct. e) Your understanding is partially correct. The requirement is to ensure that both permanent and non-permanent staff recruited are suitable for the roles for which they have been recruited. Again the procedures are the implementation of the defined policies.
57	We have a question related to our declaration of honour, as we have previously submitted one to your organisation in recent months. Would EMEA be willing to accept the declaration signed by a notary, and submitted earlier in 2008. Within this PQQ response, we provided the same details under the declaration of honour that are relevant under this PQQ.	Since this is an open tender procedure, no supporting documents or proofs in support of the Declaration on honour, of which the notarised declaration is one, are required at this stage of the procedure. Such supporting documents or proofs will only be required from successful tenderers when contracts are awarded. At this stage, tenderers should only complete worksheet 02 (and 02b for joint applicants) and 02c and have them signed by a company director or a person in the company with powers of representation or control in respect of the tendering company. Please note that this is not a pre-qualification questionnaire (PQQ), which is part of a restricted procurement procedure. This is an open procurement procedure and as such a full bid is required in response to this Invitation to Tender. If the tenderer is successful and has already submitted the relevant supporting documents or proofs for the purposes of another procurement procedure, and provided that the issuing date of the documents does not exceed one year, then these documents shall be considered valid and EMEA shall waive the obligation of the successful tenderer to submit the documentary evidence.
58	Draft Framework Service Contracts - Lots 1-5 and Lot 6. We note that the framework service contracts are stated to be drafts. Please clarify whether the EMEA is willing to consider proposed amendments to the draft framework service contracts and if so at what stage in the tender process should details of tenderer's	We refer you to paragraph 5.2 on page 58/80 headed "General Terms and Conditions". Please note that EMEA is not permitted in an open tender procedure to negotiate its contractual terms since EMEA is

	concerns be notified.	obliged to treat all contractors in the same way, in accordance with the principles of public procurement.
59	Limitation of Liability: It would be usual to include a reasonable limitation of the Contractor's liability and to exclude liability for indirect and consequential losses, loss of profits, anticipated savings etc. It is also more usual for any liability to be on a contractual damages basis rather than an indemnity. Please advise whether EMEA is prepared to amend the draft framework service contracts to provide for aggregate liability caps and exclusions of liability as described and to amend the general indemnities to be on a contractual damages basis.	See the answer to Q. 58
60	Liquidated Damages: Article II.16 provides for Liquidated damages. These are not capped and there does not seem to be any provision to vary or disapply them case by case. Please confirm whether EMEA is willing to disapply or vary the liquidated damages on Specific Contracts or is willing to have a cap on the maximum value of liquidated damages. Additionally it is usual for liquidated damages to be the sole remedy if they apply and that liquidated damages would not apply if a delay was due to a client or third party failure to meet dependencies, please clarify whether EMEA is willing to amend the draft service contracts to clarify this point.	See the answer to Q. 58
61	Intellectual Property Rights (II.8): Ownership of the IPR created will transfer to the EMEA under the General Conditions of Contract. This can be a problem for larger suppliers, please clarify whether EMEA would be willing to consider alternative arrangements case by case, or whether EMEA is willing to grant licences back to suppliers in respect of the created IPR. Additionally the scope of the IPR indemnity is quite wide, please advise whether EMEA is willing to review the scope of the indemnity.	See the answer to Q. 58
62	Payment arrangements Article II.4.4 gives long periods to check technical reports whereas Article I.4 states that payments will be made within 45 days of receipt of	The basis for submission of invoices and the relevant payment periods are set out in Article I.4.1. Tenderers are invited to note

	invoice, subject to verification by EMEA. Please clarify for each Lot the basis on which invoices would need to be submitted and the timeline for verification and payment.	the final sentence of Article I.4.2.
63	Missing clauses: Certain fairly standard clauses do not appear in the draft framework service contracts - for example: non-solicitation of staff, a requirement for both parties to prove and mitigate losses, exclusion of third party rights and a provision stating that the contract and schedules will represent the entire agreement between the parties and that there are no warranties other than those contained in the Contract. It is also usual for ICT contracts to have a mechanism for specifying both client and Contractor obligations and some clauses protecting Contractor's confidential information, though of course subject to legislation such as the Freedom of Information Act. Please advise whether the EMEA is willing to add some/all of these clauses.	See the answer to Q.58
64	Conditions for Informatics ("IT") Contracts We note that most of the services are to be procured on a time and materials basis and on the basis that the Contractor will be providing skilled individuals to participate in teams engaged on further development of existing systems. The IT terms supplied do not appear to be drafted to fit with the provision of skilled resource to supplement teams on a time and materials basis and therefore for many requirements would either be inappropriate or would need discussion. Additionally, the IT terms are in a number of sections most of which would not apply to any specific contract. Please clarify whether EMEA is willing to disapply / amend the IT terms or sections of them case by case according to the specific requirement circumstances.	This document forms a part of all EMEA's IT-related contracts and not all clauses will apply to the services under this framework contract as some of them relate to supply of goods as well as services. EMEA does not amend this document on a case by case basis.
65	Case by case amendments: Please clarify whether the contract terms can be varied case by case under Specific Contracts and if so that the order of precedence would be amended so as to give binding legal effect to any agreed variations.	Contract terms may not be varied on a case by case basis since this is not a negotiated tender procedure and EMEA is not permitted to negotiate contract terms in an open tender procedure.

	Please state whether the answer is applicable to all or only some of the Lots.	
66	Lot 6 Draft Framework Service Contract - We note that under clause 1.2.5 the Contractor is required to submit tender submissions in response to specific invitations to tender. Please clarify whether the Contractor <u>must</u> submit a tender response or whether the Contractor is free to decline in the same way as applies under the contracts for Lots 1 to 5.	See the answer to Q 45 b)1 above.
67	Transfer of Undertakings - We note that the TUPE Regulations are mandatory legal requirements and we have consulted with our legal advisers in connection therewith. This question is based on their advice. Although TUPE as a law applies always, it does not necessarily take effect in relation to any specific contract for services, whether or not it applies will depend on whether the factual situation is such that a TUPE transfer has in fact taken place. In any tender involving a TUPE transfer it is normal for the customer to provide details of the staff numbers likely to be affected and other high level indicative information such that the contractor can consider the implications for its bid. It seems that for any of the Lots, it could be that any specific requirement of EMEA may or may not give rise to a TUPE transfer either at inception or termination and we would need details of the specific services, numbers of staff for the service and percentage of their time engaged on just that service in order to reach a preliminary view. However, the tender documents and the draft framework contracts do not take account of this uncertainty and at Article II.1.7 the Contractor is required to indemnify EMEA in connection with TUPE and to agree, amongst other things, that TUPE will be deemed to apply on termination of the Contract. With respect, this seems unworkable. If a specific contract is actually likely to give rise to a TUPE transfer then it would be more sensible and flexible to agree the TUPE arrangements and reciprocal indemnities at the time, which is the normal approach. Please clarify whether EMEA is willing to agree specific TUPE clauses case by case.	Any arrangements with regard to TUPE would arise between the outgoing contractor and the incoming contractor and not between either of them and EMEA and thus we require the indemnity as drafted.
68	Governing Law. We note that the draft framework contracts include a statement that the Court of Justice of the European Communities would have exclusive	As EMEA is part of the European Institutions, the Court of Justice of the European Communities has exclusive jurisdiction in any

	jurisdiction. Our understanding is that the ECJ is a court of last resort and deals with high level matters of EU law rather than contractual disputes and that it would be more appropriate for the courts of England and Wales to have exclusive jurisdiction if an amicable settlement is not reached. Would you please clarify whether this point can be corrected before contract award.	dispute relating to the performance of the contract, as indicated in the draft framework contract.
69	Conflicts Our organisation provides services to organisations which may have relationships with EMEA or be subject to regulation by EMEA, for example, we may provide services to pharmaceutical companies. As this procurement relates to the provision of ICT services rather than, for example, assisting with studies in relation to organisations regulated by EMEA then we do not think this would create a conflict. Please confirm that the EMEA shares this view.	Where the services provided to EMEA and any other client are confined to ICT services, we agree.
70	Staff undertakings Our organisation works on the basis that the company enters into contracts with clients and we do not expect individual staff to enter into direct contractual relationships. We would therefore expect that any individual undertakings would be expressed as between our company and the relevant employee and we may wish to discuss some reasonable amendments to any proposed documents. Please confirm whether this would be acceptable.	EMEA policy on confidentiality undertakings is to seek signature from both the contracting company and any individuals providing services to EMEA, whether employed directly by a contractor's company or not.
71	Individual requirement values Please clarify whether there will be any minimum order value or minimum number of people under this tender. For example, could this procurement lead to specific contracts covering the provision of only one individual for a short period of time? If so, please clarify what the typical specific contract value/headcount is likely to be.	There is no minimum order value or minimum number of people indicated under this tender. The values and headcounts of specific contracts vary widely according to need. It is possible that a specific contract could cover only one individual for a short period of time where the need arises, but EMEA does endeavour to put a number of people into one specific contract wherever possible.
72	Anonymising CVs. As part of completing each individual's CV Template (worksheet 05) we intend to provide a link to a version of that individual's (pdf document) CV. Section 5.1 of the ITT says that where CVs are submitted "the name of the person	Both the worksheet and the PDF document should be anonymised and a separate list of cross-referenced names, in a separate, clearly marked sealed envelope should be provided, as

	must not appear". Can you confirm whether this requirement for anonymity applies to the worksheet, to the individual's pdf document CV or to both?	described in section 5.1, Reply procedure on page 55/80 of the Invitation to Tender.
73	Annex C Lot 6 Response Questionnaire Question: In the 04-Selection Prof & Technical Sheet of the Excel Workbook, in Cell D 27 "A statement on how the tenderer ensures that contracts are operated efficiently and how it tests its charges in the marketplace." is required. Concerning the first part of the requirement, could you please explain what does EMEA request from tenderers exactly here? How does EMEA define the term "efficient operation of a contract"? Which are the aspects of the operation of a contract which need to be addressed? Taking into account the nature of the RFP, this question would require hundreds of pages to be addressed to cover areas such as training, security, internal organisation quality assurance, working methodologies, auditing, etc. Could EMEA clarify what does it need exactly? We kindly ask you to avoid telegraphic answers or references to other answers. Please provide a clear answer. Concerning the second part of the requirement, EMEA stated through the Q&A session, that "Testing charges in the marketplace is understood to be the benchmarking of charges against those of competitors", which does not clarify the point sufficiently. Therefore, we kindly ask you to further clarify this element, again avoiding telegraphic answers. Does the term "charge" refer to the "cost of the services" of the tenderer? Do you want to know what is the policy of the tenderer to ensure an optimum price-performance for the EMEA taking into account what is offered by the competition in the marketplace? (which would be justifiable).	Efficient operation of a contract involves two aspects: the management of the contract itself and the delivery of that which the contract governs. Efficiency in both of these includes timeliness, courtesy and accuracy in dealing with the other parties to the contract, both as regards transactions in relation to the administration of the contract, and as regards the delivery of goods and services of the appropriate quality in fulfillment of the provisions of the contract. While EMEA does not require tenderers to address, <i>inter alia</i>, each of the aspects referred to in the question in exhaustive detail, a paper setting out how the quality of service of those parts of the organization dealing directly with a contract such as this is assured is expected. EMEA will not provide a template in order to provide tenderers with greater freedom to demonstrate the quality of their approach. With regard to the second part of the requirement: "charge" does refer to the cost of the services. This requirement requires the tenderer to explain how the tenderer implements a policy of ensuring an optimum price-performance for the EMEA taking into account what is offered by the competition in the marketplace on an ongoing basis. A response that did not involve a regular comparison of prices charged against those of competitors would be considered as not meeting the requirement.

	Or do you expect tenderers to explain how they define the person-day rates they offer to their clients and how they price their services in comparison to competitors in the market place? Taking into account that the aim of the present RFP is to establish a short-list and invite contractors from time to time to bid, don't you think that such information should be viewed as strictly confidential? Could tenderers abstain from disclosing such confidential commercial information related to their internal operations?	EMA does not require an explanation of the tenderer's pricing policy as regards costing and margins. The purpose of this statement is to obtain assurance that there is an implemented policy to ensure ongoing competitiveness, the implementation of which really does check the tenderer's pricing against that of competitors. Following the principles above, the statement may be formulated in such a way as to avoid disclosure of commercially confidential information.
74	Your reply to Question 30 AND Annex C Lot 6 Response Questionnaire Worksheets "03-Selection Financial" and "03b- Selection Financial" Question: Please confirm that your reply to Question 30 is applicable for Lot 6 as well and that Subcontractors do not need to complete the Worksheets entitled "03-Selection Financial" and "03b- Selection Financial" of the Lot 6 Response Questionnaire	Confirmed.
75	In page 55/80 of the proposal says: According to the proposal are need one original and two copies in paper version plus 3 copies in electronic format CD or DVD, but at the footnote say that if we present 3 copies in electronic version (CD or DVD) two paper copies are not needed, just one original. Is it correct?	It is correct. Tenderers should note the requirement in footnote 31 on page 55/80 to warrant that the electronic version is identical to the version presented on paper and footnote 32 on the same page which requires that the electronic copy must be a complete and exact electronic version of the paper submission.

Document History

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1.0	SEA	25/06/08	Version 1.0 for publication.
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