

Q&A – Phase I of the Restricted procedure ref. LISA/2017/RP/03

**Framework contract for Implementation and maintenance in working
order of Entry Exit System**

Series 3- Replies to Questions received until 17.10.2017

**THE ANSWERS PROVIDED HERewith, INCLUDING THE REVISED ATTACHMENTS, SHALL FORM AN
INTEGRAL PART OF THE RELEVANT DOCUMENTS OF THE TENDER DOSSIER.**

Question 3.1

Clarification request for "Executive Summary - Annex 1; list of profiles, profile 12 - Application and Software Developer" : In order to provide the most relevant CV's, can a list of required skills be provided (e.g. programming languages and technologies) ?

Answer 3.1

Eu-LISA welcomes the utilisation of consolidated Open Standards and remains neutral towards equivalent IT technology options. Thus we do not wish to indicate the preferred technologies and skills for software and system implementation.

Question 3.2

Guide for candidates - 6. Preparation and structure of the application - 6.1 General conditions and form of application.

"Applications must be:

- clear and concise, with continuous page numbering,.....

Would it be possible to drop this continuous page numbering requirement if the structure of the offer is clearly labelled and numbered ? Having a continuous page numbering is not easy to manage due to numerous administrative documents to be included during proposal finalization where all our attention goes to the proposal contents and compliance. Thank you very much.

Answer 3.2

The continuous numbering is understood for each question or supporting document separately.

Question 3.3

We are a multinational company composed of member firms, which are established in different countries all over the world. For this tender, our Belgian member firm would like to submit a tender and in order to do so, two of the references we would like to use would be:

- An EU-based member firm executed an applicable project in the US
- A US-based member firm (US legal entity) executed another applicable project in the US

We will also provide written undertakings, signed by the EU-based member firm and the US-based member firm. Could you please confirm that these two references will be accepted, having in mind they meet all other criteria?

Answer 3.3

Art. 146 (5) of the Rules of Application¹ states:

“An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to that effect.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.”

The stipulations “where appropriate” and “for a particular contract” means that in the procurement documents the possibility to rely on capacity of other entities shall be allowed.

In Section 6.3 of the Guide for candidates it is stated:

“Freelancing, drawing on the activities or staff of any other entirely different legal entity than the contractor, independently of its exact legal form (and independently of the applicable national law), does qualify as subcontracting.”

Thus in case an economic operators wishes to rely on capacity of another entity, this entity will be deemed as subcontractor and the necessary documents as stipulated in the procurement documents shall be submitted. Also the restriction applies that this entity shall perform (during implementation in case the contract is awarded to this economic operator) the services for which the capacity is required.

¹ COMMISSION DELEGATED REGULATION (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union

Subcontractors may be EU-, and also US legal entities.

Question 3.4

In connection with Answer 1.8, Answer 1.13, and Answer 2.4, regarding the characteristics required for a large-scale IT system (6.4.3 B. Guide for Candidates). Our understanding is that all the characteristics laid down in section 6.4.3 B. of the Guide for Candidates are mandatory, excluding the fifth bullet point of such section as well as the requirement indicated in point c), in which biometrics fingerprint identification and additional biometrics features are preferable but not obligatory. Could you please confirm that our understanding is correct? If not please clarify.

Answer 3.4

The Section 6.4.3B of the Guide for Candidates gives first a definition of Large Scale IT systems.

The candidates will need to provide the relevant references according the requirements listed in subpoint 1. All the requirements listed under subpoint 1, from a to d, are mandatory. In case in the requirements under points a-d the word “preferably” is used, then that part of the requirement is not obligatory, but good to have. In case the candidates do not include the aspects which are considered “preferable”, the reference will be still accepted in case it fulfils the other requirements under the relevant point(s).

Question 3.5

According to Answer 1.5 and section 6.3 of the Guide for candidates. Our understanding is that any reference to a project submitted which meets the requirements established in section 6.4.3B of the Guide for candidates , even if the candidate has participated in such project as a subcontractor, are completely valid in order to confirm that the candidate fulfill the necessary requirements. Could you

Answer 3.5

In the framework of references provided for a previous project, the participation in the project as subcontractor will be accepted/counted for the proportion of the relevant sub-contracting. The proportion of participation in a previous project as sub-contractor will have to be proved. In line with art. 7 of the Guide for candidates the proportion of sub-contracting within the project will then be combined with the capacity of the candidate.

Question 3.6

We kindly request an extension of 2 weeks

Answer 3.6

We confirm that we extend the deadline till 08/11/2017. A corrigendum will be published in the Official Journal with this regard.

Due to the extension one additional questions and answers round is added as follows:

Form 17 October 2017 till 30 October 2017 (Question Series 4).

Question 3.7

If the tender is sent by courier or post, the evidence of the date of dispatch is October 25, or shall it be delivered in Strasbourg at the latest on October 25, 2017?

Answer 3.7

Please refer to the invitation to submit candidatures point 4. For tender sent by courier or post the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip. For the new deadline please see Answer 3.6.

Question 3.8

In the standard submission forms, the connection table for profiles and CV, the first column of the table is entitled "Identifier". Can you please explain what is this identifier ?

Answer 3.8

The candidates can include internal identifier (a numbers/letters which distinguish the CVs from each other). The column is not mandatory.

Question 3.9

We would like to request a prolongation of two weeks of the deadline to deliver the Request for Information, i.e. until November 8, in order to propose the best possible organization to eu LISA.

Answer 3.9

Please see Answer 3.6.

Question 3.10

Selection Criteria, CVs, Helpdesk/Service Desk staff: the profile mentions “relevant ICT education” as education requirement. Our understanding is that any higher education diploma or certification is sufficient to meet the requirement. Could work experience be considered equivalent to meeting this requirement. If so, please advise on the equivalence rule.

Answer 3.10

Your understanding is correct, as far as the education is in the ICT field.

Work experience can replace the relevant education for all profiles. As indicated in Paragraph 3 of Annex 1:

“With respect to the below required education qualifications, one year of experience in the relevant domain is considered as equivalent to one year of higher education. However, these years cannot be taken then into account in the experience.”

For the Helpdesk/Service Desk staff relevant education shall be at least of 1 year of duration, thus 1 year of work experience can replace the 1 year of education. Nevertheless, the same year can not be taken into account twice (once for experience and once for replacement of the education).

Question 3.11

Selection Criteria, CVs, System Engineer: the profile covers a number of different technology domains. Our understanding is that different candidate profiles will cover one of the domains (e.g. Java, or Oracle, or Networking, or PKI, but not all domains. Could you please confirm or clarify our understanding?

Answer 3.11

Your understanding is correct.

Question 3.12

Selection Criteria, CV, Enterprise Architect: Could the ArchiMate certification be considered an equivalent to TOGAF, given the tool is based on the latter methodology and concepts?

Answer 3.12

No. ArchiMate® is a multi-purpose modeling language released by The Open Group. While this certification is clearly an advantage for an Enterprise Architect profile, it cannot be considered as TOGAF equivalent.

Question 3.12

Selection Criteria, CV: Could you confirm that a Mathematics degree is considered as relevant for the required profiles?

Answer 3.12

Yes, we confirm

Question 3.13

Referring to questions 1.15 and 2.3, could eu-LISA please confirm the following: If we would submit an exhaustive list of subcontractors in the candidature phase, is it permissible to remove subcontractors from this list for the second phase if we find they are not required to fulfill detailed tender requirements and especially in the case we have not relied on these subcontractors for the delivery of CVs and/or credentials/references for the qualification of the candidature phase?

Answer 3.13

Your understanding is not correct. The composition of the consortium (including subcontractors) shall not be changed during phase 2. In case the subcontractor is affected by liquidation, merger or acquisition between phase 1 and 2, eu-LISA shall be informed through the contact point.

Question 3.14

The Guide for Candidates states that, regarding tax exemption, “The Governments of the Member States grant this exemption either through refunds upon presentation of documentary evidence, or by immediate exemption. eu-LISA will give the successful tenderer instructions covering this point.”. Can eu-LISA confirm that the Agency is in a position to deliver VAT exemption certificates issued by the French authorities (as e.g. hardware would be delivered in France) even if invoices would be sent to eu-LISA’s Estonian Headquarters?

Answer 3.14

eu-LISA is not in the position to provide VAT exemption certificates issued by the French authorities. As eu-LISA's headquarter is officially in Estonia, the VAT exemption certificates issued always state that eu-LISA EE is the purchasing party.

In case of direct exemption, eu-LISA has the authority to issue a VAT exemption certificates. In case of VAT exemption through refund, no exemption certificate is issued. In this case eu-LISA will pay the invoice with VAT and then applies for refund from the Tax Board of the respective country.

Thus the instruction given to the tenderer will depend on the place of taxation/seat of the winning tenderer and type of purchase (local or intracommunity, goods or services etc..).

Question 3.15

Guide for Candidates - 6.4.3 Section 3: Selection Criteria - B Technical and professional selection criteria. Please clarify if the client contact name is required or whether a general description of the client services domain would be acceptable in the case the client name cannot be disclosed from a contractual perspective.

Answer 3.15

The client name is required, unless an appropriate justification is provided on the reason why the name cannot be disclosed.

EoT