

Q&A – Phase I of the Restricted procedure ref. LISA-2017-RP-01

Framework Contract for the maintenance in working order of the Schengen Information System

Series 2- Replies to Questions received by 17.03.2017

THE ANSWERS PROVIDED HEREWITH SHALL FORM AN INTEGRAL PART OF THE RELEVANT DOCUMENTS OF THE TENDER DOSSIER.

Question 2.1

Can EU-LISA confirm our understanding that the staff numbers to be provided in ‘Section 6.4.3 B.3 Technical and professional criteria’ shall only include staff members already holding EU security clearance level Secret as per page 7. ‘obligatory security clearance’?

Answer 2.1

As per relevant provision on security clearance (section 5 Guide for candidates), all personnel of the successful tenderer working in the eu-LISA premises shall hold a positive security clearance at least at EU secret level. The technical and professional criteria (6.4.3.B.3) aim to assess that the candidate has sufficient professional capacity to provide the requested services under the envisaged framework contract. At this stage of the tender, the evidence required for the criteria above does not include the security clearance. At this stage, according to the criteria above (6.4.3.B.3), the candidates must demonstrate that they have the overall staff members required and that the staff members match the requirements set for the profiles described in annex I of the executive summary.

Question 2.2

Section I.1.4 of the Annex 1, Executive summary provides a non-exhaustive list of HW and SW and states that ‘depending on the strategic choice of the Agency, the future contractor may be requested to take over maintenance of all or some of the abovementioned software and hardware products’.

2.2.1 Our understanding is that the Agency would aim to procure maintenance of these COTS and HW products through other contracts and such requests would therefore be exceptional. Can EU LISA confirm?

2.2.2 Please clarify the exact intentions of EU-LISA on how to deal with 3rd party COTS and Infrastructure maintenance as this is essential information for potential bidders in order to submit a candidature with the correct partners and sub-contractors.

2.2.3 If it is not possible to specify at this stage whether 3rd part COTS and Infrastructure maintenance would be procured through this contract, we would ask EU LISA to permit

Tenderers to add partners/subcontractors related to 3rd party SW/HW maintenance in the second stage of the procurement based on new information provided in the tender specifications on this topic.

- 2.2.4 The list of SW also includes 'BMS SW'. Can EU-LISA confirm our understanding that the maintenance of this SW may be procured by EU LISA through separate contracts?

Answer 2.2

2.2.1 Your understanding is not correct, in principle all the COTS and HW will fall under the maintenance of the Framework Contract. Nevertheless, exceptionally, the maintenance of specific products might be moved under another Contract based on eu-LISA's decision.

2.2.2 Please refer to the reply to the question 2.2.1. Please also consider that the Executive Summary and Framework Contract terms including the Service Description document provide sufficient information for interested economic operators to submit a bid for phase 1. The documentation of phase 2 will provide more details on the infrastructure elements.

2.2.3 As per our reply to question 2.2.1 it is to be considered that all COTS and infrastructure maintenance will be provided under the Framework Contract. More in general, the provisions on sub-contracting are indicated under point 6.3 of the Guide for Candidates. On this issue please see also Answer 1.3 in Q&A series 1.

Finally, as to the subcontracting you can also refer to article II.7 of the Annex III (Framework Service Contract template). During implementation the contractor may ask in writing the prior authorization from the Contracting Authority to sub-contract to a third party not already mentioned in the tender.

- 2.2.4 No, this is not confirmed. Maintenance of BMS SW will be provided within the SIS II MWO Framework Contract.

Question 2.3

Can EU-LISA confirm the evaluation criteria of the Tender is 70% technical score and 30% financial score?

Answer 2.3

No, the award criteria you mention in your question is not indicated in any document of the tender dossier of the first phase of this restricted procedure.

The award criteria will be as follows:

The contract will be awarded to the tenderer offering the most economically advantageous tender in terms of best price-quality ratio according to the following formula:

$$\frac{P_{\min}}{P_{\text{offer}}} \times 40 \% + \frac{Q_{\text{offer}}}{Q_{\max}} \times 60 \%$$

Where

P_{offer}: total net price given by the tenderer

P_{min} : lowest net price among the tenders

Q_{offer}: Quality of the offer

Q_{max}: highest quality among the tenders

Question 2.4

Can EU-LISA agree that tenderer would buy the Hardware components, Software licenses and/or associated maintenance (see section I.1.4. of the executive summary) in its own name, on behalf of EU-LISA ?

Answer 2.4

The hardware, software and associated maintenance will be purchased by eu-LISA from the contractor under the conditions specified in the Framework Contract, as detailed in the published Annex IV (Service requirements) and namely sections 3, 4, 5 and 6.

Question 2.5

Our understanding is that eu-LISA expects the tenderer to deliver corrective and evolutive maintenance on the application part of SISII.

Maintenance regarding the infrastructure components (Hardware, Software) below the application might have to be delivered too (section I.1.4. of the executive summary).

In case maintenance of the infrastructure is required by EU-LISA, can we consider that the Contractor will only be liable for its activities and that liabilities regarding the infrastructure components maintenance activities of the infrastructure vendors will be defined in the infrastructure vendor's Terms and Conditions that EU-LISA will have to approve?

Answer 2.5

Services under this Framework contract are to be delivered on all components of the SIS II system (including application, infrastructure etc.) As indicated in the executive summary these aspects will be further defined/detailed in the phase II of the call for tender. The maintenance of infrastructure will be required by eu-LISA as a part of the corrective maintenance for elements which will be defined in phase 2 of the call for tenders. The contractor will be responsible fully for the maintenance of the

infrastructure products which will be covered by the Framework Contract. eu-LISA will not have contractual relationship for these products with the vendors directly.

Question 2.6

In section 6.4.3 B of the guide for candidate and in order to ensure a proper selection of the candidates, we propose the "owner of the AFIS technology" will not be admissible for the purpose of this candidature, unless at least one of the other Consortium partners was also involved in the referenced project since all candidates would have access to exclusive credentials of the owner of the AFIS technology. Can you please confirm this will be the case?

Answer 2.6

No, your point is not confirmed. As to the technical capacity for performing the requested services in connection with the use and access to the AFIS core technology, please strictly refer to the provisions of section 6.4.3.B read in conjunction with point I.1.5 of Annex I of the executive summary. Please also refer to Answer 1.8 in Q&A series 1.

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