

Thessaloniki, 10/06/2010
RS/PRO/YSIRAK/2010/3**OPEN INVITATION TO TENDER**AO/RES/SAN/ISP/018/09 - *'TSP Services'***REQUEST FOR CLARIFICATIONS (1) – QUESTIONS AND ANSWERS**

Dear Madam/Sir,

In regards to the above mentioned open Tender Procedure please find below the answers of Cedefop to the clarification questions raised by two potential tenderers.

Question 1

Tender specifications, paragraph 6.3, page 22: Can you please clarify the meaning of “The financial offer is based on a scenario established for evaluation purposes only and that is not binding on Cedefop”.

Answer to Question 1

The purpose of this Open tender procedure is to conclude a Framework Contract with the selected tenderer. A Framework contract merely sets out a performance framework for the characteristics and price of the services that the selected tenderer (contractor) is prepared to provide, establishing only their general outline. Framework contracts are used for a defined subject of procurement, but where the exact type and quantities of the items (services), and delivery periods cannot be defined in advance.

Therefore the estimates of Cedefop for the possible needs of specific items and services (for example the bandwidth speeds) are indicative and the Framework contract does not constitute direct obligation for Cedefop. The financial offer of all tenderers should be based on a common scenario established for evaluation purposes only (financial scenario includes different bandwidth speeds) and its exact content and scope is not binding on Cedefop, but the unit prices specified by the tenderer constitute his financial offer and are binding on him if awarded the contract (subject to possible price revision as per Art. 1.3 of the draft Framework Contract included as Annex B in the Tender Dossier. Physical quantities of resources corresponding to the unit prices should be specified in the scenario, without this implying any commitment (at this stage) on Cedefop's part as regards the actual type or volume of services/tasks/items.

The effective elements of the contractual relationship between Cedefop (as Contracting Authority) and the selected Framework Contractor are the actual successive “Order Form/s” issued by Cedefop and signed by both parties, specifying the exact items, quantities and date of performance and taking up the unit prices given in the approved Financial offer of the selected tenderer. The actual Order Form/s will specify what specific bandwidth (for example) should be provided and ensured by the Contractor.

For the Financial evaluation at the Tender Evaluation stage only the Tender Price derived from line 16 of the Financial Offer Form (Annex H) will be used for the value for money calculations (6.3). The tender with the lowest Financial Proposal will receive 100 points. The others will be awarded points according to the formula given in point 6.4.

Question 2

Please clarify whether and when the tenderer has the right to submit comments and/or changes on the Draft Framework Contract (Annex B) or whether the terms of such Contract are non-negotiable, with the acceptance of all of its terms being implied by the submission of a tender. If such comments and/or changes are submitted, please clarify whether they are perceived by the Contracting Authority (CEDEFOP) as “reservations” to the acceptance of the terms and conditions set out in the invitation to tender.

Answer to Question 2

Point 1 of the Tender Specifications for this Open Tender Procedure clearly stipulates that the submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specifications and in the draft contract and, where appropriate, waiver of the tenderer’s own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract. No account can be taken of any reservation expressed in the tender as regards the tender dossier and the draft contract. Any reservation may result in the immediate rejection of the tender without further evaluation.

Cedefop as Contracting Authority is obliged to ensure the Transparency, Equal Treatment and Non-discrimination of all tenderers and to ensure all the necessary equal conditions so that all tenderers for this Open Public Tender Procedure are given the same information at the same time and have fair and equal chance of winning the contract.

Art. 125b of the Implementing Rules of the Financial Regulation provides that in special, exceptional circumstances, EU Contracting Authorities may award contracts by means of a “Competitive Dialogue” when undertaking particularly complex projects. Then the Contracting Authorities open a dialogue with the selected candidates with the aim of identifying and defining the means that will best satisfy their needs. During this dialogue they can discuss every aspect of the contract with the selected candidates. However this is not foreseen for the present tender procedure.

This being said, when after award decision the Framework Contract as duly filled with all currently missing data is sent to the selected tenderer for his signature before that of the Cedefop’s competent Authorising Officer, the former may make suggestions for minor changes or corrections. Cedefop may accept those and include them in the final version of the Contract to be signed only to the extent that they are found not to affect fair competition and the rights of unsuccessful tenderers.

Question 3

Through this e-mail I kindly request for some clarification on the ISP Services tender that is due on 21/06/2010. The clarification concern Annex I and more specifically:

- a) What are the co-ordinates that we need to specify (station in Cedefop or in our premises)?
- b) What is the Height above Sea Level means (the height at the point that the station will be installed or else)?
- c) What do you mean by preferred frequency (receive and transmit –Frequency specification or the way the station will be configured to operate)?
- d) What do you mean by Designation of Emission / Bandwidth?
- e) What is the Height above Ground Level means (the height at the point that the station will be installed or else)?

Answer to Question 3

Annex I contains an introductory text before the table where it indicates that the table has to be filled-in twice (once for the proposed equipment of the provider and once more for the Cedefop proposed equipment). Therefore the information to be submitted has to be available for both ends, the one on the customer site and the one at Cedefop's site. Additionally, there is a 2nd page in Annex I with instructions for all the fields that have to be filled by the tenderers.

The additional information regarding the specific data for the Cedefop installation is the following:

- a) The co-ordinates to be specified for Cedefop are: Geographical Latitude 40.5764, Geographical Longitude: 22.9994.
 - b) The height above sea level means the elevation point of the place where the station will be installed (Cedefop's elevation point is: 126 m above sea level).
 - c) The preferred frequency should be specified for the receiving and transmitting – Frequency specification and the way the station will be configured to operate.
 - d) Regarding Designation of Emission (unit in Watt) / Bandwidth (Mhz), the tenderers will have to provide the 9-digit Designation of Emission according to the Appendix S1 of the ITU Radio Regulations and the bandwidth required for the operation of the proposed equipment.
 - e) The Height above Ground Level means the height at the point that the station will be installed. (Cedefop's height above ground level is 12 meters).
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