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## CLARIFICATIONS 5 – QUESTIONS AND ANSWERS

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### ***Web development, support and maintenance services for the Cedefop official website***

#### ***AO/CID/NT/Website-CMS\_services/014/13***

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REFERENCE: <http://www.cedefop.europa.eu/EN/working-with-us/public-procurements/21710.aspx>

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#### Question 1:

Contract I.8, II.10:

Contract I.8 requires Contractor to transfer all rights to the Union, even though pre-existing intellectual property rights exist. Contract I.8.2 obliges the Contractor to transfer full title to all possible results under the framework contract.

Yet, it is very likely that for the tendered services regarding Cedefop's official website (web development, support and maintenance), third parties' material will be used, as common in software development in general, such as software (CMS, frameworks or libraries or other open source software) or in case of websites photographs/icon/graphics of third parties' commercial databases. Certain open source software licences (so called copyleft open source software licences, e.g. GPL) require even amendments or linkage with other software to be under same licensing conditions (viral effect).

Furthermore, the required hosting services necessitate certain infrastructure software underneath any application software level which will only be used indirectly by Cedefop during the term of the hosting contract.

Can we therefore assume that the Contractor is only obliged to transfer the intellectual rights for any third party material (software, photographs/icon/graphics etc.) or any amendments of copyleft open source software (or its linkage with other software) according to the respective applicable licensing conditions?

#### Cedefop Answer 1:

Indeed, the Contractor is only obliged to transfer the intellectual rights for any third party material (software, photographs/icon/graphics etc.) or any amendments of copyleft open source software (or its linkage with other software) according to the respective applicable licensing conditions.

In addition, please find attached and published on the website Undertakings of Confidentiality and Non-Disclosure as Annex IV of the Draft Framework Contract.

Question 2:

In the Tender Specifications we can see in the description of the profiles (page 24), the concepts "proposed Web technologies" and "proposed CMS platform":

3.2.2.2. - Senior Expert (...) 5 years of professional experience with the proposed Web technologies

3.2.2.3. - Senior Developer (...) Minimum 2 year in working with the proposed CMS platform.

3.2.2.4. - Developer (...) Minimum 2 year of working with the

3.2.2.4. - Developer (...) Minimum 2 year of working with the proposal technology

For Senior Developer, we proposed candidates with more than 2 year experience in the chosen CMS. This is OK.

But, for Senior Expert, are "propose Web technologies" referred to experience in any CMSs? For example, a Senior Expert with 2 year experience in our chosen CMSs and 3 year experience in other CMS platforms, meet the candidate the requirement ("5 years of professional experience with the proposed Web technologies")?

Cedefop answer 2:

By the term "proposed web technologies" we mean technologies related with the proposed solution (CMS and website). It is up to the Evaluation Committee to assess and determine the eligibility of the tenderers in terms of exclusion/selection and award criteria.

Question 3:

We are going to provide a screenshot of the files in the server where Cedefop could see the last dates of modified, and a DVD with the demo.

This is an appropriate way to provide that the demo are no modified after the date of submission?

Cedefop answer 3:

Yes, it is an appropriate way but the tenderer still needs to provide the screenshots requested in annex O.

Question 4:

Annex G, questionnaire 3:

Is the tenderer allowed to reference contracts that started in 2012, but ended in 2013? And is it allowed to reference contracts, where implementation and go-live

of the corresponding web-site has been done, but the hosting and maintenance services are still ongoing?

Cedefop answer 4:

In accordance with point 3.2.2, 3<sup>rd</sup> bullet of the Tendering Specifications:

*“The tenderer must have performed three contracts within the last three (3) years **(to have been concluded by the deadline for submission of tenders)**, covering the fields of web applications development and web site hosting, maintenance and support, similar to the size required by this call for tender.”*

The above noted requirement concern **all** tasks performed during these contracts.

Question 5:

ANNEX N, instructions for the exercise, Page 4 (indicative list of fields of each content type)

Do "Image" fields contain a text field with an URL or filename of the image?

Or do "Image" fields contain the raw data of the image itself?

Cedefop answer 5:

For the exercise, the Image field contains the relative path and filename of the image, e.g. “/images/image-1.jpg”