

QUESTIONS AND ANSWERS REF. SJU/LC/0096-CFT

VDL Mode 2 Capacity and Performance Analysis

N°	Subject	Reference in call documentation	Questions	Answers
1	Content of the offer 08/11/2013	Tender specifications section 3 - Assessment in the light of the selection criteria	<p>On page 13 (3.3.2 Economic and financial capacity) of Tender Specifications annexed to Invitation to Tender VDL Mode 2 Capacity and Performance Analysis is written that "The tenderer [the coordinator and each consortium member] shall present the following documentation (...)</p> <p>Nota bene: Public bodies and higher education establishments are not subject to a verification of their economic and financial capacity.</p> <p>Please confirm that organizations who are public bodies or higher education establishments are not required to provide any of the above listed evidences (points 1-4) in the occasion of tender submission.</p>	We confirm that public bodies and higher education establishments are not required to provide any of the listed documents in page 13 of the tender specifications
2	Reference documents 22/11/2013	n/a	<p>Ref 1 in Clause 4.1 (References) in Appendix 4 (References and Acronyms) of the Tender Specifications is identified as; VDL Mode 2 Capacity Analysis Through Simulation Wp5 - Simulation Results For Initial Link 2000+ Deployment - CCS-VDL2-CAP-07D5 Edition 4.0. Would you be able to send a copy of this referenced document or identify where it is available?</p>	<p>The requested document is publicly available in Eurocontrol's library</p> <p>https://www.eurocontrol.be/vdl2/public/site_preferences/display_library_list_public.html</p>
3	Reference		Would you be able to clarify the intent regarding	The tender specifications do not indicate any

	documents 22/11/2013		the two one month options with respect to the Scope of Work and Pricing? Would the additional two months be an addition to the initial (ten months) scope of work and pricing or is it expected to be included in the original scope and price?	“two one month period options”. Please note an overall duration of the contract of 10 months is foreseen (draft contract article I.3.2) and an indicative calendar of deliverables is provided in page 9 of the tender specifications.
4	Selection criteria, guarantees, Q&A 25/11/2013	Point 7, Volume 1 of Letter of Invitation to Tender Tender Specifications 3.3.1 Draft contract	<p>1. SJU is requesting evidence of inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register. Can you please elaborate on this requirement and please provide additional information with respect to what is considered to be a trade or professional register for the purposes of this Request for Tender or if there are specific organisations that an entity is required to be a member of.</p> <p>2) Per the Draft Service Contract, Article II 15.5 receipt – Pre-financing guarantees are required and shall remain in force until the pre-financing is cleared against interim payments or payment of the balance. Is SJU seeking a Payment Bond/Guarantee in addition to the Performance Bond/Guarantee or is the Pre-Financing guarantee rather a Bid Bond/Guarantee?</p> <p>3) Are the previously asked questions and answers available for the Tender on the website or have answers not been provided to date?</p>	<p><u>Answer to question 4.1</u></p> <p>The aim of the requested document is to provide evidence of tenderers being authorised to perform the contract under the national law, first paragraph of subheading 3.3.1 legal capacity.</p> <p><u>Answer to question 4.2</u></p> <p>As a general rule, Special Conditions prevail, activate or replace General Conditions. Whereas the latter, are (safe certain exceptions) common to all contracts issued by EU bodies, the former are adapted to the particular case at stake.</p> <p>For the purpose of this procedure, a pre-financing payment is not foreseen in article I.4 of the special conditions, therefore no need for pre-financing guarantee. As per the performance guarantee, the SJU does not request it either.</p> <p><u>Answer to question 4.3</u></p> <p>A Q&A document is, as frequently as possible, published in</p> <p>http://www.sesarju.eu/about/procurement</p>

5	Price, extension of deadline 28/11/2013	Letter of invitation to tender point 7, and articles I.3 and II.6 of the draft contract	<p>1. While we understand a firm fixed proposal is required in response to this CFT, Section II.16 of the draft contract mentions the possibility of reimbursement of travel and subsistence costs directly connected to the execution of the tasks upon production of originals invoice, receipts, tickets... or on the basis of flat rates (what flat rates?). Question: Shall effort costs (man/month) for execution of the tasks be justified as well as travel & subsistence costs?</p> <p>2. We kindly request an extension of the due date for the referenced CFT until Wednesday 11 of December so as to finalize the constitution of our consortium and collect requested administrative documents from all our partners</p>	<p><u>Answer to question 5.1</u></p> <p>Please see above first paragraph of answer 4.2 on Special and Special conditions of a contract.</p> <p>Article II.16, reimbursements, is applicable only when provided in the special conditions or the tender specifications. In this particular case, reimbursements are not foreseen in any of the documents. Therefore, prices shall be quoted "Inclusive of all costs directly and indirectly connected with the services to be provided", as stated in the Letter to invitation to tender.</p> <p><u>Answer to question 5.2</u></p> <p>Deadline for reception of tenders is extended to Monday 09/12 at 15:00 pm.</p> <p>A second corrigendum is published in http://www.sesarju.eu/about/procurement</p>
6	Extension of deadline 03/12/2013	Letter of invitation to tender	Several requests for a further for extension of the deadline.	<p>Deadline for reception of tenders is extended to Friday 10/01/2014 at 11:30 am.</p> <p>A third corrigendum is published in http://www.sesarju.eu/about/procurement</p>
7	NEW!! Participation in the procedure	Letter of invitation to tender – Points 18. Subcontracting and 18.bis consortia	<p>1. Is it legal that 2 different tenderers have the same company or group of companies as subcontractor(s) and/or partner(s)?</p> <p>2. Is it possible that partner(s) provide support without any contractual obligation?</p>	<p><u>Answer to question 7.1)</u></p> <p>There are no restrictions in this call for tender preventing an entity from participating in different tenders (e.g. as members or subcontractors to different consortia).</p>

	20/12/2013			<p><u>Answer to question 7.2)</u></p> <p>In case of award of a contract to a tenderer constituted as a consortium, the contract shall be signed with the coordinator authorised (through a set of signed letters of intent) by all of its members.</p> <p>Nevertheless, each “partner” with the meaning of “member of the consortium” is jointly and severally liable to the SJU for the performance of the contract as a whole.</p> <p>Therefore, it is not possible for a “member” not to have a contractual obligation with the SJU (please refer to Section 18 para. 3 of the invitation to tender).</p> <p>In case of subcontractors, the main contractor remains fully responsible towards the SJU for the good performance of the contracted activities.</p>
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