

## CLARIFICATION No 1

### Related to tender No. GSA/OP/07/13 – “Provision of technical assistance in the GNSS market technology monitoring, stakeholders’ marketing and economic modelling and forecasting”

- 1. Submission format** – Section 11.3 of the Tender Specifications indicates that one outer envelope must be provided, containing three inner envelopes (of which only for the technical offer and financial offer are both originals and copies required). However, the Invitation to tender requires submitting the (whole?) tender in one original and two copies. Could you please indicate how we should read these two sections together?

**Answer:** Point 2 of the invitation to tender shall be replaced by the following sentence: *“If you are interested in this contract, you should submit a tender in one of official languages of the European Union in accordance with the submission format provided under section 11.3 of the Tender Specifications”.*

- 2. Power of Attorney** – should the subcontractor (not joint tenderer) provide a power of attorney? If so, for which powers (e.g. to the tenderer to tender on his behalf)?

**Answer:** No, unless tenderer decide to rely on the capacities of the subcontractor in accordance with article 147(3) or article 148(6) of RAP of the Financial Regulation. If the subcontractor provides the whole or a very large part of the financial capacity, the GSA may demand that that entity signs the contract or that it provides a joint and several first call guarantee, should that tender be awarded the contract. The power of attorney would then be required for the signature of the contract.

- 3. Legal authority to sign** – Should the subcontractor provide evidence that the signatory of its administrative documents has the legal authority to sign?

**Answer:** Same answer as for point 2.

- 4. Legal identification form** – should the subcontractor also provide this form and the related necessary evidence indicated on the form?

**Answer:** Yes, for all sub-contractors whose share of the contract is above 20%, the tenderer must complete and sign the identification form in Annex III and also provide evidence.

5. **Financial Identification Form** – should the subcontractor also provide this form and the related necessary evidence indicated on the form?

**Answer:** No.

6. **Financial and economic capacity** - Should the subcontractors' revenue figures also be included to prove the turnover capacity requirements?

**Answer:** No, unless tenderer decide to rely on the capacities of the subcontractor in accordance with article 147(3) of RAP of the Financial Regulation.

7. **Financial Statements Template** – Which template should be used?

**Answer:** Please use the template on Financial Statements provided in the annex (Annex IX).

8. **Financial Statements Template** – Should the subcontractors' financial information also be included in this form?

**Answer:** No, unless tenderer decide to rely on the subcontractor's financial and economic capacities.

9. **Financial Statements** – Should the subcontractors provide their financial statements as well?

**Answer:** Same answer as for point 8 above.

10. **Reference cases proving technical and professional capacity** - Should the actual names of the recipients be disclosed or is the indication of "private/public client" sufficient?

**Answer:** It is tenderer responsibility to demonstrate the required capacities in accordance to the rules set in the Technical Specifications and provide the necessary information to the GSA so that it could verify the evidence supplied. See also answer to question 18 below.

11. **Reference cases proving technical and professional capacity** - Must the actual budgets be disclosed or is it sufficient to indicate that the projects exceeds a certain threshold?

**Answer:** it is sufficient to indicate the range.

12. **Independence statement** – Which template should be used for the independence statement referred to in section 9.2.iii of the Tender Specifications?

**Answer:** No template is provided for the Independence Statement. Tenderers are requested to describe how they intend to achieve providing an impartial support/advise to the GSA and how they intend to handle a potential conflict of interest that may arise during contract implementation.

**13. Independence statement** – should the subcontractor also provide this statement?

**Answer:** No.

**14. Declaration of absence of conflict of interest and confidentiality** – should the subcontractor also provide this statement?

**Answer:** No.

**15. Non-disclosure agreement** – should the tenderer provide a non-disclosure agreement? Should the subcontractor provide this?

**Answer:** Not at the stage of the procedure. Please refer to section 10 of the Technical Specifications.

**16. Financial offer format** – should the tenderer provide the financial offer in a specific format (e.g. format provided in section 7.2 or section 9.5.1.2)? Are the daily fees for the same staff profile allowed to be different between main contractor and subcontractors?

**Answer:** Yes, you shall use the format provided in section 7.2 and section 9.5.1.2. Only one maximum daily fee can be provided per profile. However successful tenderers will be able to propose more competitive prices for their daily fees under reopening of competition (see section 4.2.13, page 8).

**17.** Page 27 SOW says **Financial and economic capacity documents** as requested in section 9.2 of these Tender Specifications, including duly filled in financial statements template in **Annex VII**. It is very clear what is required from Section 9.2, however we were unable to find a “financial statements template”. Annex VII is about CoI. Please advise.

**Answer:** The template on Financial and economic capacity referenced to as annex VII under section 11.3 of the Technical Specifications shall be replaced by the reference to annex IX. The right template is provided in annex to this clarification n°1.

**18.** Page 28 says: One (1) signed original, three (3) copies (identical in full to the original) and one (1) readable and searchable electronic copy in Word format (identical in full to the original) of the duly filled in, signed and dated **Technical and Professional Capacity and Conflict of Interest requirements**. We could not find any document with the title in bold, we assume that you refer to a signed chapter “**Technical and Professional Capacity**” and the signed CoI form (Annex VII). Please advise.

**Answer:** Tenderers shall provide a list of references of their previous experience in accordance with the requirements set under section 9.2.ii) of the Technical specifications. Please refer to the attached template on the technical and professional capacity. For conflict of interest requirements please fill in the form provided in annex VII.

**19. Technical and professional capacity evidence:** are the required

number of examples of projects and samples of reports/studies (section 9.2 ii. a. of the Tender Specifications) a maximum or minimum?

**Answer:** The minimum, however no more than 5 references shall be provided for each selection criterion.

- 20. Subcontractor letter of intent** – Could you please clarify how we should answer questions 2 (brief description of the resources of the contractor) & 3 (proportionate value of contribution) in the letter knowing that the nature of the specific contracts under the framework contract is not defined yet?

**Answer:** The tenderer is requested to describe the profile of the companies that he intends to include as subcontractors for the specific contracts implementation. For all identified subcontractors whose share of the contract might be above 20%, the tenderer is requested to provide a letter of intent. The proportionate value of participation (contribution) is a rough estimation based on past experience.

- 21. Project references** – Could you please indicate how we should deal with projects for private clients who typically do not want their identity, project value, etc. be disclosed? For obvious reasons, obtaining certificates of satisfactory execution from these clients is impossible.

**Answer:** same answer as for point 10.

- 22. Some documents are required in ORIGINAL** by all consortium members (e.g., legal identification form, declaration of honour, signed balance sheets). In these cases, a printed version of a pdf document would suffice or should we include the documents with the actual and "real" signature from the legal representative?

**Answer:** For all consortium members documents which are requested in ORIGINAL must be signed by the legal representative.

### **Annexes to Clarification No 1:**

- 1- Template for financial statements relating to the Selection Stage (annex IX)
- 2- Template on the technical and professional capacity (annex X)