

## QUESTIONS AND ANSWERS

### INVITATION TO TENDER N° ACER/OP/ADMIN/10/2014

#### Provision of temporary agency workers to the Agency for the Cooperation of Energy Regulators

Contract notice: OJEU S 2014/S 168-298487 of 03/09/2014

*Last update: 24/10/2014*

#### ENGLISH VERSION

##### **Question N° 1:**

Indicative descriptions of profiles are divided into 2-two categories, hourly rates are divided into 2-two Groups. Have the terms category and group the same meaning or not?

##### **Answer N° 1:**

Yes, the terms “category” and “group” have the same meaning.

##### **Question N° 2:**

We need to include CVs of suitable candidates. Can we send it without personal data? How many CVs do you expect (min. and/or max.)?

##### **Answer N° 2:**

Yes, the CVs of suitable candidates do not need to include personal data (e.g. the name may also be withheld). The tender should include at least three (3) and a maximum of five (5) CVs per each category and profile (see point 4.2 of Annex I Tender specifications for categories and profiles within each category). One CV may cover one or more profiles within the same category. However the same CV may not be used for both categories.

##### **Question N° 3:**

We must provide training on health and safety at work (for chosen interim staff). According to the relevant laws, this can be only done by authorized concessionaire. Is it ok if we just sign confirmation or should a concessionaire be included as subcontractor?

##### **Answer N° 3:**

The selected contractor shall, for the selected candidate, comply with the relevant Slovenian legislation in respect to health and safety at work. This is the responsibility of the selected contractor and not of the Agency. Therefore the authorised concessionaire does not need to be included in the tender as a subcontractor.

##### **Question N° 4:**

What do we need to include in cover letter – should it be in any specific form and include specific content?

**Answer N° 4:**

The tender, submitted by the tenderer, should be accompanied by a cover letter duly dated and signed (i.e. by the legal representative of the tenderer). It is up to the tenderer whether additional information is presented. However the cover letter should not include any information on the technical and/or financial offer.

**Question N° 5:**

Is balance sheet good enough evidence for at least 500.000,00 EUR provided by the requested services in 2012 and 2013?

**Answer N° 5:**

According to point 16.2. "Financial and economic capacity" of Annex I Tender specifications, the tenderer has to provide the following:

- (a) *Balance sheets or extracts from balance sheets for at least the last two (2) years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established. In case of a consortium, audited accounts for each consortium partner shall be presented.*
- (b) *A statement of turnover that tenderer's total financial turnover for the services referred to this procedure (interim support services) during the last 3 (three) financial years are not less than EUR 300.000,00 (three hundred thousand euro) per each year.*

In addition to the above, and according to point 16.3. "Technical and professional capacity" of Annex I Tender specifications, the tenderer has to provide, among other bullet points, "*Evidence that the tenderer has provided the services as requested in this tender (i.e. interim support services) for the total amount of at least EUR 500.000,00 (five hundred thousand euro) in 2012 and 2013 combined.*" This is not equivalent to providing "balance sheet" since balance sheets do not provide sufficiently detailed information as requested by this selection criterion.

*"Evidence that the tenderer has provided the services as requested in this tender (i.e. interim support services) for the total amount of at least EUR 500.000,00 (five hundred thousand euro) in 2012 and 2013 combined."* means that the tenderer has to provide at least the following information: (a) names of his/her customers to whom services as requested in this tender (i.e. interim support services) have been provided, (b) type of interim support services provided per each customer (i.e. profiles/categories of interim support services), (c) starting and ending dates of the services provided per each customer (i.e. contract(s)), (d) the amount of the contract(s) per each customer, etc.

**Question N° 6:**

References – can we just list them or should we ask for statements from the persons in charge?

**Answer N° 6:**

References of international institutions and/or companies with operations in Slovenia, to which the tenderers are/have provided interim services during the last three (3) years, should be duly signed and dated by each international institution and/or company providing the reference.

**Question N° 7:**

Article 4.5 of Annex I »Tender Specifications« defines the remuneration of interim staff. It also mentions the possibility of verifying the gross monthly payment shown on the pay slip namely the consistency of the total gross remuneration paid throughout the Contract to an interim staff with the gross hourly rate as defined in the Contract. We would like to know whether the verification of gross monthly payments to interim staff, in line with the gross hourly rate as defined in the Contract, shall be done on a yearly basis or for the period of the duration of a specific contract?

**Answer N° 7:**

In accordance with the provisions of the tender documentation, the Agency shall verify the actual payments made to interim staff at least for the period of the duration of a specific contract; in cases where a specific contract shall be concluded for a period of at least ten (10) months, the Agency shall verify the actual payments once during the implementation of a specific contract and at the conclusion of a specific contract (the Agency shall not verify actual payments on a monthly basis).

**Question N° 8:**

We would like to know in which language we should submit a tender? Because, in the documents of the tender documentation, we noticed different instructions regarding the language:

- In Notice: This notice in TED website: <http://ted.europa.eu/udl?uri=TED:NOTICE:298487-2014:TEXT:EN:HTML> is written: »Language(s) in which tenders or requests to participate may be drawn up Any EU official language. Other: Please note that the working language of the Agency is English and tenderers are encouraged to submit their tenders in English.«
- In document : Invitation to tender ACER OP ADMIN 10 2014 is written: »2. If you are interested in this contract, you should submit a tender in one (1) original and two (2) copies in the English language.«
- in document : Annex I\_Tender documentation.pdf is written: »Tenders may be drafted in any of the official languages of the European Union.«

**Answer N° 8:**

Tenders may be drafted in any of the official languages of the European Union. However please note that the working language of the Agency is English and tenderers are encouraged to submit their tenders in English.

**SLOVENE VERSION**

**Vprašanje št. 1:**

Opisi predvidenih del oz. delovnih mest so razvrščeni v kategorijo I in II, pri plačah pa sta urni postavki razdeljeni v Skupino I in II. Ali izraza kategorija in skupina označujeta enak pojem ali ne?

**Odgovor št. 1:**

Da, v tem kontekstu izraza »kategorija« in »skupina« označujeta enak pojem.

**Vprašanje št. 2:**

Med razpisno dokumentacijo bomo vključili tudi življenjepise primernih kandidatov; zanima nas koliko (max.) življenjepisov predvidevate ter kako je z navedenimi osebnimi podatki, jih lahko (v skladu z Zakonom o varstvu osebnih podatkov in dejstvu, da nimamo podpisane pogodbe o medsebojnem sodelovanju) počrnimo?

**Odgovor št. 2:**

Da, v življenjepisih primernih kandidatov lahko osebne podatke počrnete (npr. imena kandidatov). Ponudba mora vključevati najmanj tri (3) in največ pet (5) življenjepisov za vsako kategorijo in profil (glej točko 4.2 Priloge I razpisnih pogojev za kategorije in profile v vsaki kategoriji). En življenjepis lahko pokriva enega ali več profilov v isti kategoriji, vendar isti življenjepis ne sme pokrivati obe kategoriji.

**Vprašanje št. 3:**

Naloga izbranega pogodbenika je med drugim zagotoviti certifikat/spričevalo o opravljenem izobraževanju za zdravo in varno delo. Ker omenjena izobraževanja izvajajo zgolj pooblaščen koncesionarji, nas zanima če jih moramo v razpisno dokumentacijo vključiti kot zunanje izvajalce, ali bo dovolj da spričevalo, ki ga izda, podpišemo mi?

**Odgovor št. 3:**

Izbrani izvajalec mora za izbranega kandidata izpolnjevati zahteve Slovenske zakonodaje v zvezi z varnostjo in zdravjem pri delu. To je odgovornost izbranega izvajalca in ne Agencije. Zato pooblaščenega koncesionarja ni potrebno vključiti v ponudbo kot podizvajalca.

**Vprašanje št. 4:**

Naj bi imelo spremno pismo (cover letter) kakšno določeno obliko in vsebino?

**Odgovor št. 4:**

Ponudbi, ki jo predloži ponudnik, mora biti priložen dopis, datiran in podpisan (tj s strani zakonitega zastopnika ponudnika). V kolikor spremni dopis vključuje dodatne informacije, je to odločitev ponudnika. Vendar pa spremni dopis ne sme vključevati nobenih informacij o tehnični in/ali finančni ponudbi.

**Vprašanje št. 5:**

S čim naj bi dokazali promet v višini 500.000,00 EUR v letu 2012 in 2013?- Bo dovolj bilanca?

### **Odgovor št. 5:**

V skladu s točko 16.2. "Finančna in ekonomska sposobnost" - Priloga I razpisnih pogojev, morajo ponudniki predložiti sledeče:

- (a) *Bilance stanja ali izvlečke iz bilanc stanja za najmanj zadnji dve (2) leti, za kateri so bili računovodski izkazi zaključeni, kjer se zahteva objava bilanc stanja, v skladu s pravom gospodarskih družb države, kjer ima poslovni subjekt sedež. V primeru konzorcija je potrebno predložiti revidirane zaključne račune za vsakega konzorcijskega partnerja.*
- (b) *Izkaz prihodkov od prodaje, kjer je skupni finančni promet ponudnika za storitve iz tega postopka (zagotavljanje začasnih delavcev), v zadnjih treh (3) proračunskih letih, vsaj 300.000,00 EUR, za vsako leto.*

Poleg zgoraj navedenega in v skladu s točko 16.3. "Tehnična in strokovna sposobnost" Priloge I razpisnih pogojev, mora ponudnik predložiti, poleg ostalih pod-točk te točke, »dokaz, da je ponudnik izvedel storitve, kot je zahtevano v tem razpisu (tj zagotavljanje začasnih delavcev) v skupnem znesku najmanj EUR 500.000,00, v letih 2012 in 2013 skupaj«. To ni enakovredno predložitvi »bilance«, saj bilance stanja ne vsebujejo dovolj podrobne informacije kot zahtevano pri tem merilu za izbor.

"Dokaz, da je ponudnik izvedel storitve, kot je zahtevano v tem razpisu (tj zagotavljanje začasnih delavcev) v skupnem znesku najmanj EUR 500.000,00, v letih 2012 in 2013 skupaj." pomeni, da mora ponudnik predložiti vsaj sledeče informacije: (a) imena strank, katerim je ponudnik zagotavljal storitve kot zahtevane v tem razpisu (tj zagotavljanje začasnih delavcev), (b) vrsta storitev zagotavljanja začasnih delavcev za vsako navedeno stranko (tj profili / kategorije začasnih delavcev), (c) datum začetka in konca storitve za vsako navedeno stranko (tj pogodbe), (d) vrednost posamezne navedene pogodbe, itd.

### **Vprašanje št. 6:**

Reference: naj referenčna podjetja zgolj naštejemo ali potrebujemo tudi njihove izjave?

### **Odgovor št. 6:**

Reference mednarodnih institucij in / ali podjetij, ki poslujejo v Sloveniji, in katerim ponudnik zagotavlja / je zagotavljal začasne delavce v zadnjih treh (3) letih, morajo biti podpisane in datirane s strani vsake mednarodne institucije in / ali družbe, ki poda referenco.

### **Vprašanje št. 7:**

Vsebina javnega povabila v 4.5 točki govori o plačilu napotnih delavcev. Prav tako omenja možnost zahteve po preverjanju dejanskega izplačila delavcu. Zanima nas ali je dokazovanje izplačila plače delavcu, v skladu s podano postavko z vaše strani, predvideno na letni oz. na ravni obdobja trajanja pogodbe o zaposlitvi z delavcem?

### **Odgovor št. 7:**

V skladu z določili razpisne dokumentacije, bo Agencija preverila dejanska izplačila začasnim delavcem vsaj na ravni obdobja trajanja posebne pogodbe; v primeru, da je posebna pogodba sklenjena za obdobje najmanj deset (10) mesecev, bo Agencija preverila dejanska izplačila enkrat med trajanjem posebne pogodbe in ob izteku trajanja posebne pogodbe (Agencija ne bo preverjala dejanska izplačila na mesečni ravni).

**Vprašanje št. 8:**

Želeli bi vedeti, v katerem jeziku moramo predložiti ponudbo? V dokumentih razpisne dokumentacije smo opazili drugačna navodila v zvezi z jezikom:

- V obvestilu o naročilu: Obvestilo na spletnem mestu TED: je napisano <http://ted.europa.eu/udl?uri=TED:NOTICE:298487-2014:TEXT:EN:HTML>: »Jeziki, v katerih je treba vložiti ponudbe ali prijave za sodelovanje: Katerikoli uradni jezik EU. Drugo: Delovni jezik Agencije je angleščina, zato se ponudnike naproša, da oddajo svoje ponudbe v angleščini.«
- V dokumentu: Povabilo k oddaji ponudbe ACER OP ADMIN 10 2014 je napisano: »2. Če ste zainteresirani za to pogodbo, predložite ponudbo v enem (1) izvorniku in dveh (2) izvodih v angleškem jeziku.«
- V dokumentu: Priloga I\_Tender documentation.pdf je napisano: »Ponudbe se lahko predložijo v katerem koli od uradnih jezikov Evropske unije«.

**Odgovor št. 8:**

Ponudniki lahko svoje ponudbe predložijo v kateremkoli uradnem jeziku EU. Delovni jezik Agencije je angleščina, zato se ponudnike spodbuja, da predložijo svoje ponudbe v angleščini.