

Invitation to tender no. ACER/OP/ADMIN/12/2012

Web applications development services and IT consultancy services for the implementation of REMIT Information System (ARIS) for the Agency for the Cooperation of Energy Regulators

Answers to questions 59 to 67

Question no. 59:

Total number of users, structure of users, number of concurrent users, number of market participants, granularity of data, data volume, data transfer rate, data latency are all extremely important inputs for accurate project complexity estimation.

Taking into account that architecture & infrastructure solutions are strongly depending on above parameters it is practically impossible to define optimal price without better target size estimation. We are kindly asking you to reconsider your answers on questions no 29, 30, 31, 33, 34, 35, 38, 39.

If that is not possible in this time frame, we are also suggesting to prolong the tender submission date for accordingly.

Answer no. 59:

The Agency is not in a condition to suggest an estimation of the requested values, as they are strongly dependent on the content of the Implementing Acts which must be adopted by the European Commission after comitology procedure according to art. 8(1) and (5) of REMIT.

The aim of this framework contract is to procure development and support activities for the ARIS system with the aim to build and operate specific sub-systems of the ARIS System. Project complexity and any additional issue related to the complexity of the platform, will eventually influence the amount of man days for each specific request of service whilst the price for man day, which is used for price evaluation in awarding this tender, should be rather independent. The same applies for function point price, taking into account that the indicated Value of Adjustment Factor (VAF) equal to 1,22 should cover the estimated non-functional complexity.

In this respect, ACER confirms that all the before mentioned answers are consistent with the actual status of the implementation of the REMIT Regulation, and the Agency doesn't have any further data which could facilitate the potential tenderers.

No prolongation is foreseen as this status will not change in the next months, until adoption of implementing acts.

As for support activities, at page 29 of the Tender specifications, under Table 3, it is indicated *“All inclusive fixed price contract with estimation of a total amount of resources needed (the prices shall include all infrastructure costs). The buffer should cover all risks linked to this project”*. In order to clarify the usage of term *“infrastructure”* in this precise point, this refers only to infrastructure needed for support activities (i.e. CRM platform tailored for the Agency, the cost of phone, communication lines) and any other cost which could be adducted to a Remote support service as described in Annex I.A – Technical specifications for Lot 1, paragraph 3.2). Technical infrastructure for operating the software application has not to be included in the price quotation.

Please refer also to answer No 15 already published on the ACER’s website: *“For each of the profiles the tenderers shall quote the same unit price regardless of the persons of the same profile level.”*

Question no. 60:

A draft SLA is mentioned in Technical Spec for lot 2. Is this available/can it be shared? Are we expected to submit an example?

Answer no. 60:

As indicated at point 6 of ANNEX I.B – Technical Specifications for Lot 2 *“The draft SLA sets benchmarks for minimum standards and values for the framework contract as well as specific contract(s)”*, meaning that the benchmarks at point 6.3.1 and 6.4 constitutes the draft SLA proposed by the Agency.

Tenderers are not supposed to provide an example of the SLA.

Question no. 61:

In the Table 1 *“provision of IT consultancy services”*, paragraph 20.2.2 *“Price for LOT 2”* of the Annex *“I_0_Tender_Specifications”*, you require to compile the *“Contingency buffer”* field.

We would like to know:

- **What does “Contingency Buffer” mean?**
- **How it should be used?**

Furthermore, in paragraph 20.3 *“Final Evaluation”* is shown the following formula to calculate the most advantageous offer:

$$\text{Final score for tender X} = \frac{\text{cheapest total reference price}}{\text{total reference price of tender X}} * 35 + \frac{\text{total technical quality of tenderer X}}{100} * 65$$

Whereas this formula utilizes the *“total reference price of tender X”* factor (which excludes the portion of *“Contingency Buffer”*) in order to evaluate the final score, we would like to know:

- **How will the “Contingency Buffer” be utilized to evaluate the most advantageous offer?**

Answer no. 61:

Tables 1, 2, 3 and 4 at point 20.2.1 and Table 1 at point 20.2.2 of ANNEX I - Tender specifications have been built to simulate specific orders, in which the selected contractor will be requested to give also an average suggested “Contingency Buffer” cover any risk related to the requested activity.

For clarity, in the financial evaluation of this tender, the contingency buffer will not be considered in the evaluation of the most advantageous offer, as it should not constitute a relevant economic component of the reference price, and with the aim to create no alteration to the meaning of the reference price which has to be based on firm prices per man day and per function point.

Please refer also to answer to question No 11 already published on the ACER’s website: The tenderer has to fill in Annex II “Financial Offer”. On the basis of the information provided in Annex II the total reference price shall be calculated by the Agency, for each lot separately, as indicated in the tender specifications (the formulae how the total reference price shall be calculated is described in point 20.2 of tender specifications). This will be used solely for the purpose of this evaluation and has no contractual value. The tenderers should not fill in any tables which are a part of Annex I “Tender Specifications”.

Question no. 62:

In annex I.2 Identification form in a footnote it is stated that the authorized representative signing the form “must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated”. Considering that in the same document in the previous cell there is written “Legal representative and function, or other representative of the tenderer who is authorised to sign contracts with third parties” Can you please confirm that annex I.2 and the rest of the tender documents can be signed by an authorized representative like a proxy holder, whose powers are official and can be found listed in the chamber of commerce certificate?

Answer no. 62:

Any document to be signed by a member of the consortium needs to be signed by a person authorized to represent this company and to sign contracts with third parties. The evidence of such authority should be attached to the tender.

Question no. 63:

Can you please confirm that just 1 financial identification sheet (annex I_4) shall be provided in case of a consortium? And not 1 for every member of a consortium?

Answer no. 63:

In case of a consortium, only one Financial Identification Form for the whole consortium shall be submitted, nominating the bank account into which payments are to be made under the contract in the event that the respective tender is successful.

Question no. 64:

At page 23 of the tender specification point 19.1 Professional capacity for legal person, you ask for "legal form". What kind of document exactly do you expect to be provided? Could the certificate of enrollment in the trade register and the legal entity file be enough, since they prove and state the legal form of the company?

Answer no. 64:

Evidence showing clearly the legal form of the tenderer should be attached to the tender, in addition to the legal entity file. Such information could be contained in a certificate of enrollment in the trade register.

Question no. 65:

At page 23 of the tender specification point 19.1 Professional capacity for legal person, it is requested to provide "Names and duties of managerial staff". Can you please confirm that it is correct to provide the name and duties of the members of the Board and Directors and of people with decision making/representation powers (if any, such as proxy holders and similar)?

Answer no. 65:

Names and duties are sought of the undertaking's managerial staff, including in particular those of the person or persons responsible for providing the services or managing the work. They include the Board members, Directors and people with decision making/representation powers, but also the heads/managers of the actual delivery units/teams.

Question no. 66:

Concerning the request for evidence of a total amount of EUR 500.000 in 2010 and 2011 (page 25 of tender specification point 19.3.2 technical capacity for lot 2), can you please confirm that the 500.000€ should have been invoiced in the period covering 2010 and 2011, not NOT 500.000€ for 2010 and 500.000€ for 2011 (see answer 19 for lot 1)?

Answer no. 66:

Point 19.3.2. of tender specifications "*– Provision of evidence that the tenderer has in the recent past provided resources of the type as requested in this tender and for a total invoiced amount of at least EUR 500,000.00 in 2010 and 2011.*"

should read:

"– Provision of evidence that the tenderer has in the recent past provided resources of the type as requested in this tender and for a total invoiced amount of at least EUR 500,000.00 for the period of time including years 2010 and 2011."

Question no. 67:

Concerning the document mentioned at page 26 of the tender specifications (“ A document signed by all members specifying the lead of the consortium or grouping of service providers and authorising the appointed lead of the consortium or grouping of service providers to submit the offer”) can you please confirm that this document has to be signed by each consortium member – in case of a consortium – excluding the leader? Can you please also confirm that there is no need for a joint document (i.e. a document carrying the signatures of all consortium members together)?

Answer no. 67:

The required document mentioned at page 26 of the tender specifications includes all members of the consortium, including the leader. Typically, this requirement is met by providing the consortium agreement duly signed and dated by each of the consortium members (including the leader) specifying the company or person heading the project and authorized to submit a tender on behalf of the consortium.