



Publications Office

Directorate R — Resources
Calls for tenders and Contracts Unit

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Ref: ZsK – itt 10233 new eur-lex clarif 6 all.doc
OPOCE R.2 (2009) N° SAUV 279 351 – ARES/

BY FAX AND REGISTERED LETTER

Subject: Call for Tenders No 10233, Clarification No 6
Title: "Design and development of the new EUR-Lex"
Ref.: (09) 276 110, 246 347 and 248 963

Dear Sir or Madam,

Having received questions from tenderers concerning the above-mentioned call for tenders, please note the following:

Q1: *One of the rules that will be taken into account when evaluating the PARFs is the following: "PARFs must be accompanied by certificates of satisfactory execution, specifying whether the services have been carried out in a professional manner." Could you please clarify what types of certificates are expected here? Would it be sufficient to provide a customers statement about the satisfactory execution of the project?*

A1: Candidates are requested to submit a **certificate of satisfactory execution to each PARF, duly signed and dated by the representatives of the company** concerned, customers' statements are not sufficient.

Q2: *Set of Best Practice Documents: Extracts of real existing documentation which must be linked to the submitted PARF should be provided. With most of our customers NDAs (Non Disclosure Agreement) exist which represents a problem in providing real existing documentation that is linked to the PARF. Would it be possible to provide general samples of documentation that are not linked to the submitted PARF instead?*

A2: As stated in point 2.6.2.2 section III of the Descriptive document, the extracts from existing documentation **have to be linked to the submitted PARFs.**

Q3: *According to section IV.3.6 of the Contract Notice 2009/S 151-220293, the request to participate as well as the tender itself may be drawn up in each of the following languages: Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish, Swedish, Czech, Estonian, Hungarian, Lithuanian, Latvian, Maltese, Polish, Slovak, Slovenian, Irish, Bulgarian, Romanian. However the site where the documentation for the tender is made available (http://publications.europa.eu/tenders/our/documents/itt_10233/template_ao_en.htm) is available in English language only. Where is the documentation in the other languages? Only the forms for 'Legal entities' and 'Financial identification' are available in all languages. And only the forms 'Joint bids and subcontracting', 'Power of attorney - services', 'Declaration on the grounds for exclusion' and 'Form for identification of the tenderer' are available in English and French. Where and how can the forms and documentation in the other indicated languages be obtained?*

A3: Point IV.3.6 of the above-mentioned Contract notice says: "Language(s) in which **tenders** OR **requests to participate** may be drawn up".

Actually, in the first phase of the competitive dialogue procedure we do speak about "requests to participate" as the candidate companies do not submit prices in their requests (for more details on the procedure to be followed, please refer to point 1.2 of the Descriptive document). The other word "tenders" refers to a "traditional" procedure of call for tenders where tenderers submit their complete offers at the beginning, i.e. in reply to the Contract notice and Specifications. Point IV.3.6 of the Contract notice only refers to the fact that these **requests or tenders can be submitted in any of the official languages** of the European Union.

Therefore, this point does not concern **the tender documentation** which – in this case – **is only available in EN** language as you can see it at our website. This fact is explained by the complexity and specific nature of the project in question: the language used in the field of information technology is EN.

Q4: *According to 2.6.2.2, section III, a set of best practice documents is required. Since supply of these documents may only be done with the consent of the document owner, this excludes most of the documentation that is or has been created within the scope of a project for another client under the seal of confidentiality. Even though we have a (in our eyes) perfect reference project, we are not entitled by our customer to use the documentation outside the project scope. Do we understand correctly that we are therefore in a disadvantage compared to other vendors that have received the right to provide the requested documentation?*

A4: Please refer to A1.

Yours sincerely,



António CARNEIRO
Head of Unit