



Early **W**arning for Increased **S**ituational **A**wareness

Terms of Reference (ToR)

Public Version

Questions & Answers



27 January 2017



R&D Services for Land Border Surveillance within EWISA project TERMS OF REFERENCE (ToR) - PUBLIC VERSION Q&A :
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Question 1

Reference to 5.15.v: Posses a quality assurance certificate like ISO 9000/9001 or equivalent and ISO/IEC/IEEE 15288:2015 or equivalent.

a. Please confirm that Agile Software development is compliant and similar with ISO/IEC/IEEE 15288:2015.

b. Please confirm also that a statement regarding using the company projects the methodology Agile Software development signed and stamped by our legal representative covers the requirements.

Answer 1

According to point 5.15.v of the ToR Public Version (Selection Criteria), “Economic operators shall: [...] v. possess a quality assurance certificate *like* [...] and ISO/IEC/IEEE 15288:2015 or equivalent”.

According to point 5.16.1 (Submission of Requests to Participate (STEP 1) –Envelope A), “The economic operators will submit the mandatory documentation in the sealed envelope A as follows: [...] xiii. [...] and ISO/IEC/IEEE 15288:2015 or equivalent”.

The true meaning of point 5.15.v. and point 5.16.1 of the ToR Public Version related to the requirement concerning “ISO/IEC/IEEE 15288:2015 or equivalent” is that the economic operators should comply with the standard ISO/IEC/IEEE 15288:2015 or equivalent. The meaning of “equivalent” is that all certificates drawn up from equivalent other (ie European) conformity assessment bodies will be accepted (article 44 par 1 b of the directive 2014/24).

Therefore, they should provide a formal declaration (no more than a 10 page document) explaining and proving how they follow the guidelines included in the above-mentioned standard (ISO/IEC/IEEE 15288:2015) in producing project documentation.

Related to the Agile Software Development declaration, the procedure mentioned above should be followed. A mere statement from the legal representative of the economic operator that the company uses the Agile Software Development methodology is not in full compliance with the above mentioned requirement.

Question 2

Reference to 9.2 Government Furnished Equipment (GFE).

Is it possible to have a more detailed presentation of the GFE (Government Furnished Equipment) at this stage of the procurement procedure?

The reason we are rising this question is the fact that the costs associated with the rental/ procurement of the hardware needed for either the Solution 1 or Solution 2 is consistent and will draw most of the budget instead to focus in unto the development/certification of the main goals of the project: Video Analytics Component (VAC) and the data fusion. Also, in the case the platforms (land vehicle and boat) and the expensive hardware from the configuration of the requested Solutions will not be GFE, the companies are already providers of the major hardware for borders surveillance authorities have an advantageous position compared with medium or small companies.

Answer 2

The ToR Public Version will be followed by a ToR Restricted Version, dispatched to those economic operators who fulfill all requirements of STEP 1 and will be cleared to pass on to STEP 2. Therefore, more details related to the legacy systems and the Supporting Surveillance Equipment will be comprised in the ToR Restricted Version.

The only available information of this stage is represented in 4.2.3., 4.3.2, 4.4.3, 4.5.2. for the legacy systems and in 5.3. for the Supporting Surveillance Equipment.

Question 3

Reference to 5.15. Selection Criteria.

ii. Have successfully completed during the last three (3) years at least one contract in the field of Border Surveillance which amounts to at least 50% of the budget of each solution.

There is a discrepancy between point 5.15ii (Have successfully completed during the last three (3) years at least one contract in the field of Border Surveillance which amounts to at least 50% of the budget of each solution) and the proof required for point x. Relevant experience certificate – the evidence shall be furnished by at least two of the following means: A list of the main R&D services provided in the past three (3) years (description of the subject matter of the project, start and completion date, estimated value before VAT, public or private recipients thereof).

Please confirm that a relevant experience certificate "in the field of Border Surveillance which amount to at least 50% of the budget of each solution " is compliant without R&D services included.

Answer 3

According to point 5.15ii of the ToR Public Version (Selection Criteria), "Economic operators shall: [...] "Have successfully completed during the last three (3) years at least one contract in the field of Border Surveillance which amounts to at least 50% of the budget of each solution".

According to point 5.16.1 (Submission of Requests to Participate (STEP 1) –Envelope A), "The economic operators will submit the mandatory documentation in the sealed envelope A as follows: [...] "x. Relevant experience certificate – the evidence shall be furnished by at least two of the following means:

a) A list of the main R&D services provided in the past three (3) years (description of the subject matter of the project, start and completion date, estimated value before VAT, public or private recipients thereof).

b) An indication of the team involved (educational and professional qualifications, R&D experience).

c) A statement of the tools or the technical equipment available to the tenderers for providing the services”.

The true meaning of the above requirements comprises three clarifications:

1. The contracts which shall be included in the above-mentioned a) list should be in the field of Border Surveillance yet not necessarily constituting R&D service contracts.
2. The contracting authority expects economic operators to provide all three means a), b) and c) (not just two) for proving their relevant experience.

Following the above the economic operators should submit the list of the main services provided in the field of Border Surveillance as well as the list of the team involved, experienced in the field of Border Surveillance (no need to present experience in R&D service contracts only) but also a statement of the tools or the technical equipment available to the tenderers for providing the services, including the supporting surveillance equipment.

In a few words, we confirm that the contracts which shall be included in the (technical experience) list should be in the field of Border Surveillance but there is no need to constitute an R&D service contract. Thus, commercial contracts are also eligible in combination.

Question 4

Reference to 5.15. Selection Criteria vi. Possess a security clearance to handle EU Classified Information or have applied for such clearance

and

5.16.1. Submission of Requests to Participate (STEP 1) –Envelop A, The economic operators will submit the mandatory documentation in the sealed envelope A as follows :...xiv. Security clearance to handle EU Classified Information or application for such clearance. All tenderers should possess the security clearance before the signature of the contract.

We are kindly ask to clarify for which one of below level of classified information do we have to apply to NSA, in order to obtain a security clearance to handle EU Classified Information for EWISA project : EU RESTRICTED, EU CONFIDENTIAL, EU SECRET, EU TOP SECRET.

Answer 4

According to section 5.15 of the ToR Public Version, “Economic operators shall: [...] “vi. Possess a security clearance to handle EU classified information or have applied for such clearance”.

According to section 5.16.1, economic operators will submit “[...] Security clearance to handle EU Classified Information or application for such clearance. All tenderers should possess the security clearance before the signature of the contract”.

The question is to clarify for which one of the following EU classified information levels (restricted, confidential, secret, top secret) economic operators have to apply for a security clearance in the EWISA procurement process. The answer is that economic operators have to apply for a security clearance to handle EU Restricted Information.

Question 5

Reference to 5.16.3.4. Forms of Guarantees, there is mentioned that is allowed to present Guarantee for the Participation in Step 1 (Annex F) ii. By a guarantee insurance policy, with an insurance entity authorized to operate in this area.”

We kindly ask you to present a list of the insurance entity authorized to operate in area.

Or

Please let us know if there is accepted a guarantee insurance policy issued by CertAsig Insurance & Reinsurance Company. We are adding below a short description of Company and the web link <https://www.certasig.ro> , where are more informations about the area of insurance business of CertAsig Insurance & Reinsurance Company.

Since December 2007, CertAsig has been majority-owned by Royalton Capital Investors II, a private equity fund focused on acquiring and developing services sector companies throughout the new European countries of Central and Eastern Europe. Royalton Capital Investors II 's limited liability partners include Alpha Associates, the European Bank for Reconstruction and Development (EBRD) and the European Investment Fund (EIF).

Answer 5

According to section 5.16.3.4 (forms of guarantees) of the ToR Public Version, the guarantee for the participation may take the form of a “guarantee insurance policy”, issued by “an insurance entity authorized to operate in this area”.

In principal, an insurance company constitutes an entity accepted to guarantee for the amount required for a valid participation in the EWISA procurement process. However, the final decision on whether CertAsig Insurance & Reinsurance Company

is authorized to issue a guarantee insurance policy accepted in the procurement process or not is up to KEMEA-EWISA Procurement Board and to Contracting Board.

Question 6

Reference 5.16.1. Submission of Requests to Participate (STEP 1) –Envelop A , at page 50, there are mentioned:

„xi. Documentary proof of economic and financial standing – the evidence shall be furnished by at least one of the following means:

a) Annual accounts of the tenderer of the past three (3) years, properly audited if necessary, proving an average annual turnover during the past three (3) financial years higher than twice the estimated contract value of each solution.

b) Financial statements or equivalent or bank certificates, proving the availability of own funds at least twice the estimated contract value of each solution.

c) Any other document which the Contracting Authority considers appropriate, in case that the tenderer is unable to provide, for any valid reason, the aforementioned”

We are kindly ask to confirm that for Documentary proof of economic and financial standing there is accepted a statement according to annual accounts of the past three (3) years, issued and signed by auditing company, proving an average annual turnover during the past three (3) financial years higher than twice the estimated contract value of each solution.

Answer 6

According to section 5.15 of the ToR Public Version, “Economic operators shall: [...] “iv. Have an economic and financial capacity to complete the project, proven by the minimum requirements of either an average annual turnover during the past three (3) financial years of at least twice the estimated contract value of each solution or

by a bank certification on own funds at least twice the estimated contract value of each solution”.

According to section 5.16.1, economic operators shall submit [...] “Documentary proof of economic and financial standing – the evidence shall be furnished by at least one of the following means:

- a) Annual accounts of the tenderer of the past three (3) years, properly audited if necessary, proving an average annual turnover during the past three (3) financial years higher than twice the estimated contract value of each solution.
- b) Financial statements or equivalent or bank certificates, proving the availability of own funds at least twice the estimated contract value of each solution.
- c) Any other document which the Contracting Authority considers appropriate, in case that the tenderer is unable to provide, for any valid reason, the aforementioned means”.

The question is whether “a statement according to annual accounts of the past 3 years, issued and signed by auditing company” could be accepted in the procurement process as fulfilling the requirement of “annual accounts of the tenderer of the past 3 years, properly audited if necessary”.

The answer is that “a statement according to annual accounts of the past 3 years, issued and signed by an auditing company” could be accepted as a document proving economic and financial standing for valid participation in the EWISA procurement process, given that it is accompanied by the annual accounts of the past 3 years and that it proves an average annual turnover during the past three (3) financial years higher than twice the estimated contract value of each solution.

Question 7

Reference 4.2.3, 4.3.2, 4.4.3 and 4.5.2

In order to evaluate the most suitable VAC solution and identify its performances with the existing legacy systems, could you provide the video resolution and frames per second of both thermal and optical cameras being used in the legacy surveillance systems and listed in sections?

Answer 7

The ToR Public Version will be followed by a ToR Restricted Version, dispatched to those economic operators who fulfill all requirements of STEP 1 and will be cleared to pass on to STEP 2. Additional technical details will be comprised only in the ToR Restricted Version because this information is highly sensitive, so the only possibility of providing it is in the framework of the NDA which shall be signed by the tenderers who have successfully completed STEP 1.

Question 8

Reference 6.5.1

Defines the solution should run in a real operation during at least three months at each test site and also defines that each solution shall run during 2 months. Could you clarify the timeframe of the solution running in each test site?

Answer 8

According to section 6.5.1 of the ToR Public Version,

"During this stage the contractor will run the solution that integrates the EWISA concept, as developed and tested in previous stages, in a real operation during at least three (3) months at each test site.

[...] Each solution shall be fully operational and shall run during, at least, a two (2)-month period between M10 and M18 (as a reference, and not at the same time: each scenario shall have its own schedule and shall run for a certain amount of time

during that frame). The starting date for the operations shall be established by the Contracting Authority in coordination with the rest of participating authorities members of the EWISA consortium.

After the first half of the operation time, the Contracting Authority will review the operation status and intermediate results in order to determine if there are any deviations from the expected deployment. In case where the operation runs as expected, the solution will be operated one (1) more month without interruption”.

The true meaning of the above provisions is that the time slot available for deployment of each solution (preparation and testing) on each test site is three months, while the operational testing period is of 2 months within this slot.

Question 9

Reference 5.21 Describes cases in which a modification of the contract is considered substantial. Could you provide information of the procedure to be followed in case a modification of the contract is considered substantial?

Answer 9

Section 5.21 of the ToR Public Version describes cases in which a modification of the contract is considered non substantial, as well as cases in which a modification of the contract is considered substantial.

Points i-v describe cases in which a modification of the contract is not considered substantial and therefore it doesn't lead to a new procurement procedure. Points vi and vii describe cases in which a modification of the contract is considered substantial and therefore it shall lead to a new procurement procedure.

Question 10

Will EWISA partners support the contractor to obtain the permission license, authorizations or certifications for operating?

Answer 10

All permission licenses, authorizations and certifications for operating required for the successful completion of the contracts are the sole responsibility of the contractor. However, the EWISA Consortium members will support the contractor/s in order to obtain the permission license, authorizations or certifications for operating the EWISA solution where and if needed.

Question 11

Reference Section 8.4

Includes “the monies have been allocated” as a satisfactory completion. Could you describe the meaning of this sentence?

Answer 11

The true meaning of the phrase “If the monies have been allocated to the planned objectives” (section 8.4 of the ToR Public Version) (which should be read in accordance with the following requirement, “if the monies have been allocated and the work has been carried out according to the compliance criteria”) is that satisfactory completion of each stage will be assessed according, among other requirements, to the estimation of the contracting authority that previous payments (corresponding to the previous POV stage) have been allocated in the project in order to facilitate and ensure the satisfactory completion of the deliverables and milestones of the subsequent phase.

Question 12

The public version of the ToR describes that in case a Group of Economic Operators participate together all members should submit the NDA included in the Annex G. The other documentation listed in Section 5.16.1 to be included the envelope A of the Step 1, is mandatory to submit all that documentation by each member of the Group or only the authorized representative member of the Group should be compliant with that documentation?

Answer 12

According to section 5.15 of the ToR Public Version, “Economic operators shall:

- i. Be active in the domain of Information and Communication Technology
- ii. Have successfully completed during the last three (3) years at least one contract in the field of Border Surveillance which amounts to at least 50% of the budget of each solution
- iii. Make available the supporting surveillance equipment
- iv. Have an economic and financial capacity to complete the project, proven by the minimum requirements of either an average annual turnover during the past three (3) financial years of at least twice the estimated contract value of each solution or by a bank certification on own funds of at least twice the estimated contract value of each solution
- v. Possess a quality assurance certificate like ISO 9000/9001 or equivalent and ISO/IEC/IEEE 15288:2015 or equivalent
- vi. Possess a security clearance to handle EU Classified Information or have applied for such clearance
- vii. Have fluent spoken and written communication in English (at least 3 of the team members)

The tenderers will be cleared to pass on to STEP 2 if all the above-mentioned requirements are fulfilled.

In case of groups of economic operators, all members of the group should possess the above i., v. and vi. requirements, while at least one member (or many members in addition) should possess the above ii., iii., iv. and vii. requirements”.

Based on the above-mentioned clarification and according to section 5.16.1, economic operators will submit the mandatory documentation as follows:

Self-declaration (provided by each member of the group, declaring what corresponds to each member of the group).

Guarantee for participation (provided by at least one member of the group or many members of the group in combination).

Extract from judicial record or equivalent (provided by each member of the group - in case of legal entities, the document should refer to and be submitted / signed by all the members of the administrative, management or supervisory body of that economic operator or by all members who have powers of representation, decision or control therein).

Tax Clearance certificate (payment of tax evidence) or equivalent (provided by each member of the group - in case of legal entities, the document should refer to the company).

Social Security Contribution evidence or equivalent (provided by each member of the group - in case of legal entities, the document should refer to the company).

Evidence of legal personality and legal capacity to act (provided by each member of the group).

Documents accrediting the representation (provided by each member of the group).

Certificates of satisfactory execution from contracts already completed or contracts in progress in the Field of Border Surveillance (provided by at least one member of the group or many members of the group in combination).

Certification on not being bankrupt or equivalent (provided by each member of the group).

Relevant experience certificate (provided by at least one member of the group many members of the group in combination), which means:

- a) A list of the main services provided in the past three (3) years (description of the subject matter of the project, start and completion date, estimated value before VAT, public or private recipients thereof)
- b) An indication of the team involved (educational and professional qualifications, experience)
- c) A statement of the tools or the technical equipment available to the tenderers for providing the services, including supporting border surveillance equipment.

The contracting authority expects economic operators to provide all three means a), b) and c) (not just two) for proving their relevant experience.

Documentary proof of economic and financial standing (provided by at least one member of the group or many members of the group in combination)

Non-Disclosure Agreement (provided by each member of the group - in case of legal entities, the document should refer to and be submitted / signed by all the members of the administrative, management or supervisory body of that economic operator or by all members who have powers of representation, decision or control therein)

ISO 9000/9001 or equivalent (provided by each member of the group)

ISO/IEC/IEEE 15288:2015 or equivalent (provided by each member of the group) - please check answer #1.

Security clearance to handle EU Classified Information or application for such clearance (provided by each member of the group).

Proportion of the contract which the economic operator possibly intend to subcontract (provided by each member of the group accordingly).

Certificate or past relevant experience for proof of fluent spoken and written communication in English (at least 3 of the team members, provided by at least one member of the group or many members of the group **in combination**)

Declaration on the transfer of external personnel data (provided by each member of the group).

Question 13

Reference 5.16.1. Submission of Requests to Participate (STEP 1)

At page 49 of ToR , bullet (vi), it is requested as documentation to be provided “Evidence of legal personality and legal capacity to act”. By this term, do you mean National Gazette incorporation documents and tax registry registration certification?

Answer 13

According to section 5.16.1 point vi, economic operators will submit the mandatory documentation as follows: [...] “Evidence of legal personality and legal capacity to act”.

This requirement includes all possible documentation that could prove the legal standing (in case of legal entities) and a valid legal capacity to act (for both natural persons and legal entities) for all economic operators.

The documentation could include for instance an ID photocopy (for natural person); an official tax certificate for the starting of the business activity and/or a certificate of registration in the national commercial or other professional register of the country of establishment (legal entity) and, if necessary (if this information is not

apparent from the registry certificate) single National Gazette incorporation documents where the minutes of the Board for appointing the legal representative of the company are published.

Therefore, single National Gazette incorporation documents and tax registry registration certification may be appropriate, especially in countries where the above required information is not provided by a national register.

Question 14

Reference 5.16.1. Submission of Requests to Participate (STEP 1)

At the same page, bullet (vii) it is requested “Certificates of satisfactory execution from contracts already completed or contracts in progress”. In case of some contracts data are confidential especially in terms of clients names, what kind of information and in what details is sufficient to be included there;

Answer 14

According to section 5.16.1 point vii, economic operators will submit the mandatory documentation as follows: [...] “Certificates of satisfactory execution from contracts already completed or contracts in progress”. The question concerns the eventual confidentiality of data, especially in terms of clients, names etc.

A certificate of satisfactory execution of contracts already completed or contracts in progress should include the name of the client, the nature and the budget of the awarded contract and the official statement that the contract has been successfully executed or is successfully executed and following the initial time table.

In any case, if an economic operator characterizes certain information in its offer as confidential, because of the existence of restricted information of commercial or technical nature, it must explicitly list in its relevant statement all relevant provisions

of law or administrative acts requiring the confidentiality of such information. Otherwise, there is no obligation of confidentiality.

All documents submitted by tenderers will become property of the Contracting Authority and will be regarded as confidential.

Question 15

Reference 5.16.1. Submission of Requests to Participate (STEP 1)

Regarding bullet (x) a) of the same page do we have to include only R&D contracts or commercial contracts are eligible also to be put there?

Answer 15

As mentioned in answer #3, the contracts which shall be included in the (technical experience) list should be in the field of Border Surveillance but there is no need to constitute an R&D service contract. Thus, commercial contracts are also eligible.

Question 16

Reference 5.16.1. Submission of Requests to Participate (STEP 1)

Regarding bullet (x) b) at page 49, is it requested to provide CVs of the involved team?

Answer 16

For the personnel (researchers, developers and testers) included in the contract, each economic operator should provide a list of all personnel who will work on the project, indicating their role in performing the contract and the location where they will carry out their tasks. Moreover, it is necessary to include in the offer the CVs of the involved team.

Question 17

Reference 3.3.5.

The integration of the solution developed by the contractors will be integrated with the existing equipment (sensors, cameras, etc) of the EWISA partners? Is it necessary for the contractor to use/purchase its own equipment - sensors, in particular?

Answer 17

As it is stated in section 5.3. of the ToR Public Version, specific mobile or deployable platforms and sensors should be integrated in both solutions which will be provided by the contractors, in order to be able to integrate the solution developed into the current/legacy surveillance infrastructure (section 4.2.3., 4.3.2, 4.4.3, 4.5.2.) , for the proof of concept.

Question 18

Reference 3.3.5.

Is the integration done only with the equipment or is it necessary to integrate the new EWISA solution with existing software applications of the EWISA partners?

Answer 18

In principal the answer is Yes (please see answer 17). The ToR Public Version will be followed by a ToR Restricted Version, dispatched to those economic operators who fulfill all requirements of STEP 1 and will be cleared to pass on to STEP 2. Therefore, more technical details will be comprised in the ToR Restricted Version, as this information is highly sensitive and the only possibility of providing it is under the frame of the NDA to be signed by the tenderers in the Step 1.

Question 19

Reference 5.2.

What is included in the “materials” category? Do equipment costs fall under this category?

Answer 19

In the “materials” category falls any material that may be used / incorporated in the solution developed. Equipment costs fall under this category.

Question 20

Reference 5.12.

For the personnel (researchers, developers and testers) included in the contract, is sufficient to include in the offer their CVs or is it necessary to provide also other documents proving their expertise (diplomas, certifications, educational and professional qualifications, R&D experience etc)?

Answer 20

CVs may prove the personnel’s expertise with no need for further documentation. However, each economic operator should provide a list of all personnel who will work on the project, indicating their role in performing the contract and the location where they will carry out their tasks.

Question 21

Reference 8.4.

What is the guarantee period? Where it is defined?

Answer 21

According to section 5.16.3.2. of the ToR Public Version, “The tenderer awarded the contract must submit within ten (10) days from the day following that on which he received the request, a guarantee for five percent (5%) of the amount of the award,

excluding VAT. [...] "The guarantee of good performance will be cancelled or refunded once all obligations under the contract are fulfilled by the contractor or once its period has expired, except if there are any claims pending against the contractor, in which case it will be cancelled or returned only when all claims are resolved".

More details will be provided in the ToR Restricted Version.

Question 22

Reference 10.

Can you please detail a little more what 3rd parties can be taken in consideration here, by giving an example? Also, that does the license to exploit refer to, in this case?

Answer 22

A third party may be any private or public entity, natural person or legal entity, designated by an EWISA partner in order to be granted a non-exclusive license to use and exploit the EWISA solution, under fair and reasonable market conditions without the right to sub-license and without this impeding the licences of the public authorities and the institutions of the European Union. License to exploit means license to use the results in further research activities other than those covered by the EWISA solutions, or in developing, creating and marketing a product or process, or in creating and providing a service, or in standardisation activities.

Question 23

Reference 10.

Can you please detail what “marketing a commercial application” implies?

Answer 23

The contractor has to commercialize the solution developed within 5 years after the end of the EWISA project, which means to develop any other application that could be based on the initial solution and sell/lease it in the market place.

Question 24

How is the intended operational concept during POV? Is the system in operation only on limited time or is a 24X7 h operation foreseen. Is a service support for the POC provided through the contracted company during operation?

Answer 24

The solution developed is intended to operate in a 24X7 system and the contractor shall provide a service support function during the whole operational phase.

Question 25

Does the subcontractor have the obligation to submit the documentation required in section 5.16.1 of the Terms of Reference document?

Does the subcontractor have the possibility to participate in as subcontractor in two different tenders?

Answer 25

According to section 5.20 of the ToR Public Version, “Tenderers should indicate in their initial tender the specific services which they intend to subcontract and their percentage in the subject matter of the project. They should provide the subcontractor’s statement that he is aware of this provision; that he meets all selection requirements for the services to be subcontracted and that all his

resources remain at the disposal of the tenderer for the full duration of the contract”.

The true meaning of this provision is that each subcontractor should meet all selection requirements for the services to be subcontracted and therefore, he should submit all mandatory documentation required in section 5.16.1 of the ToR Public Version.

According to section 5.12 of the ToR Public Version, “Tenders will be excluded if they fall within one of the following categories, relating to the structure of groups of operators: a) Where a single economic operator or affiliated entity is participating within more than one group of economic operators or both as single tenderer and as a member of a group of economic operators, b) Where a single economic operator or affiliated entity has already participated as a subcontractor in EWISA WP1.

The true meaning of the above-mentioned provision is that the prohibition of participation within more than one tender applies not only to the single economic operators or affiliated entities, but to their subcontractors as well.

Question 26

Does a group of economic operators have the possibility to be amended during Step 2 of the procurement process?

Answer 26

Any group of economic operators does not have the possibility to be amended during Step 2 of the procurement process. According to section 5.13 of the ToR Public Version, “the Contracting Board may exceptionally authorize changes in the composition of a group of contractors during the phases of the project, unless:

- i. They imply the entry of new participants different from those bidding individually or in a group at the beginning of the tendering procedure or of participants previously withdrawn or excluded from the procedure.

ii. They lead to a distortion of competition or of IPR/confidentiality issues.

iii. They occur during the execution of the contracts, unless it is about a restructuring operation, merger, take over, transformation or assignment of a company or of a business unit.

iv. The new contractor resulting from the changes does not comply by itself with the technical and/or financial required capacity”.