



Early Warning for Increased Situational Awareness

Terms of Reference (ToR)

Public Version

Questions & Answers -2nd Update



04 February 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 5.16.1: All requested documentation issued by National Competent Authorities must bear the Apostille of the Hague Convention.

Is the "Apostille" of the Convention of Hague required for Greek National Competent Authorities documentations?

Answer 1

The "Apostille" of the Convention of Hague is required for documents issued by National competent authorities, ONLY for economic operators (or group were applicable) which they are not established/registered in Greece. For Greek economic operators (or group were applicable) as the Contracting Authority is a Greek Organisation it is NOT required.

On the other hand, based on the 5.10 clause, all relevant documentation which is requested to be provided by the economic operators (or group were applicable) must be officially translated in English, as the official language of the Tender is English.

Question 2

Question related to the clarifications provided by KEMEA on January 27th by the Questions & Answers document Answer 2

In the Questions & Answers document (27/01/2017) and the Corrigendum Notice published in EWISA project website on January 27th 2017, all questions posed by economic operators were answered. Additionally, possible ambiguities and misleading information was clarified.

These clarifications don't constitute a substantial modification of the ToR document, as the term is defined by the European Court of Justice (case C-84/03), which means that these clarifications don't introduce conditions which, if they had been part/addressed at the initial procurement document, would have attracted additional participants in the procurement procedure".

As clearly provided in Selection Criteria section 5.15ii of the ToR, "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", in

order to be accepted in the pre-selection procurement phase. In our Q&A document, published on January 27th, 2017 we have reconfirmed this qualitative pre-selection requirement, clarifying that commercial contacts and not only R&D contracts are eligible for evaluation. In order to make this clarification as clear as possible, we have deleted (see Corrigendum Notice) the misleading reference to R&D services contracts provided by mistake in section 5.16.1x of the ToR.

Question 3

Is it possible to submit only one single set of documents and certificates (envelope A in Step 1) as the evaluation is common in Step 1 for both solutions.

Answer 3

According to section 5.7.1 “STEP 1 (Tenderers’ Solvency – Qualitative Selection), [...] in this first step, the economic operators will submit a request to participate containing all the information requested in the tender document”.

According to section 5.16.1, “Requests to participate in the STEP 1 should clearly state the name of the candidate [...] and identify the title of the project: Dossier (R&D Services for Land Border Surveillance within the EWISA Project) and Solution #”.

The true meaning of the above-mentioned provisions is that each economic operator should submit ONLY ONE request to participate in the tender with ONLY ONE envelop A, containing all required documents and certificates. There is no need to indicate any preference for Solution 1 or Solution 2, as the evaluation is common in Step 1 for both solutions. This statements (participation in Solution 1 and/or Solution 2) should be submitted at Step 2 accordingly, meaning a separate envelope for each Solution.

Question 4

Which may be the certificates required to meet the requirement of section 5.15 of the ToR _ public version proving the necessity to “Possess a security clearance to handle EU Classified Information or have applied for such clearance”?

Answer 4

According to section 5.16.1xiv, all economic operators should possess a “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 true meaning of this provision is that the requirement of security clearance certification, should be satisfied by the competent National Security Agency for managing classified information up to restricted, equivalent to a European Security Clearance to handle UE Restricted Info (as specified by COUNCIL DECISION 2013/488/EU appendix B)

All permission licenses, authorizations and certifications for operating required for the successful completion of the contracts are the sole responsibility of the contractor.

Question 5

How the requirement to comply with standard ISO/IEC/IEEE 15288:2015 can be met?

Answer 5

According to the answer no 1 of the Q&A document, published on EWISA website on 27th January, 2017, each economic operator should provide a formal declaration (no more than a 10 page document) explaining and proving how he follows the guidelines included in the standard ISO/IEC/IEEE 15288:2015.