

Questions & Answers #2 – RFP IA/05/CA/MC/21– Provision of Construction Audit Services

Question 1	Annex 1 : 4.4 KEY PERSONNEL”. Could you please indicate the main topics to be covered by the consultants?
Answer 1	The ESM relies on the Candidate’s experience to advise on any topic related to this kind of project and would need to be covered during the Project. See award criteria 1 page 29. We have mentioned a few topics already in Annex 1 section 4.4 (Governance of the construction project, project controlling, etc).
Question 2	§ 17 of the ESM Terms and Conditions requires that “The Service Provider shall ensure that no circumstances arise during the Term of Engagement in which the performance of the Services by the Service Provider conflict or might conflict with the Service Provider’s personal interests or with any services which the Service Provider may render to third parties. (...)” Would a contractual relationship with a member of the project team of the ABP constitute such a conflict of interest? (E.g. the service provider is contracted by ABP in another project or the service provider has a working partnership with one of the service providers of the ABP, e.g. a designer).
Answer 2	It is the sole obligation of a service provider to ensure there is no and there will be no situation which constitutes or may constitute a conflict of interest as set out in para. 17 of the ESM Terms and Conditions. For the purposes of this paragraph, each situation needs to be assessed individually taking into consideration all relevant circumstances. The ESM understands that the answer to this question does not affect the decision to submit a proposal as it refers to a potential and future situation only. In this context, please note that in the event of such a conflict or a potential conflict of interest, a service provider is obliged to notify the ESM and engage in a good faith discussion to find an appropriate solution to address such a situation.
Question 3	Would a previous contract for the ESM project also constitute a conflict of interest?
Answer 3	In principle, such a situation should not constitute a conflict of interest. Nevertheless, a candidate shall assess, taking into account all relevant circumstances, whether this is the case and if so, notify the ESM accordingly.
Question 4	With respect to clause 5.4 of the framework agreement, we certainly understand the wording and the intention not to change the hourly rates. In view of the fact that the project is to run until 2028, i.e. (at least) 7 years, we would like to ask whether the ESM is not considering an indexation of the hourly rates in order to minimize the economic risk for both parties.
Answer 4	The ESM will keep the price structure as proposed in the RFP.