

Questions & Answers # 1– RFP Provision of consultancy services for Facilities Management
FM/08/CS/MC/18

Q1	<p>Pos. 4 8 (page 9) Involvement of Third Parties <i>If a candidate submits its proposal as part of a consortium with a third party/third parties</i></p> <ul style="list-style-type: none"> - Could we involve an entity under a loan of eligibility ("Eignungsleihe")? <p>In accordance to § 47 VgV you are entitled to make use of this external capacities/firms/subcontractors as loan of eligibility (Eignungsleihe). The loan of eligibility is neither identical with the term "subcontractor" in accordance to § 36 VgV nor with a bidding consortium in accordance to § 43 VgV. The so called "Eignungsleihe" means lending economic capability, financial, technical and professional ability.</p>
A1	<p>The ESM conducts its procurement procedures in accordance with its own Procurement Policy. Other procurement rules do not apply.</p> <p>If you intend to use a third party (another entity) to rely on their capacity/capacities in order to fulfil the selection criteria (our understanding is that you have in mind 'technical or professional ability') this is possible but in such case, should you be awarded the contract, such third parties will need to perform the services of the contract for which these capacities are required and were assessed by the ESM. You will need to explain in your proposal the relationship between the candidate (bidding company) and such third party and prove to the ESM that you will indeed have at your disposal such capacities (e.g. the required resources) by producing for example a commitment by those entities to that effect. For the purposes of the contract such third party will be considered your subcontractor.</p> <p>Note that the ESM will sign one contract only with the selected candidate (bidding company). Any arrangement the candidate has with third parties (other entities) to perform the services of the contract is the responsibility of the candidate.</p>
Q2	<p>Pos. Annex 1. / 4. Consultant Expertise and Team Requirements <i>Senior Consultants must hold at least IPMA C Level (or equivalent) certification.</i> <i>Project Managers must hold IPMA B Level (or equivalent) certification.</i></p> <ul style="list-style-type: none"> - Could you please specify if this is a selection or exclusion criteria?
A2	<p>This is a requirement and assessed under the selection criteria 2.2 Technical or professional ability on p25: 'Confirm the Candidate has the ability and capacity to deliver, without exception, the requirements sought by the ESM as set out in Annex 1.'</p> <p>As this is a Pass/Fail criteria, Candidates who cannot meet this criteria will fail.</p> <p>Note that IPMA C level is an example and we accept equivalent certifications.</p>
Q3	<p>Pos. Annex 3 / 2. Award Criteria / 3. Governmental Access Risk, Data Protection & IT security <i>Compliance – Provide evidence of ISO 27002 best practice, ISO 27001 Certification or other evidence of equivalent appropriate controls.</i></p> <ul style="list-style-type: none"> - Could you please specify if this is a selection or exclusion criteria?
A3	<p>This is part of an award criteria and will be scored. This is not a Pass/Fail criteria.</p>