

Questions & Answers 3 – PQD BSPM/08/CS/AG/2020 – Provision of Consultancy Services

10.09.2020

Question 1	As some of our clients are French speakers, we can only provide reference letters in French. Is it OK or do you require all client references to be written in English?
Answer 1	Yes, you can provide references in English, German and French.
Question 2	Some of our clients are keen to provide reference letters but anonymized. These references would be related to an engagement so that you would have the full details concerning the services provided to the client. Would this be an issue or do you accept anonymized reference letters?
Answer 2	Yes, you can provide anonymized references with disclosed data of the client, if it is required.
Question 3	Do you agree if we add a context paragraph related to this PQD in introduction of each reference letter? This would use the name of the institution (ESM) and the PQD details. Also, after receiving these reference letters including clients' details, what will the ESM do with these information? Will you keep them? If so, we need to inform our clients about their data use.
Answer 3	Candidates may include a paragraph at the beginning of each reference request stating that the information is required for the purposes of responding to the ESM tender with reference number BSPM/08/CS/AG/2020. Candidates are required to provide references for the purposes of evidencing that the Candidate has at least three years of relevant experience in the provision of the services required by the ESM. The ESM will use the references solely for internal purposes to confirm that the Candidates meet the selection criteria.
Question 4	As we intend to answer with our mother company being considered as a Third-Party, we understand in "chapter 3.5 point d" that you are expecting an official document explaining the structure of the legal entity. In our case it will not be an new entity but the existing one being our group, therefore could you please confirm that a "extrait de registre du commerce" of the group or similar is expected.
Answer 4	All requirements are set out in section 3.5 of the PQD. Please consider in particular Section 3.5 d., which specifies the documentation needed.
Question 5	Page 9 of the PQD "If a Candidate intends to sub-contract some of the services offered to the ESM to a third party, the Candidate must provide as part of its Application: a. a clear description of the proposed subcontracting arrangement, in particular which tasks the Candidate intends to subcontract and their volume or proportion, the name(s) of the proposed subcontractor(s) and its/their roles, activities and responsibilities; and" As we are replying to this PQD as a company group with several premises in Europe involved in it, our understanding for being compliant to your volume or proportion requirement would be to provide an overview of our current population in terms of group. It is not possible for us to do an accurate forecast of that volume in advance. Is it correct?
Answer 5	Please refer to Answer 5 and of the Q&A issued on 28/08/2020

Question 6	We are unsure if we have understood the corrected PQD in the right way. We offer various services, and we intend to apply for many disciplines. However, it is very unusual for our clients to provide recommendation letters. Is it correct that if we apply for 15 Disciplines along various lots, this would mean we have to provide up to $15 \times 5 = 75$ recommendation letters?
Answer 6	Yes, your understanding is correct. The Candidate has to provide minimum 3 and maximum 5 reference letters for each Discipline, in this case you can provide the minimum number of references $15 \times 3 = 45$. Please refer to the Section 2.2 (Annex2) – ‘Technical or professional ability’ of the updated version of the PQD published on 28/08/2020 on the ESM website and Answer 27 of the Q&A 2 issued on 28/08/2020.
Question 7	According to the updated PQD, the Candidate must present three to five references from previous clients for the provision of similar services for each Discipline the Candidate wishes to apply for. Is it possible to use one reference for multiple Disciplines provided the reference covers experience relevant for those multiple Disciplines?
Answer 7	Please note that the Candidate is entitled to count the same reference for more than one Discipline as long as such reference covers appropriate knowledge and experience relevant to all the selected Disciplines.
Question 8	Taking into account the high number of references required by the ESM and the efforts related to the obtaining of client's approvals for such references, would you consider that a press release, would be considered as having a sufficient level to fill in this requirements ?
Answer 8	Please refer to Answer 9 of the Q&A 2 issued on 28/08/2020.
Question 9	What do you consider as being a valid reference next to the examples quoted by the RFP?
Answer 9	Please refer to Answer 9 of the Q&A 2 issued on 28/08/2020.
Question 10	<p>1. Can you please advise if the documents required for a consortia, with another entity of the group in our case, are to be provided on ESM standard template (authorisation, written undertaking, PoA,) or should be those of the service provider?</p> <p>We are referring here to point a,b,c,d as per below:</p> <p>a. clear description of the proposed consortium, its organisational hierarchy and structure, the names of all consortium members and the roles, activities and responsibilities of the consortium leader and each consortium member;</p> <p>b. a document authorising the consortium leader to act on behalf of the consortium member(s) (e.g. power of attorney);</p> <p>c. a written undertaking from the consortium member(s) confirming that it/they will place, at the consortium leader's disposal, the resources necessary for the performance of the Contract. The written undertaking must be signed by an authorised representative of each such consortium member; and</p> <p>d. information on whether the consortium will form a legal entity and if yes, details of the actual or proposed percentage shareholding within such legal entity and other official documents confirming existence of such legal entity. If not, full details of the proposed consortium arrangement including submission of an executed consortium agreement.</p>

	<ol style="list-style-type: none"> 2. Can a member of the consortia be an entity based in UK or other outside country? 3. Can a subcontractor be an entity based in UK or other outside country? 4. We make reference to technical and professional ability: can a LinkedIn recommendation from our client be used as an evidence of recommendation for a Discipline if he makes reference to value, size and duration of the engagement or only letter/email are accepted? Should letters be letter headed by the client? 5. For information only items section: Can you please define 19 countries you are referring to question 1.1? 6. Should all members of consortia fill the question under section for information only, item 1.1? 7. Same for the point section for information only, 1.4, should all members of the consortia / subcontractor respond to the question ?
Answer 10	<ol style="list-style-type: none"> 1. No, we do not have any specific template, please use your own template. 2. A member(s) of the consortia can be based in the UK or any other country. 3. Subcontractor(s) can be based in the UK or any other country. 4. Please refer to the answer 9 of the Q&A issued on 28/08/2020. 5. The 19 countries of the euro area are: Austria, Belgium, Cyprus, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovakia, Slovenia, Spain. 6. All members of consortia should complete the question under the section for information only, item 1.1 as far as the questions are relevant to them. If certain consortia members will not have access to the ESM data, then they do not need to complete those sections. 7. All members of consortia should complete the question under the section for information only, item 1.4 as far as the questions are relevant to them. If certain consortia members will not have access to the ESM data, then they do not need to complete those sections.
Question 11	<p>Are 3-5 references required per Lot, or per combination of Discipline/Lot?</p> <p>Our understanding from Q6, 7, 14, 16 of the Q&A issued 18/8/20 was that 3-5 references per Lot were required. According to the revised PQD issued 28/8/20 and the amendments to the Q&A also issued 28/8/20, 3-5 references per combination of Lot/Discipline are now required. For example in responding to all disciplines of all lots, meaning 35 disciplines, could require between 105-175 references. Is our understanding correct that the requirements in the specification have changed so dramatically?</p>
Answer 11	Please refer to Answer 6 above.
Question 12	For a client we currently have a framework with multiple specific contract per resource issued under the framework. Does each completed specific contract count as a separate reference, or do all completed specific contracts under the framework count as one reference?
Answer 12	Please refer to Answer 7 of the Q&A 1 published on 18/08/2020. Specific contract may count as a separate reference provided that the content of the specific contract covers experience relevant for the selected discipline.
Question 13	Can a reference cover more than one Discipline/Lot or only one Discipline/Lot? Can a reference be submitted for more than one Lot or only one Lot?
Answer 13	Please refer to Answer 6 and 7 above.

Question 14	Is an attestation concerning 3 years of relevant experience required for each Lot, or each combination of Lot/Discipline? Should a candidate submit one attestation covering all disciplines in a lot being applied for, or multiple attestations one per discipline within the lot e.g. Lot 3 if we apply for all 18 disciplines, should the attestation list all 18 disciplines in one document, or should we submit 18 different attestations, one per discipline?
Answer 14	Please refer to Answer 7 of the Q&A 1 published on 18/08/2020. Please note that we require an attestation that the Candidate has at least three years of relevant experience in the provision of services in any Discipline the Candidate wishes to apply for. One attestation covering all Disciplines in the respective LOT would be sufficient. Please refer to the Section 2.2 (3)(Annex2) – ‘Technical or professional ability’ of the updated version of the PQD published on 28/08/2020 on the ESM website.
Question 15	A newly established company in Luxembourg does not cover on its own the selection criteria (i.e solely with its own capacities). It can rely though on its parent company’s capacities and collectively cover the selection criteria. Usually this is done by the provision of a written undertaking of the parent company stating that it puts at the disposal of its daughter company all necessary resources for the performance of the contract. In such a case the parent company does not participate either as partner or subcontractor in the tender but fully endorses and supports the tender of its daughter company. Is this mode allowed in the tender for covering the selection criteria by the newly established company?
Answer 15	Yes, it is possible to rely on another company’s capacities to fulfil the selection criteria. The Candidate who submits the application, dully signs declarations should meet the selection criteria defined in the PQD and be in a position to perform services accordingly. For further details, see the Answer 4 above.
Question 16	If we can use one reference for several disciplines provided several disciplines are covered by the project. For example, we have a reference project covering disciplines 1 and 4 of Lot 1 and discipline 2 of Lot 2. Can we use this reference to cover all three disciplines?
Answer 16	Please refer to Answer 7 above.
Question 17	In terms of format: Do we need a (scanned) client signature for reference letters or is it sufficient to provide contact details?
Answer 17	The client should issue the reference letters (e.g. letters/emails) attesting it with or without the signature. Please refer to the Section 2.2 (Annex2) – ‘Technical or professional ability’ of the updated version of the PQD published on 28/08/2020 on the ESM website. Please refer to Answer 39 of the Q&A 1 issued on 18/08/2020.