

Questions & Answers 7 – Ref. No.: BSPM/09/CP/AG/24 for provision of Consultancy Services – DPS

17/01/2025

Question n°1	<p>We are a new type of organisational structure, a collective of experts (70+) that all are independant consultants. We are a company proposing consulting services but that means all of our resources are considered to be "Key Subcontractors" in the DPS wording, can you confirm that we can participate in the tender? Do we have to provide KS subcontracting documentation for every experts?</p>
Answer n°1	<p>Please review Answer #2 in Q&A #2 as this is useful information relevant to this new question and answer.</p> <p>We will accept legal entities that will meet the eligibility and selection criteria. Please note that ESM will only sign Framework Agreements with <u>legal entities</u>, as named on the Cover Certification Form. The legal entities we sign a contract with will be fully responsible for their subcontractors. Please refer to article 5 of the draft Framework agreement: <i>‘Even where the ESM authorises the Service Provider to subcontract all or part of the Services to third parties, the Service Provider shall nonetheless remain bound by its obligations to the ESM under the Framework Agreement or the Implementing Contract and liable towards the ESM for any acts or omissions by its subcontractors.’</i></p> <p>If a Candidate will use another legal entity/ies to deliver significant services under the Framework Agreement, i.e. a legal entity consisting of a pool of individual consultants, we consider this as a key subcontractor(s) and such legal entity/ies should be named in the Application and sign the Subcontractor Commitment letter. However, we neither need to receive a list of individual consultants in the Cover Certification Form nor Subcontractor Commitment letters signed by individual consultants.</p> <p>All Key Subcontractors need to fill out and sign the Subcontractor Commitment Letter. The Candidate must also prepare Appendix 2 if Key subcontractors are proposed.</p>
Question n°2	<p>Could you please provide us any information related to the size of the market for each disciplines?</p> <p>Ex :</p> <p>The number of man-days required per profile,</p> <p>The duration of involvement for each required profile,</p> <p>The intervention modalities (on-site, hybrid, remote, full-time, part-time, etc.),</p>
Answer n°2	<p>We do not have an overview of the size of the market for each discipline.</p>

	The information you request will be explained in each Mini-Competition once they are published.
Question n°3	It is mentioned that certain disciplines do not allow Key Subcontractors; however, the specific disciplines in question are not indicated. Could you please clarify which ones are concerned? (CF Q&A n°5)
Answer n°3	If you refer to Answer #6 in Q&A #5, the answer does not say that certain discipline ‘do not allow Key Subcontractors’. It says that it is not mandatory to use subcontractors for any or every discipline you bid for. Subcontracting is allowed for any discipline.
Question n°4	3. Will the services be required to take place on-site exclusively or do you allow remote interventions?
Answer n°4	As explained in the ToR: ‘The Services will be performed either at the ESM’s offices in Luxembourg or remotely, or a combination of both (hybrid) depending on the specific needs detailed in each Mini-Competition.’
Question n°5	Since your first answer to a question on 17 December 2024, specifying that the contract/project description should be limited to 500 characters, we have been consistently working to incorporate this requirement in our application. On 09 January 2025 the requirements were updated to a more challenging objective, i.e. reducing the description to 250 characters and we reworked all our contract/project descriptions. Now, one week prior to the first submission date, the requirement for the length of the scope description is changed drastically requiring us to extend the scope descriptions to 250 words. The difference between 250 characters and 250 words is significant in terms of quality of describing the scope/projects that prove our past experience. For candidates that apply for multiple disciplines, this means a significant reworking of what has been done in the course of a month. We are aware that applications could be submitted also later, but we are committed to submit a quality and competitive application with the first group of responses. We invite you to reconsider and ask you to extend the first submission deadline with at least an additional week.
Answer n°5	We have considered this request and agree to extend by one week the Initial Deadline for submission of Applications to be assessed in the First Assessment from 23/01/25 to 30/01/25. The DPS document has been updated, please see the tracked changes in section 2.2. We have also taken the opportunity to correct a typo in the document which referred to a ‘PQD’ instead of a ‘DPS’. A Corrigendum is also published on TED.
Question n°6	In Q&A no. 6 (14 Jan 25), the ESM states under answer no. 4, that rates will be assessed during the mini competition stage. Regarding the DPS document, no.2.2. and 2.6., the ESM states that after the first assessment, there will be a

	<p>price negotiation (17/20/25-26/02/25) followed by a request for a best and final commercial offer.</p> <p>We kindly ask the ESM to explain this in more detail, as in our view these statements are contradictory.</p>
Answer n°6	<p>The decision to admit a company to the DPS, i.e. to sign a Framework Agreement with a company, is only based on the eligibility and selection criteria. The rates submitted in your Application will not be factored in the assessment of the DPS.</p> <p>Although not assessed, the rates are requested as they will be included in the Framework Agreement. ESM will ask for a best and final offer of these rates before signing a Framework Agreement. The final rates will be included in the Framework Agreement and will be the maximum rates that the Service Providers will be able to charge during Mini-Competitions.</p> <p>During Mini-Competitions, Service Providers will be able to propose rates that are below the maximum rates agreed in the Framework Agreement.</p> <p>At the Mini-Competition stage, the rates will be factored in the evaluation of the Mini-Competition to award an Implementing Contract, i.e. Services Providers will receive a score for the technical proposal and a score for the price (based on the rate(s) applicable to the Mini Competition in question).</p>
Question n°7	<p>Is it possible for a company to participate in more than one consortia? Are there any restrictions on the disciplines to bid for? Please clarify</p>
Answer n°7	<p>Each Application must be drawn and submitted in complete independence and autonomously from each other.</p> <p>The same economic operator cannot participate within the same procedure as a single Candidate and in a Consortium or in being a member of multiple Consortia.</p>
Question n°8	<p>I would like to clarify that (if?) Annex 5, and therefore the Daily Rates for the specific Disciplines we would like to offer to the ESM have to be incorporated in our RfP response, due January, 23rd.</p> <p>According to ANNEX 1 in part '2- Economic and Financial Standing', ANNEX 5 (therefore the daily rates) have to be embedded. This is also inline with the intended Timeline, according to RfP Document 'TS PQD' pages 5/6.</p> <p>However, according to RfP Document 'TS PQD', 2.8 Application Structure and Response Instructions, Annex 5 is not specifically listed as one of the forms to fill in.</p> <p>Could you please confirm my understanding, that ANNEX 5/ Daily Rates need to be handed in with the RfP response due January, 23rd. In case I am mistaken, I would like to ask when ANNEX 5 would be due, otherwise.</p>
Answer n°8	<p>Yes, Annex 5 need to be completed and embedded in Annex 1 when you submit your Application.</p>

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If you are encountering issues populating Annex 1, please contact us via the ESM procurement tool under the Communication tab and explain the issues.

You can still prepare your application: the eligibility criteria can be found in Annex 3 and the selection criteria in Annex 4.