

Questions & Answers 9 – Ref. No.: BSPM/09/CP/AG/24 for provision of Consultancy Services – DPS

27/01/2025

Question n°1	As regards the Framework Agreement, including “Appendix B ESM Terms and Conditions Framework Agreements for the Provision of Services to the European Stability Mechanism”, particularly § 15, we ask to consider clarifying that Work Products that include a reference to the Service Provider shall only be transferred to third parties with the Service Provider’s prior written consent. We understand that the first part of Question n°2 of the Questions & Answers 6 – Ref. No.: BSPM/09/CP/AG/24 for provision of Consultancy Services – DPS dated 14/01/2025 which was not asked by us also aims at restricting the free transferability of Work Products. Your answer indicates that a change to the contract should not be made for the duration of the DPS. We, therefore, ask to adjust the contract prior to obtaining offers from the pre-qualified Candidates.
Answer n°1	Please note that none of the service providers is obliged to include such a reference in any Work Product. For sake of consistency, all the Work Products should be governed by the same rules. The requirement of obtaining a consent means that the ESM would distinguish a sub-group of Work Products to which specific rules should apply. The ESM does not accept this approach.
Question n°2	<p>Given that the company X is an ecosystem comprising multiple entities operating across various disciplines outlined in the tender, can Company X act as the consortium leader without itself being listed as an entity operating in any specific discipline of the tender?</p> <p>Furthermore, could you confirm whether the consortium must be joint or several?</p>
Answer n°2	<p>In case of a consortium, all consortium members must be listed in the declarations (Cover Certification Form and Consortium declaration). The Appendix 1 requires an explanation of the consortium so you need to explain the role of each consortium member yet we do not request a list of which consortium member is allocated to which discipline. This is an internal matter of the consortium. The consortium (as opposed to individual consortium members) applies for the DPS. If shortlisted, the consortium can participate in Mini Competitions under the Disciplines the consortium has been shortlisted.</p> <p>As stated in the DPS in the event that the Candidate submits an Application together with a third party/-ies and/or with sub-contractor(s), the combined capacities of the Candidate and all such third party/-ies and/or subcontractor(s) will be assessed for the purpose of meeting the selection criteria.</p> <p>As stated in the section 3.7 of the DPS, if the Contract is awarded to a Consortium, all Consortium members will be jointly and severally liable towards the ESM for all obligations arising of or resulting from the Contract.</p>

Question n°3	I would also like to clarify why is the deadline in 2029? Is this a mistake?
Answer n°3	This Dynamic Purchasing System allows suppliers to submit applications at any time until April 30, 2029. For more information, refer to page 6 of the DPS.

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.