

**Questions & Answers**  
**On the**  
**Invitation to tender nr. TREN/J2/388-2007**

**"Framework contract on aviation security policy development"**

Contract notice: *OJ S 193-234231*

Time-limit for receipt of tenders: 28/11/2007

Before submitting any written question to the Commission, the tenders should consult this frequently asked questions section relating to the invitation to tender. Questions and answers are published here with full respect to the anonymity of the enquiring tenderers.

**Question 1**

The tender specifications state in section IV.2.1. 'Economic and financial capacity' that tenderers must provide proof of their financial and economic capacity by means of a balance sheet and statement of turnover of the last three years. In our consortium we have a company that exists only few years. This means that this company can only provide a balance sheet and turnover statement of 2006.

- a. Is this sufficient for this specific young company as proof of their economic and financial capacity?
- b. If not, what documents would you need as proof as an alternative?

**Answer Question 1:**

The tender specifications indicate indeed that a balance sheet and statement of turnover of the last three years must be submitted. In case the company has an existence of less than three years the available balance sheets and statements of turnovers as from creation date should be provided.

Please note that the Commission reserves the right to request additional evidence in relation to the bid submitted for evaluation or verification purposes within a time-limit stipulated in the request.

**Question 2**

Section IV.3 of the tender specifications deals with the award criteria. Criterion 1 mentions specifically that key milestones and deliverables must be included in the bid. Given the nature of this ITT - a framework contract, i.e. specific assignments will be defined after awarding the framework contract - can you clarify what milestones and deliverables you would like the tenderers to address in their bid?

### **Answer Question 2**

Despite the general nature of the description, the Commission would seek a demonstration of how a tenderer may approach this criterion either identifying examples from a past performance or suggesting a potential project, and in such context demonstrating the desired elements. (see also Answer to questions 5, 8 and 10)

### **Question 3**

Section III.2.3. is about the financial proposal. The first bullet states that 'prices must be specified by price per man-days'.

- a. Is it correct that you want a tenderer to submit only a single price per man-day in their financial proposal, and that no specification of a number of man-days is required, given the nature of the contract i.e. a framework contract)?
- b. Is there any possibility to vary the price per man-day according to categories of staff (different categories for seniority of staff for example)

### **Answer Question 3**

The tender specification indicates a single price per man day. No specification of number of man-days is requested, and no option is given to vary the price per man-day according to categories of staff. As indicated the price per man day shall be fixed and not subject to revision during the first year of duration of the contract. From the beginning of the second year of duration of the Contract, 80% of the price may be revised upwards or downwards each year, where such revision is requested by one of the contracting parties by registered letter no later than three months before the anniversary of the date on which it was signed.

### **Question 4**

The same section III.2.3. mentions in bullet 4 that 'estimated travel and daily subsistence allowance expenses must be indicated separately'. In our view such estimate of travel and subsistence costs can only be made on an 'request for services' basis during the framework contract, and not in advance during the bid phase for the framework contract, as the requested services are still unknown. Therefore it is difficult to estimate the necessary travels. Is it sufficient if we include in our financial proposal that travel and subsistence costs will be calculated per request for services according to the terms as specified in article I.3 and II.7 of the draft contract?

### **Answer Question 4**

Yes, indeed estimated travel and subsistence allowance expenses should not be provided at this stage but will be requested each time a work order is requested.

### **Question 5**

III.2.2. Section Two: Technical proposal

it says "..... The technical proposal should address all matters laid down in the specifications and should include models, examples and technical solutions to problems raised in the specifications. The level of detail of the tender will be extremely important for the evaluation of the tender. Tenderer's must present in their bids a proposal on the methodology and the organisation of the work to carry out in the framework of the study. The technical proposal must provide all the information needed for the purpose of awarding the contract."

QUESTION: What I can't see is how we can include this level of detail as we are just bidding for a framework. I haven't found any 'specifications'. We wouldn't be able to describe models, examples, technical solutions, methodology etc in detail until a specific task had been given by the Commission. So what level of detail are you expecting in the tender?

**Answer question 5**

Indeed the nature of the framework contract is general by nature in order to give the Commission the required flexibility to act on arising matters which need to be researched in an expedient way. The tenderers should provide nonetheless in the technical proposals demonstrations their capacity either demonstrated in past context or in the context of a potential project undertaking; e.g. technical solutions to passenger screening, or cabin baggage with focus on liquids, or facilitation project potentially illustrating how security level could be maintained or improved whilst the facilitation would be increased. The details should be provided how such methodology and organisation could be carried out, to demonstrate the general capabilities of the tenderer's. (see also answers to questions 2, 8 and 10)

**Question 6**

In this section:

III.2.3. Section Three: Financial proposal

it says "..... - Estimated travel and daily subsistence allowance expenses must be indicated separately. This estimate should be based on Articles I.3 and II.7 of the draft contract (Annex 5). This estimate will comprise all foreseen travel and will constitute the maximum amount of travel and daily subsistence allowance expenses to be paid for all tasks."

QUESTION - Again, how can we foresee how much travel will be required when we don't know what the tasks will actually be?

**Answer Question 6**

See answer to question 4.

**Question 7**

In this section: IV.2.2. Technical and professional capacity – References required

it says ".....for lot 1 tenderer's must demonstrate a proven record in the evaluation of new technologies and new processes and in addition show the capability in research and development of the technologies and processes including but not limited to staff identification and screening, vehicle and supply inspections, aircraft security, passenger and baggage screening and cargo and mail ;"

QUESTION - What does "show the capability in research and development" mean?

**Answer Question 7**

In general terms, the tenderer should identify their capabilities in carrying technical or operation research and development, this means that they should have the practical and operational resources (equipment, laboratories, premises and staff) to carry out potential studies, e.g. equipment's ability to detect liquid explosives or other technical equipment, access to airport facilities and staff where an operational study could be carried of certain technical or procedural security measures.

## Question 8

In this section: IV.3. EVALUATION OF TENDERS – AWARD CRITERIA

N°	Award Criteria	Weighting
1	Proposed methodology – the bids must include detailed proposals of how the work is to be undertaken, by whom (named individuals) and key milestones and deliverables.	50%
2	Understanding of the specifications in the terms of reference - the bids must include a succinct presentation of that understanding	25%
3	The organisation of the work of the team in order to meet the requirements of the study within the timescale.	25%
<b>Total number of points</b>		<b>100</b>

QUESTION - how can we give the level of detail required in items 1 and 3 when we do not have any information about any particular studies to be undertaken?

### Answer Question 8

The evaluation criteria will be applied taking into account the general nature of the descriptions, however nonetheless the tenderer's should demonstrate in how they would intend to approach the identified lots in terms of methodologies and organisation of work. (see also answers to questions 2, 5 and 10)

## Question 9

**Lot 3: Facilitation.** The operational consequences for airlines, airports and their customers of rules on aviation security can be significant. This was exemplified by the events of 10 August 2006 at London Heathrow Airport when a new security rule restricting cabin baggage resulted in huge delays for passengers and many flights cancelled. It is necessary for the Commission to be able to evaluate the effects on facilitation of new and existing rule-making and identify how the security rules and measures or processes could be amended with aim to improve the facilitation at airports to either passengers or operators without lowering the security objectives.

QUESTION:

I am not clear if it refers to:

- 1) Understanding the impact that new legislation has on airport processes and providing the commission with tools to allow them to evaluate the impact that a given policy might have on an airports operations in terms of passenger throughput or threat detection? Or
- 2) Understanding the practical challenges of implementing policy and understanding how rules are implemented and providing guidance on improving the implementation of rules?

### **Answer Question 9**

The selected version nr 1 is more appropriate. The Commission in this example would like to be able to swiftly identify the practical impact of potential aviation security legislation on facilitation and how existing aviation security rules could be amended in a way which would not lower the security level but allow better facilitation for travelling public and staff.

### **Question 10**

We broadly understand the Commission's concerns and motivation pertaining to Lot 5, namely to gain an understanding of and seek to eliminate potential conflicts between, on the one hand, the EU's own security legislation and, on the other hand, any rules and regulations which might apply to the aviation industry in specific fields in other states or which may be imposed by other local, regional and international organisations. However, it is not clear to us at present how much detail the Commission will expect tenderers to provide in their tender documentation in terms of identifying specific issues which will require legal analysis, identifying particular rules, regulations and other legislation which will need to be examined and/or providing any preliminary conclusions. We would be grateful if you could kindly let us know whether the Commission is able to provide further information on Lot 5: for example, does the Commission yet have in mind particular studies or work orders which it intends to submit to the successful Contractor for Lot 5? If not, does the Commission nevertheless have in mind certain aviation security policy issues which it considers will fall to be considered throughout the duration of the Framework Contract in the context of Lot 5.

### **Answer Question 10**

The lot 5 indicates: "Commission will therefore require contractor to conduct a legal analysis which demonstrates the legislative relationship between Customs, Border Control, Transport and other organizations rules and obligations in specific areas, and explore means to limit impact of such contradictory or difficult legislative relationships."

The Commission would like the tenderer to identify a non-exhaustive list of the existing and potentially arising conflict area and identify the ways of how the work would be undertaken to address such conflicts in consultation with the Commission. It is not deemed necessary to address all the existing areas where such challenges have arisen, since the Commission will provide a guidance on priorities for such projects and additional guidance. However, the tenderer should identify their ability to address such challenges, knowledge of the matter and how the work would be potentially undertaken by the tenderer. (see also answers to questions 2, 5 and 8)

### **Question 11**

article I.4.

A multiple framework contract "in succession" will be concluded with the three tenderers ranked best when the bids are evaluated.

By "multiple framework contract" is meant a situation whereby separate but identical framework contracts are concluded between the Commission and three service providers with a view to ensuring that a contract can be performed in succession by one or other of the Contractors. If the first contractor is unable to carry out the work within the time limits set in the request to provide services, or in the event of default in respect of the performance of earlier orders, not entailing termination of the contract, or where the first contractor has a vested interest, the request to provide services will be automatically sent to the second Contractor, and if need be, to the third contractor."

### Question

In II.1.4 it is mentioned that the max. number of participant envisaged is 3. Should I read this as that you allow for 3 different consortia (build up by people from possibly multiple companies) or should I read it as a maximum of 3 partners within one tender? Does this paragraph limit the maximum number of participants of a bid to 3, or does this mean that you are going to accept 3 consortia (potentially with a larger number of participants) for the bid.

### **Answer Question 11**

The Commission will conclude separate framework contracts with maximum three tenderers (tenderers may be individual companies or consortia,) per lot. The number of partners in a consortium is not limited to a certain number.

### **Question 12**

We would like to clarify what is meant by the requirement that some members of the team should be cleared to 'UE Restreint' level and how this can be achieved for private companies. We recently checked this with our contacts in the Member State appropriate authority and they were also unsure what this meant.

### **Answer Question 12**

The Commissions Decision (2001/844/EC) on handling of EU classified documents establishes rules how the Commission is required to handle the security sensitive information, thus in this case so called EU Restricted (UE Restreint). In order to handle documents classified according to such degree tenderer will need to present a security clearance from the public authorities in their respective Member State. The security clearance that this call for tender refers to is somewhat more extensive, but again it is issued by the Member States appropriate authorities according to the defined procedure by each State.

### **Question 13**

For the moment, we would be grateful if you could answer one initial question: The ITT states 'tenderers will send separate bids for every individual lot, identifying the lot number to be included in the tender number'. Could you clarify whether this mean that a separate set of documents (administrative, financial and technical proposals, in triplicate) is required for each lot, or will a single set of documents in which all lots are clearly individually addressed be acceptable?

### **Answer Question 13**

Indeed, tenderers will need to submit individual sets of documents for each individual lot. This means that they should send 5 envelopes if they want to participate to the 5 lots containing each requested part in triplicate; administrative, financial and technical aspects. This is because each lot will be evaluated separately by different evaluation committees.

### **Question 14**

Where Can I find the standard for the Commission CV format

### **Answer Question 14**

The tender specification indicates where the format of the CV can be found. By searching on Official Journal the CV format can be found in the publication L79 of 22/03/2002.

<http://eur-lex.europa.eu/fr/index.htm>