

**RuleCheck Enhancement and Maintenance  
EMSA/OP/01/2015**

**Question/ Answer**

**Question 01 (dated 11/02/2015, 10:09):**

Could you please provide more information about the tender?

**Answer to question 01 (published on 12/02/2015):**

All tender documentation can be found on the Internet at [www.emsa.europa.eu](http://www.emsa.europa.eu) in the procurement section related to the tender EMSA/OP/01/2015 and can be downloaded free of charge.

**Question 02 (dated 11/02/2015, 11:29):**

Can you provide an historical log in hours of the maintenance requests during the latest years?

**Answer to question 02 (published on 12/02/2015):**

Please note that such statistic does not exist.

**Question 03 (dated 11/02/2015, 11:29):**

Could you please further detail the software licensing necessary during the 4 years of the contract (e.g. Oracle, Liferay, etc)?

**Answer to question 03 (published on 12/02/2015):**

Detailed information about the requirements to be considered and adhered to in the performance of the contract are specified in the Appendixes to the Tender Specifications.

**Question 04 (dated 11/02/2015, 11:53):**

Could you please explain where to find the Appendixes to the Tender Specifications?

**Answer to question 04 (published on 12/02/2015):**

The Appendixes and a user login to the RuleCheck online version will be provided upon an explicit request and must be used only for the purpose of answering the current call for tender.

**Question 05 (dated 20/02/2015, 04:00):**

Regarding the contract notice on the RuleCheck enhancement and maintenance, we also would like to participate on your call for tender and found following paragraph on the conditions for participation (III.2 of contract notice).

-Quote-

Participation in this call for tender is also open to all natural and legal persons that are established in third countries where there are no economic operator established in countries having access to the EU market

-Unquote-

In this regard, the entity looking for clarification has an official branch office in an EU city which has been established by the official legal act of an EU country. As the EU city office is not a legal entity (subsidiary) but a branch, please confirm that the entity looking for clarification (headquarter) which is a legal entity established in a non-EU country can participate in this call for tender as a representative of the EU city office by presenting official evidences of the EU city office that has been established by the official legal act of an EU country as a branch office of the entity looking for clarification.

**Answer to question 05 (published on 20/02/2015):**

As principle only economic entities established in EU country are eligible to participate in EU procurements. Being non eligible economic operator can be mitigated in the following cases:

1. Pursuant to Article 119(1) of FR "*Participation in tendering procedures shall be open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement under the conditions laid down in that agreement.*" This provision implies that economic operators established in non EU countries have the right to participate in tendering procedures if an international agreement in the field of public procurement grants them the right to do so. In case there is no such agreement, or the agreement does not apply to the kind of contracts put out to tender, economic operators of third countries are, in principle, not entitled to participate.

The relevant international agreements in the field of public procurement are:

- Under the Stabilisation and Association Agreements (SAA) economic operators from FYROM, Albania, Montenegro and Serbia have been granted access to tendering procedures of the Union institutions, agencies and bodies regardless of the value of the purchase. Bosnia and Herzegovina will be granted access when the SAA enters into force.
- Under the EEA Agreement, economic operators from Iceland, Norway and Liechtenstein have full access to tendering procedures of the Union institutions, agencies and bodies regardless of the value of the purchase.
- Under other agreements, economic operators from Mexico, Chile, Colombia and Peru, Iraq and Central American countries of Honduras, Nicaragua and Panama have access to tendering procedures of the Commission, the EEAS and the Council only, and only above the thresholds of 130 000 SDR for supplies and services and of 5 000 000 SDR for works.

More information on these agreements can be found on:

<http://www.consilium.europa.eu/en/documents-publications/agreements-conventions/>

2. Finally, in case candidates/tenderers do not have access to the market according to the abovementioned agreements, EMSA nevertheless may exceptionally accept their participation in a particular procurement procedure without creating a precedent or obligation for the future. As a principle it should happen only for purchase made on specific markets where there are no economic operators based in eligible countries or when delivery takes place in a non-eligible country itself.

**Question 06 (dated 23/02/2015, 12:52):**

We are writing to acknowledge our interest in bidding for this tender, however we have a conflict with the applicable law, that says it is the Portugal one. We are based in Spain and we would like to know if it would be possible to add into the contract in the Article 8 the application of the law of Spain.

**ARTICLE 8 – APPLICABLE LAW AND SETTLEMENT OF DISPUTES**

8.1 The Contract shall be governed by Union law, complemented, where necessary, by the national substantive law of Portugal.

8.2 Any dispute between the parties resulting from the interpretation or application of the Contract which cannot be settled amicably shall be brought before the courts of Lisbon, Portugal.

**Answer to question 06 (published on 24/02/2015):**

Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specification and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. These requirements are binding on the tenderer to whom the contract is awarded for the duration of the contract.

**Question 07 (dated 25/02/2015, 19:05):**

We believe that Oracle support to the version 10 g might finish during the term of the contract. Do you foresee in the short-term an upgrade of this software?

**Answer to question 07 (published on 26/02/2015):**

The system RuleCheck is already using Oracle 11gR2 database. There might be an upgrade to Oracle 12c during the course of the contract.

**Question 08 (dated 27/02/2015, 02:33):**

Could you please give more specific information on the "EC code number of article" which is specified in the Article I.1 (packaging) of Draft Contract Annex I?

**Answer to question 08 (published on 27/02/2015):**

Please note that this article will be applicable only in the case of supplies of goods and is not relevant in the scope of this tender.

**Question 09 (dated 27/02/2015, 02:33):**

According to the 2(a) of Invitation to Tender, it is understood that the deadline for bid-submission will be considered as the date stamped on the package by the post office. In this regard, is it acceptable the date of issue of invoice by DHL instead?

**Answer to question 09 (published on 27/02/2015):**

Bids may be submitted in three ways: hand delivery, registered post or private courier service. In case of private courier service like e.g. DHL the slip issued by the private courier services acting as proof; in case of registered post, the stamp of the post office acting as proof.

**Question 10 (dated 27/02/2015, 02:33):**

According to the Article 10 of Tender Specification, the exclusion criteria will be assessed in relation to each economic operator individually. In this regard, should all evidence specified in the 14.2~14.3 of Tender Specification with Declaration on Honour and a solemn statement be submitted?

**Answer to question 10 (published on 27/02/2015):**

In accordance with Article 10 the exclusion criteria will be assessed in relation to each economic operator individually, i.e. to the tenderer and its subcontractors; at the time of submission of bids only Declaration(s) of Honour is required. However the tenderer to whom the contract is to be awarded shall provide additional proof evidencing eligibility (Article 14.3). That applies also to subcontractors.

**Question 11 (dated 02/03/2015, 11:01):**

Regarding the IdM solution can you please confirm that it is using the same version of the database, i.e. Oracle 11gR2?

**Answer to question 11 (published on 02/03/2015):**

Yes, it uses Oracle 11gR2 (11.2.0.3), but this detail should be of no relevance for the integration with the EMSA Identity Management.

**Question 12 (dated 05/03/2015, 15:55):**

In the Contract Notice, Section III.1.3, it is mentioned that groupings / consortia should submit “a copy of the documentation authorizing the company or person to submit a bid”. Can you please clarify whether this document needs to be in the form of a Power of Attorney or is a written statement by the companies enough? In case you need a Power of Attorney please clarify if this needs to be officially translated in English or can be submitted in an EU official language.

**Answer to question 12 (published on 06/03/2015):**

Yes, Power of Attorney; it may be submitted in any of the EU official languages.

**Question 13 (dated 05/03/2015, 15:55):**

In the Tender Specifications, Article 11, it is mentioned that an English version should be submitted for documents under points 14.5 and 15.1. Since we could not identify point 15.1. in the document, can you please confirm that this refers to Article 15 – Award Criteria?

**Answer to question 13 (published on 06/03/2015):**

Correct, bids must include an English version of the documents requested under point 14.5 & 15 of the present tender specifications.

**Question 14 (dated 05/03/2015, 15:55):**

The Legal Form should be accompanied by certain documentation, please clarify if this needs to be officially translated in English or can be submitted in an EU official language (as issued by National Authorities).

**Answer to question 14 (published on 06/03/2015):**

It may be submitted in any of the EU official languages.

**Question 15 (dated 09/03/2015, 15:56):**

In the selection criteria you mention that experience in Liferay is necessary. At our understanding, Liferay CMS is currently being used for the EMSA portal (<http://emsa.europa.eu/>) and experience in this is necessary within this current project for achieving SSO and integrated user management between the portal and the RuleCheck application. Can you please confirm that our understanding is correct?

**Answer to question 15 (published on 10/03/2015):**

Yes, this is the correct understanding.

**Question 16 (dated 09/03/2015, 15:56):**

On Scenario 1, it is mentioned that “the offline version of the system should be enhanced in such way that it matches the functionalities and content for the Paris MoU user group”. Can you please clarify – for the sake of better understanding – why offline version is updated only for the Paris MoU user group and not eg. for the Mediterranean as well?

**Answer to question 16 (published on 10/03/2015):**

The offline version is only established for the Paris MoU user group and it is not expected to be provided for other user groups.

**Question 17 (dated 09/03/2015, 15:56):**

Regarding the Criterion No.2 and the scenarios that we need to present, can you please confirm what level of detail are bidders requested to present? For example, a series of documentation is mentioned (design, test, system, user) which is the output of the implementation procedure, so at this case at the submission stage only the approach / description of these reports can be provided and not the reports as a whole. Is the methodological and project management approach for each of the scenarios enough?

**Answer to question 17 (published on 10/03/2015):**

For the suggested plan for the implementation of Scenario 1, 2 and 3 as enhancement project please take note of the Tenderer's Checklist, too. Regarding the level of detail of the proposal, the bids shall present the mentioned topics tailored to each of the scenarios as detailed as possible. Example: it could provide an overview of proposed changes for the user interface/software/database/architecture/..., present the caused impacts on the various documentation and the chapters to be updated.

**Question 18 (dated 09/03/2015, 17:04):**

It is our interpretation that the Rule Checker application is supported by a Liferay product. Up until now, the non production environments are Community edition and Production environment is Enterprise Edition. Is our interpretation correct? If yes, the licenses needed for both products should be part of the final bid, as requested in the RFP, correct? If no, when will the Enterprise edition is to be assumed in Production environment (or in any other environments)?

**Answer to question 18 (published on 11/03/2015):**

RuleCheck is not included in the Liferay portal and for integration with the EMSA Identity Management those details should be of no relevance, since Liferay will act only as the entry point to RuleCheck for login purposes.

**Question 19 (dated 12/03/2015, 10:42):**

In the selection criteria you mention that experience in "Use of Quality Systems" is required. At our understanding, "use of quality systems" refers overall to quality systems being used and implemented by the company in the framework of project management, project implementation, software development, testing etc. Is this the experience the criterion seeks for? Or do you refer to projects being carried out by the company in the field of quality systems (eg. Quality assessment on behalf of a customer)?

**Answer to question 19 (published on 12/03/2015):**

The documentary evidence for the "Use of quality systems" refers inter alia to project management, software quality management and software testing.

**Question 20 (dated 12/03/2015, 10:42):**

Article 14.5.1 refers to at least 3 years of experience in fields (a) and (b). How are the 3 years calculated? You ask for projects of total duration 3 years accumulatively? Or for the company to have been involved in these fields for at least 3 years, since 2012 for example.

**Answer to question 20 (published on 12/03/2015):**

3 years refer to the duration of projects cumulatively not sequential.

**Question 21 (dated 12/03/2015, 10:42):**

Article 14.5.2 refers to a Project manager with three years in projects as 14.5.1. In conjunction with Question No.19, can you please clarify the "Use of Quality Systems" as a necessary experience for the Project Manager?

**Answer to question 21 (published on 12/03/2015):**

The documentary evidence for the "Use of quality systems" refers inter alia to project management, software quality management and software testing.

**Question 22 (dated 13/03/2015, 17:01):**

While it is clear in the final report that source code was delivered to EMSA in December 2014, is the system currently buildable from this source code - that is: is EMSA currently in such a position to build and deploy RuleCheck as delivered by the original implementer?

**Answer to question 22 (published on 17/03/2015):**

EMSA used the delivered software binaries from the contractor for deployments. However, the new contract should follow the EMSA standard procedure for release management, as detailed in Appendix 5, Chapter 4.2 of the Tender Specifications.

**Question 23 (dated 13/03/2015, 17:01):**

Regardless of Source Code deliveries, are there any Intellectual Property or licensing restrictions on the delivered products and dependencies, namely from the original implementer of any third-parties, that may hinder or impact the system and it's future maintainer and it's development efforts?

**Answer to question 23 (published on 17/03/2015):**

Please note that any results, including copyright and other intellectual property rights obtained in performance of previous contracts for development, enhancement and maintenance of Rulecheck are owned by EMSA.

**Question 24 (dated 13/03/2015, 17:01):**

Does EMSA favor the existing .NET-based offline client, or would it consider evolutionary roadmaps in which the existing codebase could be deployed also on the client side, as rich clients, thus minimizing maintenance efforts?

**Answer to question 24 (published on 17/03/2015):**

EMSA does neither favour .NET based clients nor oppose other client solutions as long as the proposed solution respects the Tender Specifications and its Appendixes.

**Question 25 (dated 16/03/2015, 15:03):**

Can you please advise whether the system at its current state uses JCR (Content Repository API for Java) content repository model that follows the JSR-170 standard?

**Answer to question 25 (published on 17/03/2015):**

It solely relies on Oracle database with Oracle text search.

Requests for additional information regarding this tender should be sent by e-mail to the following address [OPEN012015@emsa.europa.eu](mailto:OPEN012015@emsa.europa.eu). Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.

The deadline for submission of the bids of this tender is 23/03/2015, 16:00 (Lisbon time).

Responsibility for monitoring the Agency's website for replies to queries and/or further information remains with potential applicants.