



## Clarifications to invitation to tender COMP/2016/007

Acquisition of a case management framework and related IT consultancy services for the European Commission

### Questions and answers

	<i>Question:</i>	<i>Answer:</i>
1.	I would like to request the procurement documents available for the restricted tender procedure of Directorate-General for Competition <i>Acquisition of a case management framework and related IT consultancy services for the European Commission</i> , 2016/S 042-068535	Please note that the documents are now published on the following website: <a href="http://ec.europa.eu/competition/calls/tenders_open.html">http://ec.europa.eu/competition/calls/tenders_open.html</a>
2.	Do you have an estimation on the proportion of work that would be developed intra muros and extra muros?	The current planning of the project defines an approximate proportion of 75% intra muros and 25% extra muros, however this estimation is only indicative and not mandatory.
3.	<p>With reference to “Guide for Candidates”, page 16, section V.3.2.4 it is requested: “The candidate (each member in case of a consortium or grouping) must provide proof (certificates) of compliance with the ISO 9000 family of quality management standards, or equivalent. The candidate (each member in case of a consortium or grouping) must provide proof (certificates) of implementing project management and IT development methodologies.”</p> <p>While in “Annexes to Guide for Candidates”, page 21, it is requested: “Have you provided a quality-management certification which is compliant with European ISO EN 9000 or equivalent and relevant to the activities described?”</p> <p>We understand that if the candidate (each member of a consortium or grouping) holds a</p>	Yes it is correct. If the candidate (each member in case of a consortium or grouping) provides proof (certificates) of compliance with the ISO 9000 family of quality management standards, or equivalent then the selection criterion is fully covered.

	<p>quality management certification which is compliant with European ISO EN 9000 or equivalent, then the above points are fully covered. Could you please confirm our understanding?</p> <p>If not, please provide additional information on the proof needed.</p>	
4.	<p>With regard to the Appendix II, Guide for Candidates, p. 8 under General conditions and form of request to participate, it is stated that the request must be edited following a continuous page numbering: Can the numbering be divided into sections following the structure of the request? This would mean that the continuous numbering would re-start per section, for example: S1-P1, S1-P2,..., S2-P2.</p>	<p>It is possible for the candidate to restart a new numbering per section if the section is clearly indicated in the page.</p>
5.	<p>With regard to the Appendix II, Guide for Candidates, p. 8 under General conditions and form of request to participate, it is stated that the request should be assembled in a coherent fashion (but not bound or stapled): Can the request be presented in ring binders? If not, could you please precise how to bundle it?</p>	<p>It is possible to use ring binders The only restrictions it is to use binders where the documents cannot be taken out easily or can create problem for copying and scanning.</p>
6.	<p>In the Annexes to Appendix II Guide for Candidates, Annex 9, the Selection criterion number is only provided for the first question 2.1. Should the following questions follow the numbering of the first for example 2.2, 2.3 etc. ?</p>	<p>Yes the following questions follow the incremental numbering 2.2, 2.3 ,2.4. The Annex 9 will be updated with the correct numbering.</p>
7.	<p>In the Annexes to Appendix II Guide for Candidates, Annex 9, third question, concerning the respective responsibilities in the Consortium: In case a company is solely presenting an offer and there is no Consortium, should this question be marked as “not applicable”?</p>	<p>The question could be marked as "not applicable" if there are no consortium and no subcontracting.</p>
8.	<p>In Appendix II, Section V.3.2.4 “Compliance with methodologies and quality assurance standards”, it is mentioned that “The candidate (each member in case of a consortium or grouping) must provide proof (certificates) of implementing project management and IT development methodologies”.</p> <p>We understand that a short description of the processes followed by the Tenderer for the implementation of project management and IT development methodologies should be</p>	<p>Proof of implementing project management and IT development methodologies must be provided in addition to the requested ISO9000 family of quality management standards, or equivalent.</p>

	provided, along with the requested ISO 9000 quality certificate. Please confirm or clarify.	
9.	In Appendix II, Section V.3.2.3 “Capacity of the team delivering the service”, a table is included specifying the minimum number of persons required in the team (CVs) per profile. Additionally, in Annex 11 “Guidelines for the completion of the CVs” of Appendix II, a correlation table for CV forms is provided that includes a number of entries only sufficient to accommodate the specified minimum number of CVs requested per profile (e.g. 2 Project Managers, 2 Developers, 1 Trainer, etc.). Please specify the maximum allowed number of CVs per profile."	It is not necessary to provide more CVs than required but not strictly forbidden. Providing more CVs than necessary will have no impact on evaluation results.
10.	In Annex II, Section V.3.2.3 “Capacity of the team delivering the services” the list of profiles includes the Infrastructure Engineer profile but in the same section the description of the System Administrator profile is provided in its place. Additionally, in the correlation table included in Annex 11 “Guidelines for the completion of the CVs” of Appendix II, the System Administrator profile is mentioned in place of the Infrastructure Engineer profile. Furthermore, in Appendix I, Section V.2.2.2 “IT consultancy services”, it is mentioned “Ad-hoc IT consultancy services: (...) Profiles to be requested: Architect, System administrator, Business engineer, Developers, Database administrators, Trainers”. We understand that any reference to the Infrastructure Engineer profile should be read as System Administrator. Please confirm or clarify.	It is correct that the Infrastructure Engineer profile should be read as System Administrator in page 14 of the Guide for Candidates Appendix II – Guide for candidates.
11.	In Appendix II, Section V.3.2.3 “Capacity of the team delivering the service”, it is specified that long-term IT consultancy services at customer's premises (Time and Means specific contracts) will be provided by Developers and Business Engineers exclusively. It is further specified that “All consultants delivering services to the Contracting Authority under Time and Means specific contracts will be required to be eligible for obtaining a security clearance to handle European Union Classified Information up to the level of EU	As stated, only the persons requested to work in the European Commission's premises need to be eligible for obtaining a security clearance to handle European Union Classified Information up to the level of EU SECRET. It doesn't apply to other staff members of the companies (the tenderer, other members of a consortium and subcontractors)

	<p>SECRET". In Appendix I, Section 2.2.2 "IT consultancy services", it is also mentioned that "A business engineer and a developer of the contractor are expected to work at European Commission premises for the entire duration of the Framework Contract". It is our understanding that it is sufficient that only one of the two developers requested (at a minimum) and one of the two business engineers requested (at a minimum) need to be eligible for obtaining the security clearance. Please confirm or clarify.</p>	
12.	<p>In Appendix II, Section V.3.2.2 "Relevant experience", it is mentioned that "The candidate must have completed at least 3 (three) relevant projects of rolling out large-scale IT solutions for Case Management ("reference systems"). Also, in Annex 9 "Questionnaire on technical and professional capacity" of Appendix II, and specifically in the table "References in relation to similar projects/contracts the following question is included: "Have you filled in Annex 10 providing information about three (3) relevant projects (...)?"</p> <p>We understand that we may provide more than 3 relevant projects and that all will be taken into account in the evaluation. Please confirm or clarify.</p>	<p>Information about three projects must be provided in order to comply with the selection criteria mentioned in page 12 of the guide for candidates. Providing more than three projects will have no impact on evaluation results.</p>
13.	<p>In Appendix II, Section V.3.2.2 "Relevant experience", it is mentioned that "The candidate must have completed at least 3 (three) relevant projects of rolling out large-scale IT solutions for Case Management ("reference systems").</p> <p>We understand that by the term "completed" it is meant that the projects can be still on-going for the provision of maintenance and customer support services for systems that have been rolled-out successfully to production. This understanding is in line with additional requirements included in the same section, such as "at least two reference systems must have been operational for more than 1 (one) year". Please confirm or clarify.</p>	<p>This is correct. A completed project can be still on-going for the provision of maintenance and customer support services for solutions that have been rolled-out successfully to production.</p>
14.	<p>In Appendix II, Section V.3.2.2 "Relevant experience", it is mentioned that "The</p>	<p>A large scale IT solution is defined by one of the following criteria defined in the</p>

	<p>candidate must have completed at least 3 (three) relevant projects of rolling out large-scale IT solutions for Case Management ("reference systems"). Please clarify what is meant by the term "large scale IT solutions". In particular, what are the characteristics of an IT solution so that it is considered large?</p>	<p>Section V.3.2.2 of the Appendix II Guide for Candidates:</p> <ul style="list-style-type: none"> <li>-At least one reference system must have more than 500 end users that directly use the system.</li> <li>-At least one reference system must have dealt with a document volume increase of more than 1 million documents per year.</li> </ul>
15.	<p>In Appendix II, Section V.3.2.2 "Relevant experience", it is mentioned that "All reference systems must have served the purpose of Case Management as described in Appendix I: Executive Summary." In page 3 of the project reference form included in Annex 10 "Project references", the project relevance is confirmed by the coverage of functional requirements for case management, case handling, case design, document management etc. as described in Section 3.3 "High-level functional scope" of Appendix I. Our understanding is that it is sufficient to provide a yes/no answer, in the relevant table entries (project reference form – page 3) to indicate if a functional area is covered by the reference system. Furthermore, we understand that it is not required that each reference project should cover individually all functional areas, as long as the provided references cover collectively all areas. Finally, we understand that the coverage of optional functionality (eDiscovery and Collaboration, Section 3.3 of Appendix I) is outside the scope of this phase. Please confirm or clarify.</p>	<p>It is correct. It is sufficient to provide a yes/no answer in the Annex 10 (page 3 and 4) and it is not required that each reference project should cover individually all functional areas, as long as the provided references cover collectively all areas.</p>
16.	<p>In Appendix II, Section III.3 "Estimated total volume of all specific contracts signed under the framework contract", an estimation is provided for "Consultancy services to be ordered by means of specific contracts in Times and Means (longterm consultancies), as well as Quoted Times and Means (time-limited tasks)" per profile (Business Engineer, Developer, Project Manager, Architect and Trainer). However no effort is estimated for the System Administrator and Database Administrator profiles that will also be requested for the provision of ad-hoc IT consultancy services according to point #5 in Section 2.2.2 "IT consultancy services" of</p>	<p>At his stage, there is no estimated volume for System Administrator and Database Administrator profiles. The estimation will depend on the features of the Case Management Framework to be acquired, and the required infrastructure and the technical choice that will be made.</p>

	<p>Appendix I. Similarly, no effort is estimated for the Application support specialist profile that will participate in the roll-out activities of the system and will provide customer support, according to the table included in Section 3.2.3 “Capacity of the team delivering the services” of Appendix II. Can you please provide the volume estimations for the System Administrator, Database Administrator, and Application support specialist profiles?</p>	
17.	<p>In Appendix II, Section V.3.2.3 “Capacity of the team delivering the service”, it is specified, under team/staff column of the table that the following profiles participate in system roll-out activities: “Project Manager, Developer, Infrastructure engineer, Business engineer, Application support specialist, Trainer, Database Administrator”. It is our understanding that the Architect profile has been omitted by mistake, since an effort estimation has been provided in Section III.3 “Estimated total volume of all specific contracts signed under the framework contract” of Appendix II . Please correct or clarify.</p>	<p>It is correct that the Architect profile should be added into the list in Appendix II Guide for candidates, Section V.3.2.3 “Capacity of the team delivering the service under team/staff column of the table .</p>
18.	<p>In Annex 13 “Conflict of interest declaration” of Appendix II, the Tenderer is required to provide “An affidavit confirming that you are not in a situation of conflict of interest (...)”. In Section V.4 “Section Four: Confidentiality and conflict of interest declaration”, and point “2) Conflict of Interest declaration (Annex 13)” it is required that “Each candidate must declare on its honour that there is no conflict of interest from the side of the candidate, or of any member of a consortium or grouping, or of any sub-contractor(s) affecting this call for tenders”.</p> <p>Our understanding is that a simple declaration of honour affirming that the Tenderer is not in a situation of conflict of interest is sufficient. If not, please clarify what kind of document is required and whether there is any special requirement with respect to the wording or legal nature (e.g. notarised statement) required for this document.</p>	<p>A declaration on honour is sufficient at this stage of the procurement procedure. However, the Commission reserves the right to request supporting documents (e.g. notarised statement) from tenderers selected under this Call For Tenders.</p>

19.	<p>Guide for Candidates, Section V.3.2. “Technical and professional capacity”, Section V.3.2.2. “Relevant experience”: “The candidate must have completed at least 3 (three) relevant projects of rolling out large-scale IT solutions for Case Management (“reference systems”):</p> <ul style="list-style-type: none"> <li>o All reference projects must have covered: Installation, initial configuration, testing, deploying and customer support.</li> <li>o All reference systems must have served the purpose of Case Management as described in Appendix I: Executive Summary.</li> <li>o ...</li> </ul> <p>please clarify the following:</p> <p>b) In case of a company which has extensive experience with several platforms and products which could be proposed for covering the scope of the Framework Contract and since the exact needs of the Contracting Authority are not known in detail at the current Phase (i.e. the selection of the platform or product that best meets DG COMP’s needs is not possible at this Phase), we understand that it is acceptable to present similar references systems which may have been implemented based on different products. For example it would be acceptable to present 3 reference systems out of which the first was based on product X, the second on product Y and the third on product Z. Please confirm that our understanding is correct or clarify if not.</p>	Yes. The different projects can cover the different domains with different products.
20.	<p>With reference to the “Annexes to Guide for Candidates”, Project Reference Form: certain profiles are mentioned in the form. Our understanding is that these are indicative and should be replaced by the actual profile names used in each project. Could you please confirm?</p>	Yes. The profile names in the Project Reference Form are indicative and can be replaced by profile names listed in the Guide for candidates
21.	<p>It is our understanding that it is not mandatory for Tenderers to select and propose/lock to a specific Case Management Framework/product at this Phase (where the exact requirements of the Client are not known), but this could be decided later on (once shortlisted) and after receiving the detailed tender requirements. Please confirm</p>	It is not necessary to define a product to be included in the offer at this stage of the procedure.

	that our understanding is correct.	
22.	In the document “Annexes to Guide for Candidates”, Annex 10 Project references, page 4 of 4 from the Project Reference Form – we understand that the field Declaration of conformity and signature should be certified by the purchaser or, failing to do this, simply declared by the service provider to have been effected. Please confirm our understanding.	The Project reference form (Annex 10) must be signed by the candidate. In order to allow for verification, the name and telephone number of a contact person of the client must be indicated.
23.	Related to Section VI.2 of 'Appendix II to the Invitation to submit a request to participate' and with reference to Section V.3.1, it is stated that “...in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors must provide evidence... “and that “the thresholds indicated in point a) and point b) above must be calculated at the level of consortium or grouping including identified subcontractors...”. The above indicate that the economic and financial criteria of Section V.3.1.1 will be assessed in a combined manner and not individually for each participating company (either member of the consortium or subcontractor. However, Section V.I.1.2 for subcontractors states that the “selection criteria for economic and financial capacity will be assessed in relation to each company individually” which is contradictory to the above.	<p>Section VI.1, first bullet point: Instead of "...except item No 2 of Section V.3.1 (overall turnover)..." Please read "except item 1. a) and b) of Section V.3.1 (overall turnover)..."</p> <p>Section VI.2, first bullet point: Instead of "except item No 2 of Section V.3.1 (overall turnover)..." Please read "except item 1. a) and b) of Section V.3.1 (overall turnover)..."</p> <p>As indicated in the Guide for candidates, section VI.2 The economic and financial capacity of the tenderer will be assessed in relation to the overall turnover by taking into account the combined capacity of the tenderer in case of a joint tender and including any subcontractors with an intended share above 10%.</p>
24.	With reference to Guide for Candidates, Section V.3.2. “Technical and professional capacity”, Section V.3.2.3. “Capacity of the team delivering the service”, pages 14-17: • Project Manager: “At least 6 years of experience as IT Project Manager, from which at least 3 years as Project Manager in projects implementing the Case Management Framework proposed by the candidate.” [...] • Database Administrator: “At least 6 years of experience as database administrator, from which at least 2 years as system administrator for the Case Management Framework proposed by the candidate.” In case of a Tenderer who has extensive expertise and is able to propose several	Yes the CVs can cover the required experience with different products.



	different products which could cover DG COMP needs (which are not known in detail at this Phase and therefore the selection of the Case Management Framework that best fits DG COMP needs is not possible) we understand that it would be acceptable for this Tenderer to propose a set consultants with expertise in a variety of “possible suitable solutions”. For example it would be acceptable for Tenderers to provide 2 CVs of Developers the one having the required number of experience in product “X” and the second in product “Y”.	
25.	In the phrase "All consultants delivering services to the Contracting Authority under Time and Means specific contracts will be required to be eligible for obtaining a security clearance to handle European Union Classified Information up to the level of "EU SECRET.", what do you mean with the expression be eligible for?	Security clearance for access to information classified EU SECRET is based on a security investigation by a competent national authority (of the person's Member State) upon duly authorised request. For details, please refer to <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013D0488&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013D0488&amp;from=EN</a>
26.	Is it mandatory to provide reference letters from customers of the three reference projects specifying that the projects have been carried out?	It is mandatory to provide reference letters from customers as requested in annex 9.
27.	With reference to the Clarifications’ Answer #3 and to the “Annexes to Guide for Candidates”, page 21, regarding the compliance with quality assurance standards, please consider the case where a member of a Consortium or a subcontractor with a share more than 10% does not have such a certificate, while the other members of the Consortium have ISO 9000 or equivalent certificates. However, this participant has in place a quality policy which adheres to the aforementioned quality standards. Can a description of such policy be considered as equivalent to the formal ISO 9000 certificate?	Evidence of implementation quality standards can be provided by the candidate instead of the ISO 9000 certificate. The evaluation committee will assess whether the evidence provided is sufficient.
28.	With reference to the “Guide for Candidates”, page 11, V.2 and V.3: Do exclusion and selection criteria apply to each subcontractor that has at least 10% share or do they apply to ALL subcontractors if their total share is more than 10%?	Each subcontractor with an intended share above 10% must meet the exclusion criteria and provide a signed declaration on honour.  Each subcontractor must meet the criterion for technical and professional capacity

		relevant to him/her. However, the overall capacity, including all selection criteria for technical and professional capacity, will be assessed for the tenderer as a whole (including joint members and subcontractors).
29.	In order to answer the questions that you have asked, however, is it necessary for us to have a mutual and executed NDA in place. Could you be so kind as to send us your standard (signed) NDA, for us to counter sign.	<p>As indicated in the invitation letter, point 9, the contracting authority will handle all submitted requests/tenders confidentially. The European Commission undertakes to protect your commercial interests by treating all the information contained in your request/tender as confidential. In particular, it will not disclose any information where such disclosure would hinder application of the law, be contrary to public interest, harm your legitimate business interests or distort fair competition. These provisions are the expression of the obligations laid down in Article 339 of the Treaty on the Functioning of the European Union and in Article 103(3) of the Financial Regulation.</p> <p>In addition, personal data included in your request/tender will be handled as indicated in point 14 and 15 of the invitation letter, and more generally in conformity with Regulation (EC) No 45/2001.</p> <p>Last but not least, please note that only members of staff bound by the Staff Regulations of Officials (or by the Conditions of Employment of Other Servants) of the European Economic Community and the European Atomic Energy Community will have access to the tender files. Your attention is drawn to Article 17 of the Staff Regulations.</p> <p>In these circumstances, the signature of an NDA is not necessary.</p>
30.	The Guide for candidates, page 11, states for both exclusion and selection criteria that they apply for identified subcontractors whose intended share of the contract is above 10%. If a subcontractor has a share less than 10%, could the tenderer present CVs and/or project references from this subcontractor to count	Yes, the tenderer may count the CV of a subcontractor towards satisfying the technical and professional capacity, also if the intended share of the subcontractor is below 10%.

	towards satisfying technical and professional capacity?	
31.	With respect to the answer provided to Question 4, we assume that continuous page numbering does not apply to documents such as entry in a professional register, balance sheets and the like. Please confirm.	All documents must have a page number. The continuous numbering could be linked to the section or to the whole documents (see question 4).
32.	If the Financial Identification Form is countersigned by the bank's representative, then a bank statement is not required. Please confirm.	If the Financial Identification Form has a stamp and signature of the bank representative, a bank statement is not necessary.
33.	Our understanding is that the term “Adaptive Case Management” refers to the functionality mentioned in “Executive Summary”, Section 3.3, “High-level functional scope”, page 9 of the Tender Specifications (i.e. “introduce or change activities and tasks, planning and resources at case execution time”) which could be addressed via traditional Case Management/ECM solutions. Could you please confirm?	Our detailed specifications and the evaluation of the matching with your proposed software/solution are for phase 2 of this procedure. For the purpose of answering the project reference form, simply refer to the indicated interpretation of adaptive case management: "The system provides the flexibility to introduce or change activities and tasks, planning and resources at case execution time."
34.	With reference to “Annexes to Guide for Candidates”, Annex 10, “Project References”: • Page 23, “The following 3 pages contain the Project References Form to be completed for each project reference (at least three references)”: We understand that the Project Reference Form consists of 4 pages in total, and that the Tenderer is eligible to exceed the 4 pages in case that the Tenderer would like to provide additional related information in the “Project description” page (Project Reference Form (page 4 of 4)). Please confirm that our understanding is correct.	It is correct that the Tenderer is eligible to exceed the 4 pages to complete the Project Reference Form.
35.	With reference to “Annexes to Guide for Candidates”, Annex 9, “Questionnaire on Technical and Professional Capacity”: • 1st Question, “Have you provided a description, supported by a structured chart, of your organisation in relation to the candidate or consortia/grouping as a whole?” • 2nd Question, “Have you clearly identified in your organisation in relation to the tendering group as a whole the entity(ies)	It is not correct. The tenderer must reply to all questions. Questions 2.1, 2.2 and 2.4 are similar but not identical.

	<p>which is (are) responsible for provisioning the catalogue of services which cover the scope of the contract?"</p> <ul style="list-style-type: none"> <li>• 4th Question: "Have you provided a description of your organisation, the number of staff, a description of the department(s) responsible for the delivery of the requested services with the number of the staff involved, the locations of these department(s) and their geographical coverage? Please provide this information in relation to each consortium members."</li> </ul> <p>We understand that in case of a Sole Tenderer (no Consortia/ Grouping), the responses to the 1st and 2nd Questions are covered by the response to the 4th Question and no additional information is required to be provided by the Tenderer.</p> <p>Please confirm that our understanding is correct, else please advise accordingly.</p>	
36.	<p>The official document "Executive Summary" states, in section 2.1: Objectives of this call for tender, that "The European Commission wants to acquire under this call for tenders a Case Management Framework (CMF) together with supporting IT consultancy services specialised on the installation, configuration, development and administration of this Framework." Do we understand it correctly that the European Commission may opt to buy the software for the Case Management Framework (CMF), and thus accepts the terms and conditions from the software vendor, which is not necessarily the contractor and which is neither a subcontractor of contractor ?</p>	<p>The subject matter of the framework contract is the acquisition of software licenses, the additional development of the software product in order to adapt it to the needs of the contracting authority and the provision of related IT consultancy services. The contractor must therefore be (itself or through the proposed subcontractors) in a position to sell (or, if applicable, rent) the software licences, as well as to provide the development and other consultancy services, to the contracting authority. The acquisition of the licences and the provision of the services will be governed by the terms of the draft framework contract attached to the Tendering Specifications.</p> <p>If, in order to use the licences, the contracting authority needs to enter into a separate contractual relation with a third party, for example a software vendor, the offer must state this fact and provide all the relevant information. The Commission reserves the right to request further clarification in order to assess whether the terms of any such side contract are compatible with its legal requirements and with the essential elements as set out in the</p>

		<p>Tendering Specifications.</p> <p>Please note that further information will be provided in the Tendering Specifications during the second stage of the procedure.</p>
37.	Can the European Commission agree that Contractor would buy the software licenses (for the Case Management Framework) on behalf in the name and for the account of the European Commission?	No. The proposed approach would imply that the contractor would act as an agent for the Commission vis-à-vis a third party. As stated above, the contractor must be (itself or through the proposed subcontractors) in a position to sell (or, if applicable, rent) the software licences to the contracting authority under the terms of the draft framework contract attached to the Tendering Specifications.
38.	Can you please confirm that the liability for the licences acquired under the Framework Contract remains with the software editor and so that the contractor (consortium members) will not be liable for the products covered by the licences?	The liability of the contractor will be related to the subject matter of the Framework Contract: the acquisition of software licenses, the additional development of the software product in order to adapt it to the needs of the contracting authority and the provision of related IT consultancy services. Therefore the contractor will not be liable for any defaults in the software product which it could not reasonably have foreseen when proposing that product to the contracting authority as part of its technical solution. It will however remain fully liable for any defaults in the software product that it could reasonably have foreseen when proposing that product to the contracting authority (notwithstanding the liability of third parties such as the software vendor), as well as for any defaults linked to the additional developments of the software product aimed at adapting it to the needs of the contracting authority.
39.	The Guide for Candidates, pag. 8, section IV.2 (Joint request to participate and joint tender), states that candidates "...must submit a power of attorney from the other partners authorising this company to submit a tender for the consortium .." and in the section VIII, point	The power of attorney templates cannot be modified except for the highlighted parts that need to be completed. The power of attorney concerns both the request to participate and the tender submitted in the tender phase (phase II), i.e. it must be also

	14 of the table, it is stated that “One form completed, based on one of the two template proposed” must be used. Could you please confirm that in case of joint request to participate, a power of attorney must be provided and that the “Power of Attorney form” available on the Website <a href="http://ec.europa.eu/dgs/informatics/procurement/useful_documents/index_en.htm">http://ec.europa.eu/dgs/informatics/procurement/useful_documents/index_en.htm</a> , can be changed to adapt it to the selection phase instead that at signing the contract.	valid for the signature of the contract.
40.	I am referring to the tables on pages 18 and 19 of the Annex to the Guide to candidates. The totals seem to sum up the ‘turnover worldwide’ only. Our understanding is that the turnover worldwide includes the turnover in Europe. Please confirm.	Yes. In the tables on pages 18 and 19 of the Annex to the Guide to candidates, turnover worldwide includes the turnover in Europe.
41.	I am referring to the tables on pages 11 of the Guide to candidates. We understand that the thresholds of 1.500.000 refer to the turnover worldwide and not the turnover in Europe. Please confirm.	Yes. The turnover thresholds defined in Page 11 (V.3.1. Economic and financial capacity) of Guide of candidates refers to worldwide turnover.