

CLARIFICATION TO TENDER: N° 02

“Cyber Exercises on CIIP”

ENISA P/17/11/TCD

Questions & Answers

Q1:	I have been going through the legal aspects of payment conditions for the tender on the 2012 Cyber Exercise and US 2011 Exercise and it appears that there is a contradiction in that in Article I.4 of the Special conditions it says there will be a single payment on delivery of the final deliverables (ie after the exercise) and in the II.4.2 of the general conditions it talks of an interim payment. Could you possibly clarify what the plan is for payment?
A1:	As regards your specific question, please note that for the application of this type of service contract the Special conditions prevail over the General conditions. Therefore, as indicated in Art I.4 of the Special conditions and in Part 2, Art 10 of the Tender Specifications, one single payment will be made upon final delivery for each LOT.
Q2:	Could you therefore also confirm that if pre-finance is used, the whole sum can be pre-paid against a guarantee provided by ourselves at the commencement of the project?
A2:	As mentioned in the previous answer, the Special conditions of the draft service contract only refer to the possibility of payment upon final delivery. The General conditions Article II.4.2 refers to all of the possibilities for payment for which one method has been chosen and declared in the Special conditions. Therefore no pre-financing is possible for this tender procedure.
Q3:	A question has arisen as to when the LOT will be considered delivered since there does not appear to be a date for the LOT 1 European Exercise. Is there a planned date for this in 2012 against which we can do our planning?
A3:	As the actual dates have not been set yet, the safe date to consider for the end of the project is end of December 2012. As such the exercise will have to take place around in Sep-Oct 2012. The bidders shall provide a provisional planning (as requested in the tender specs) and be flexible with the actual dates. Specific milestone dates are provided in Part 2, Art 1.4 and 1.5 for LOT 1 and Art 2.4 and 2.5 for LOT 2.