

CLARIFICATION TO TENDER: N° 03

**“Provision of operational consultancy services
in the field of network and information security”**

ENISA P/15/10/TCD

Questions & Answers

<p>Q1:</p>	<p>An internal review of 5._Annex_V_Draft_Framework_Service_Contract has flagged a number of issues. Is ENISA prepared to enter into negotiation on any of these terms? For example we would like to negotiate a limit on liability.</p>
<p>A1:</p>	<p>As regards the contract template included in the tender documents and in particular the liability clause thereof, I would like to draw your attention to the fact that this cannot be subject to any substantial alteration or negotiation. This derives from the principles of transparency and equal treatment following which the administration must adopt a foreseeable conduct towards any potential tenderer. In other words, the publication of the contract template is aimed at providing insurance to the tenderers that the contract signed at the end of the public procurement procedure shall be written in the same terms and therefore performed under the same conditions for any of them to whom the contract is awarded.</p>