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Subject: **DPS Stage 1 – Statement by the Contracting Authority**

Reference: **Questions and Answers – Q 16 (DPS for IT Consultancy in the field of Datacentre Operations - DIGIT/A3/PR/2019/028)**

Text in red represents editorial changes made to the economic operator's questions in order to anonymise questions, correct mistakes or increase legibility.

QUESTION 16

Submission date: 23/10/2023

Question title: Statement by the Contracting Authority

Question: Statement by the Contracting Authority on the update of the procurement documents

ANSWER 16

The contracting authority informs the economic operators that an updated version of the DPS specifications and its annexes has been published in the Negometrix platform of the Call for tenders.

Candidates must adhere to the updated version of the procurement documents when participating in the procedure.

Modifications were made in the following documents:

DPS Specifications

- Article 1.5.1. of the DPS Specifications ("*Timeline of the DPS*") has been amended to allow the publication of mini-competitions during the entire duration of the DPS, and to clarify that contracts resulting from mini-competition that have been launched within the DPS time limit may be awarded, concluded and enter into force even after the date on which the DPS expires.
- Article 1.5.2. of the DPS Specifications ("*Duration of the DPS*") has been amended to clarify that the expiry of the DPS does not affect mini-competitions launched within the duration of the DPS nor Contracts resulting from such mini-competitions.
- Article 1.5.3. of the DPS Specifications ("*Duration of the direct contracts*") has been amended to clarify that initial periods and the possible renewals of direct contracts may

have start dates and expiry dates after the expiry of the DPS, when this is compatible with Article 1.5.1. as resulting from the above-mentioned amendment.

- Article 1.5.4. of the DPS Specifications ("*Termination*") has been amended to take account of the possibility that a direct contact be awarded after the expiry of the DPS, in accordance with Article 1.5.1. as resulting from the above-mentioned amendment.
- Article 3.4.2. of the DPS Specifications ("*Award criteria*") has been amended in such a way that the details of the award formula can be defined in the Tender Specifications of each mini-competition.
- Where relevant, the DPS Specifications have been amended to include the check about the non-subjection of a candidate, its subcontractors, and all the other entities relied upon by the candidate to meet the selection criteria, to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU). The non-subjection to EU restrictive measures will be considered as a condition for the participation in the DPS and for the award of direct contracts in the framework of mini-competitions.
- The information note about the EU-UK Withdrawal Agreement has been removed from Article 2.1.1. of the DPS Specifications ("*Entities subject to restrictive measures and rules on access to procurement: who may apply to the DPS*?") since obsolete and no longer relevant.

<u>Annex to DPS Specifications</u>

- The version of the Declaration on Honour previously published as "Declaration on Honour rev01" has been replaced by the version headed "Declaration on Honour rev02".

<u>Direct contract template and annexes rev03</u>

- Article I.4.1 of the Direct contract template has been adjusted to include price revision in the "maximum amount covering all purchases" under the Direct contract.
- Article II.20.2 of the Direct contract template has been modified to shorten the term within which the contractor can require price revision by 15 days. This modification aims at shortening the overall timeline of the indexation process, to avoid the risk that price revision may not have been finalised yet when moth M+4 begins (see Article II.20.1).
- Article II.20.3 of the Direct contract template has been modified to align its wording with the wording of Article II.20.1. As a result, "Io" has been defined as "Index for the month M".

e-signed
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Head of Unit