



Frequently Asked Questions

11 Avril 2016

Call for tenders CJ-PROC-15/011 - Supply of subscriptions to specialist periodicals

- **Where can I find the documents of the call for tenders CJ-PROC-15/011 - Supply of subscriptions to specialist periodicals?**

The documents of the call for tenders (invitation to tender and tender specifications, as well as the lists of specialist periodicals by lots -Annex 5 and Annex 6-) can be found in English, French and German in the following link: http://curia.europa.eu/jcms/jcms/Jo2_7009/

- **Qu'entendez-vous exactement par service d'alerte de type "tables des matières" ?**

Le service d'alerte de type « tables de matières » est un service consistant en l'envoi d'un avis par e-mail avec les sommaires ou index (table des matières) des périodiques.

- **Est-ce que vous pouvez confirmer que la façon de travailler n'est pas un obstacle à une candidature ou que cela n'est pas pénalisant ?**

Toutes les offres satisfaisant aux exigences définies dans les spécifications techniques seront évaluées, à égalité de conditions et selon les critères d'attribution établis dans le cahier des charges si les soumissionnaires

- ne se trouvent pas dans une situation d'exclusion,
- répondent aux critères de sélection (capacités économique, financière, technique et professionnelle) établis dans le cahier des charges.

- **What does this call for tenders means for a publication included in Annex 5 and Annex 6?**

As from September 2016 the Court of Justice could request the subscription to the publication through the selected contractor or if the latest is not possible, the subscription could be requested as usual.

- **Are subscriptions related to this year or with beginning in 2017?**

The framework contracts are foreseen for the subscriptions beginning in 2017 and until 2020 maximum. They shall enter into force as from 1 September 2016 if the contracts have been signed by the contracting parties before that date and they will be concluded for a period of one year, renewable three times for periods not exceeding one year.

- **In Annex 4 the selection criteria concerning technical and professional criteria (and other) must be confirmed. So for us it is not clear which parts are „must“ or „can“**

Please note that all criteria established in the tender specifications, including technical specification, are compulsory. Furthermore, regarding Annex 4 and its section "selection criteria":

- the legal and regulatory capacity to pursue the professional activity needed for performing the contract required in section VII.2.ii of the tender specifications refers to the need to be authorised to carry out the commercial activity which is the subject of this call for tenders;
- the economic and financial criteria indicated in section VII.2.i of the tender specifications refers to the need to have an average overall annual turnover for the last three financial years that must be at least two times greater than the estimated annual amount of the lot or, where appropriate, than the sum of the estimated annual amounts of the lots for which the tenderer is submitting its tender;



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- the technical and professional criteria indicated in section VII.2.ii of the tender specifications refer to the need to have relevant experience of at least three (3) years in the commercial activity which is the subject of this call for tenders as described in the technical specifications.
 - **The subject of the tender is one subscription to the specialized periodicals, or possibly more?**

A tenderer may submit a tender for one or more than one lot.

- **Is to be a publisher among the eligibility criteria?**

To be a publisher is not among the selection criteria.

Do you expect a consolidated service for all titles and lots?

Please note that the way of delivery (directly from publisher to customer or consolidated to tender's consolidation centres), is not a condition laid down in section III. of the tender specifications "Technical specifications".

- **We are asked to give the 2017 journal prices. Would it be possible to quote 2016 prices instead?**

As established in the tender specifications, the tenderer must clearly indicate, the price, for each title, of an annual subscription for the year 2017.

Should you want to quote 2016 prices instead of 2017:

- either you change annex 5 and your tender will be rejected as it fails to comply with technical specifications,
- or you just indicate the prices and they will be considered as your offer for 2017.

- **Which are the options to correct prices after the first year of contract (until November 20th of each year)?**

With regard to the revision of prices (Section V of the tender specifications and article I.4 of the framework contract):

- the prices charged for current subscriptions can be revised taking into consideration any increase in publishers' prices and/or delivery charges for the year N+1. Hence, no increase in the contractor's service fee will be taken into account.
- prices charged for new subscriptions: the revision of prices will be restricted to the application of the percentage in relation to the publisher's list price tendered by the contractor to the publisher's new list price



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- **Regarding the options to correct prices, what happens if we do not know about price increases before November 20th because the publisher sets the new prices after that date? Will we still be able to report price increases?**

If the publisher sets the new prices after November 20th, you shall notify the Court of Justice without delay as it could be considered a case of force majeure as established in article II.10 of the framework contract.

- **Le 'service alerte table des matières par e-mail' + 'avec accès aux contenus via un lien direct' : devront-ils être offerts par un « tool » de notre part ou est-ce qu'il suffit d'être alerté de la part des éditeurs mêmes via un e-mail ?**

Selon le cahier des charges, le soumissionnaire doit s'engager à fournir le service alerte table de matières, sans spécifier s'il s'agit d'un « tool » de la part du soumissionnaire ou d'une alerte de la part des éditeurs.

- **Can we submit an offer if our publication is not mentioned in Annex 5 and 6 of the tender specifications?**

Please note that to be a publisher or own one of the publications listed in annexes 5 and 6 of the tender specifications is not among the selection criteria.

- **Please provide us with the IP addresses or IP range**

The IP range is 80.246.96.0 - 80.246.111.255, with about 3 simultaneous users.

- **Can you confirm that the procedure to follow to indicate 2017 prices is to estimate prices based on the 2016 subscription rates or last issue published?**

The way of estimation of 2017 prices is not established in the tender specifications; therefore tenderers are free to choose the way to indicate the prices that best suits their needs.

- **Do you have guidelines for calculating the estimated 2017 prices?**

The Court of Justice has no guidelines for calculating the estimated 2017 prices.

- **Can you explain how you will compare estimated prices provided by the various tenderers against each other to allow you to calculate award criterion A?**

The evaluation of the financial tender is described in the tender specifications (section "VIII. 5. Evaluation of the financial tender").

- **Are the 2017 prices as indicated in annex 5 binding for subscription year 2017, should an agreement result from this tender? In other words, are these the prices that are actually to be invoiced?**

Annex 5 of the tender specifications will become Annex II of the framework contract. Therefore, following article I.3.3 of the framework contract, prices included in annex 5 of the tender specifications



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are fixed and may be not be revised for orders placed during the first year of performance of the contract.

- **Will tenderers be allowed to add an additional column to annex 5 in which to provide additional information about the titles and prices quoted?**

As established in annex 5 the financial tender must be clear and precise. Any tenders containing statements that prevent comparison between tenders (such as 'to be discussed', 'depending on X', 'excluded', etc.) shall be considered not to be in order and shall be rejected. The same will apply to tenders that refer to external factors that are not expressly contained in the tender.

- **What type of supporting documents do you require for the request of price revision?**

The relevant supporting documents requested for price revision are:

- those proving the increase in publishers' prices and/or delivery charges as regard prices charged for current subscriptions (see Annex 5),
- those proving the increase in publishers' prices for the publications not included above.
- **Will the prices provided by the supplier by 20 November be considered binding for the new subscription year, regardless of late publisher price changes or currency fluctuations?**

According to section V. of the tender specifications and art. I.4 of the framework contract, the revision of prices

- will take into consideration the increase in publishers' prices and/or delivery charges regard prices charged for current subscriptions, or
- will be restricted to the application of the percentage in relation to the publisher's list price tendered by the contractor to the publisher's new list price.

No other circumstances are foreseen in the tender specifications or the framework contract for revision of prices.

- **How a request for revision of prices from publishers which do not publish the list prices before 20 November can be handled to comply with your procedures?**

If the publisher sets the new prices after November 20th, you shall notify the Court of Justice without delay as it could be considered a case of force majeure as established in article II.10 of the framework contract.

If the new prices are established after November the 20th, they will not be applicable retroactively.



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- **Are tenderers to indicate a price only for the titles included in Annex 5 and 6?**

Annexes 5 and 6 are the list of publications for which the Court of Justice actually holds a subscription in 2015 (also called “current subscriptions”). No other publication will be taken into consideration and no comment/modification in annex 5 will be accepted.

- **Is it obligatory to quote in one currency within one lot?**

Only for lots 1-AT; 2-BE ; 6-CY ; 8-DE ; 10-EE ; 11-ES ; 12 -FI; 13-FR; 15-GR; 18-IE; 19 IT; 20-LI; 21-LU; 22-LV; 23-NL; 26-PT; 29-SI and 30-SK, the prices must be expressed only in euros. For the lots: 3-BG; 4-CA; 5-CH; 7-CZ; 9-DK; 14-GB; 16-HR; 17-HU; 24-NO; 25-PL; 27-RO; 28-SE and 31-US the prices must be expressed in either euros or local currency as chosen by the tenderer.

- **Regarding Annex 6, “Whether possible for individual users”: Is this a question of whether there is an internet version available for multiple users with individual passwords for each user? Or does the question relate to whether the email alert service can apply to more than one specific email address?**

The question relates only to the email alert service and refers to the possibility for individual users to subscribe the service of alerts directly, without the intervention of the administrator.

- **In Annex 6 - the table has a heading asking ‘whether possible for individual users. Do you want the table of contents alert service for all users, or the actual content of online journal (where available)?**

The column “whether possible for individual users” of the annex 6 relates only to the e-mail alert service and refers to the possibility for individual users to subscribe the service of alerts directly, without the intervention of the administrator.

- **In Annex 6 - the table has a heading asking ‘whether possible for individual users. When you state ‘all users’ is this just on campus/ site, or off site also?**

The column “whether possible for individual users” of the annex 6 is dedicated to the individual subscription to the alerts independently where they are. We do not speak about « all users » anywhere in this column.

- **In Annex 6 - the table has a heading asking ‘whether possible for individual users. How many users do you need this for?**

The Court of Justice does not need any user, as we ask only about the possibility to subscribe to the alerts



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- **Can you confirm whether electronic access is required for both sites of the Court of Justice?**

Electronic access is required for both sites, both situated in Luxembourg.

The access to the subscriptions in electronic format will be done by just one and only internal network (intranet) for all the employees of the Court of Justice, regardless the building where their offices are (there are no different accesses depending on the site).

- **Can you confirm where the other site is?**

The current address of the 2nd site of the Court of Justice of the European Union is:

90 Boulevard Konrad Adenauer
1115 Luxembourg

- **Can we assume that we can price the tender as if there were only 1 site for electronic access?**

The access to the subscriptions in electronic format will be done by just one and only internal network (intranet) for all the employees of the Court of Justice, regardless the building where their offices are (there are no different access depending on the site)

- **Would delivery of physical books be required to the other site?**

The periodicals are to be delivered to the building of the Court of Justice housing its library. The address will be notified on the Purchase Order and may be altered as decided by the Court of Justice (please see article I.5.2 of the draft framework contract).

Currently, the address of the Library is:

Rue du Fort Niedergrüneward,
L-2925 Luxembourg.

- **We inform you that we will not take part in tender**

The confirmation for taking part in the call for tender is not requested. Therefore, should you decide to take part in the call for tenders CJ-PROC-15/011 for the supply of subscriptions to specialised periodicals, please be aware that the deadline is 18 April 2016.