

Questions and Answers (Q&A)

in relation to the ITB/SEC/14/2018 - Vulnerability Management Platform

No.	Question from the Market Operator	Answer from the Project Team/Procurement and Contracting Unit
Q&A – 1. Release date: 27 August 2018		
1.	<p>Could you, please, clarify following statement in the Instruction to bidders. Pt. 16 demands a bid security and in 16.2. there is a reference to Section II, Bidding Data Sheet, where the amount should be specified. I couldn't find this document and no specification of such a bid security anywhere.</p>	<p>This tender does not require a Bid Security</p>
2.	<p>According to our knowledge, deliveries and other services to international organizations are taxable in Austria and the invoices therefore include VAT. OSCE has an opportunity to submit application for a refund of the sales tax at the Austrian Federal Ministry of Finance. Is our understanding correct that Austrian suppliers shall invoice their services with VAT?</p>	<p>The OSCE with its Secretariat located in Vienna, Austria is an International Organization which enjoys tax-exempt status, the OSCE does not have a VAT number. Yes, your company might submit an Invoice showing the VAT amount which will be paid by the OSCE and then reimbursed from the Ministry of Finance. However, in the Annex F – Price Schedule, all Bidders are requested to provide its pricing information without the VAT (i.e., NET amount only). Invoicing procedure, the OSCE Letter on Tax Exemption, etc. will be discussed with the successful Bidder at the stage of Contract negotiation/drafting.</p>
3.	<p>We haven't found any Performance Security Amount specification within the Bid Invitation, and therefore cannot properly include such within our project cost- and risk-assessments. As we have not received any request from OSCE to actually provide such Performance Security, we assume, that it is not required by OSCE from [company's name removed] in this business transaction.</p> <p>Could you please clarify if our assumption is correct or wrong. In the latter case, kindly state the amount OSCE does require</p>	<p>Please see our clarification to the Question 1</p>
4.	<p>As the Bid Invitation predominantly asks for standardized, general available Qualys Software Service Subscription (License & Cloud Service entitlements), we kindly suggest to exclude penalties from these</p>	<p>We do not force to include penalties in the body of the planned Contract; however, we would propose a standard text which would protect the OSCE from the Contractor's underperformance. Text details will be discussed with the successful</p>

	<p>standardized, general available subscription services.</p> <p>Not least to allow the bidder to provide most competitive pricing and to avoid any undesirable risk premium for those elements.</p> <p>So we kindly ask OSCE to agree to this suggestion.</p>	<p>Bidder at the stage of Contract negotiation/drafting</p>
<p>5.</p>	<p>In order to limit the uneconomical risk premium for OSCE, we would like to ask, weather it is possible to limit the contractor’s liability as follows:</p> <p>“The contractor shall be liable for damage within the scope of the law, provided it has demonstrably acted with intent and gross negligence. The liability for slight negligence is limited to 50% of the yearly contract value per year. Any liability for indirect damage, lost profit, consequential damages as well as third-party claims, shall be excluded. [Company’s name removed] is liable for data loss only to the expense of restoration if backup-services were part of the services, in all other cases, liability for data loss is excluded.”</p>	<p>Risk premium, liability, etc. will be discussed with the successful Bidder at the stage of Contract negotiation/drafting</p>
<p>Q&A – 2. Release date: 28 August 2018</p>		
<p>6.</p>	<p>I have a question regarding the price sheet for the ITB Vulnerability Management Platform by Qualys.</p> <p>Position 4 (external scanning of 96 IP addresses) is not stated as a separate position in the manufacturer's quote, but is included in position 5 (internal scanning of 8000 internal IP addresses).</p> <p>Is it okay if we make a note of that in the price sheet?</p>	<p>Yes, that is ok as long as the scanning of external IPs is included and it is clearly stated.</p>

END.