



REALIZATION OF A RESEARCH AND
DEVELOPMENT PROJECT (PRE-COMMERCIAL
PROCUREMENT) ON "CLOUD FOR EUROPE"

RESPONSES TO REQUEST FOR CLARIFICATIONS CLARIFICATIONS 20-29

05 MARCH 2015

TENDER NUMBER <5843932>
CUP <C58l13000210006>

CLOUD FOR EUROPE

FP7-610650



1 RESPONSES TO REQUESTS FOR CLARIFICATION

ID	Request for clarification	Clarification
20	Does Annex F “declaration of subcontracting” refer only to the phase I of the Tender?	Yes, the declaration refers only to Phase I. Further declarations can be included in the offers for Phase II and III of the Tender
21	Is it possible to change the composition of a Tenderer in the following phases of the Tender?	<p>The Lead company of a Group of Operators shall remain the same for all the duration of the Framework Agreement. New partners can join to the Group or partners can leave the group. Every change in the composition of the Group shall be declared with the submission of the offer for Phase II or/and Phase III of the Tender.</p> <p>In any case, an Economic operator cannot participate twice in the same lot of the Tender as described in Section 7, paragraph 3 “Exclusion Grounds” of the Tender Regulation.</p>
22	Is there any preferred composition of the Tenderer?	The composition of a Group of operators is not part of the evaluation.
23	Can the Contracting Authority transfer the IPR of the results produced by a Contractor in a phase of the Tender to another Contractor in a following phase of the Tender?	No, the Contracting authority cannot transfer IPR from a Contractor to another Contractor
24	Can the Contractor define agreements with other Parties for the commercialization of the IPR?	Yes, it is a form of exploitation of the results of the project
25	How the Contracting Authorities intend to protect the IPR generated during the execution of the project?	The Contracting Authorities have the right to require the Contractor to license Intellectual Property Rights to third parties under fair and reasonable market conditions (see Framework Agreement 10.9). The Contracting Authorities will not ask to the contractor any exposition of the IPR in excess to the minimum needed by

		<p>the specific circumstances.</p> <p>The Contractor shall grant to the Contracting authorities a license to use the results of the project (see Framework Agreement 10.5). The contracting authorities will expose the IPR at the minimum needed by the specific circumstances.</p>
26	<p>Which kind of documentation can be provided in order to prove the Technical capability requirements described in section 9.1.5 of the Tender Regulation?</p>	<p>Tenderers shall only provide a self declaration according to Annex E of the Tender Regulation. Note that, in case the Tenderer is a Group of operators, the technical requirement can be cumulated.</p> <p>Please, refer to Section 9.15 of the Tender regulation for details.</p>
27	<p>Article 25.2 of the Draft framework agreement establish the Contractor provides full information about Intellectual Property Rights the Contractor holds and pertains the project. Consider that some companies own a lot of IPRs, which is proper interpretation of this article?</p>	<p>Contractors do not have to provide information about all the IPRs they own and that can be related to the Tender: the scope of article 25.2 is to identify and isolate background IPRs from the IPRs that will be generated during this Project.</p>
28	<p>Article 25.5 and article 25.8 of the Draft framework agreement appear to be in conflict. Which is the duration and the scope of the license of the IPRs generated during the Project?</p>	<p>The terms, conditions and duration of the license granted by the Contractor to the Contracting Authorities are established in Article 25.5.</p>
29	<p>Is the Contractor obliged to file patent protection for the results of the Project? Do the Contracting Authorities have the right to require filing?</p>	<p>No, it is not obliged and the Contracting Authorities cannot oblige the Contractor to file patents.</p>
29	<p>Which are the procedure and the criteria for the verification of the results of Phase I?</p>	<p>The procedure for the verification of the results is described in "Annex II Framework Agreement Draft" – Article 10.</p> <p>Please refer also to "Annex III – Technical offer template" section 9 "Minimum effort and obligation of results commitments"</p>