

Minute of the MitID Briefing

9th January 2018
Classification: Public

Minute - MitID Briefing the 4th of January 2018.

Location: Finans Danmark, Amaliegade 7, 1256 Copenhagen K.

Participants: Representatives of interested parties as well as representatives from the MitID Program.

Agenda:

1. About the tender
2. Main actors
3. Time and process plan for the tender process
4. Selection process
5. The electronic tendering system and ESPD
6. Questions and answers in the electronic tendering system
7. Questions

Presentation of MitID by Karen Helsbøl, item 1-3 on the agenda.

Karen Helsbøl, the Program Manager of MitID, gave a brief presentation of the partnership behind MitID, which is constituted by the Danish Agency for Digitisation as representative of public Denmark and FR1 representing the Danish financial institutions.

The contract includes development, operation, maintenance, support and further development of one national identity and authentication solution, where the Supplier will have the total responsibility for the delivery of these services.

The main actors of the contract were described including how they are linked to MitID. Hereafter, the schedule for the tender was presented.

Reference is made to the presentation attached to this document, which is published in the electronic tendering system.

Selection process, the Electronic Procurement System and ESPD and questions and answers in the electronic tender system by Thomas Dithmer, item 4-6 on the agenda.

Thomas Dithmer, Kammeradvokaten, gave a brief presentation of the key issues when applying for prequalification to the tender.

The following topics were presented:

- How the selection of the 4 companies takes place, as described in the contract notice, (item 4 on the agenda).
- The electronic tendering system and ESPD, including how the candidate creates and completes his ESPD, including dependent on which constellation the company will apply with. (item 5 in the agenda)
- Questions and answers in the electronic tendering system (section 6 in the agenda)

The following was emphasized:

- If applicants are experiencing technical issues with the electronic tendering system, please contact the support function in EU Supply. (Mail: dksupport@eu-supply.com or by telephone: (+45) 70 20 80 14)
- The time limit for requests to participate (upload of ESPD to the tendering system) is the 17th of January 2018 at 23.59.
- The application can only be submitted in Danish, cf. the contract notice, section IV.2.4).
- In case of questions please use the question/answer module of the electronic tendering system, instead of the message module.
- If a question is requested to be answered before the time limit, the question should be submitted no later than Tuesday 9th of January 2018.

Reference is made to the presentation, including screen dumps and guidelines, attached as appendix to this document.

Questions – Section 7

The questions asked at the briefing and their answers will be published separately via the electronic procurement system (question/answer module) and can be seen on the following pages.

The briefing was hereafter concluded.

No.	Q/A	Content
1	Q.	Are you as a supplier communicating with one customer, or will the partnership have to clarify issues in their organizations respectively?
	A	<p>The Customer has established one organization that manages the dialogue with the Supplier.</p> <p>It is central to the partnership that the Customer's organization can act responsibly and efficiently and can fulfill the obligations arising from the Contract.</p>
2	Q	Will it be possible to see the partnership agreement?
	A	The contract for MitID reflects the agreements the Public Party and FR1 have entered into with each other that are relevant to the future supplier when providing the national authentication solution.
3	Q	Will both the Public Party and FR 1 sign the Contract on behalf of the Customer and will there be two CVR-numbers in the Contract?
	A	The contract is signed by both the Public Party and FR 1, as well as there will be CVR-numbers both for the Public Party and FR 1 respectively in the contract.
4	Q	It is stated that MitID becomes a national ID solution. Does it mean that MitID becomes a monopoly?
	A	MitID will be made available as the national eID solution including for mandatory digital public administration and online banking, supported by public authorities and financial institutions. Reference is also made to the answer to question 5 below.
5	Q	Are the underlying stakeholders/entities under the Partnership required to use this solution?
	A	<p>Parties/entities represented by the Partnership are not legally required to use the MitID solution.</p> <p>However, it is emphasized that there is a common funding and strong commitment to the Partnership in order to create one attractive national eID solution, which is used across public and private services. The purpose of the offer is to find a supplier that can provide a solution that supports this.</p> <p>The obligations of the Public Parts and FR1 are also stated in the Contract.</p>
6	Q	How can the contracting authority guarantee a certain number of transactions at the start of the project?

	A	The supplier is guaranteed a minimum payment in the first operating years, corresponding to a predetermined number of transactions.
7	Q	Is it possible to add more subcontractors after being prequalified?
	A	Yes, but it is noted that, as a rule, it is not possible to change the application structure used in connection with the request to participate. This means, i.a. that supporting subcontractors whose application the candidate has relied on, cannot be replaced later
8	Q	Can you be a subcontractor for more candidates?
	A	<p>The contracting authority must initially inform the candidates of the information contained in the contract notice, section VI.3), which states:</p> <p>"In relation to section II.2.9) that each candidate is only entitled to submit one request for prequalification. "</p> <p>The purpose of the provision is to ensure compliance with the principles of equal treatment and transparency.</p> <p>However, it will not result in an automatic exclusion that more candidates use the same subcontractor (s).</p> <p>However, after a specific assessment and after consultation with the candidates concerned, cf. below, the contracting authority may exclude such candidates if the contracting authority considers it necessary to ensure equal treatment and transparency, as may be the case if there is a risk that, there is a pursuit of a practice that could threaten transparency or distort competition.</p> <p>The contracting authority therefore expects candidates who use the same subcontractor (s) as other candidates to be aware of this in the further process, including ensuring that no information relevant for the competition is exchanged between the individual candidates. The contracting authority reserves the right to request candidates for a detailed explanation of such circumstances.</p>
9	Q	Should the subcontractor, on which capacity the candidate is relying on provide a statement of support in connection to the request to participate?
	A	<p>The contracting authority has not stated in the contract notice that candidates who rely on the capacity of other entities as documentation must enclose a declaration of support as part of the request to participate.</p> <p>However, the candidate declares in the ESPD that the candidate has the disposal of the capacity of such other supportive entities.</p> <p>If the candidate is based on a subcontractor's technical or professional ability or economical or financial standing, the supporting entity must also complete an ESPD</p>

		<p>with the information requested in Parts II, A and B, and Part III. In addition, Part IV and V must be completed when it is relevant for the assessment of whether the candidate/tenderer fulfills the contractor's minimum requirements to suitability or selection.</p> <p>As stated in the contract notice, section III.1.2) and section III.1.3), the candidate / tenderer which the contracting authority intends to award the contract to must provide documentation showing that the information in the ESPD is correct before the contract is awarded.</p> <p>This implies, i.a., that documentation (e.g. in the form of a statement of support) is obtained to ensure that the candidate or tenderer actually has the necessary economic and financial standing or technical and technical ability of the supporting unit(s), cf. section 144 (2) of the Public Procurement Act.</p> <p>However, the candidate / tenderer must be aware that, pursuant to section 151 (2) of the Public Procurement Act, the contracting authority, at any time in the procurement procedure may require the candidate / tenderer to submit the documentation when this is necessary for the proper conduct of the procedure.</p> <p>In connection to the request for documentation, the contracting authority will submit a template for a statement of support that the candidate / tenderer may choose to use.</p>
10	Q	Is the ESPD required to be signed with a physical signature?
	A	It is not a requirement that the ESPD is signed, cf. Danish Competition and Consumer Authority's guidance for ESPD - Documentation and e-Certis (June 2017), p. 45. If the candidate wishes to sign his ESPD physically, the candidate may in addition to the electronic ESPD (XML file) - upload a signed version of the ESPD.
11	Q	<p>The ESPD lists several areas where the candidate can indicate whether "the relevant documentation is available in electronic form" (Part II, A, Question (e)) and elsewhere, whether the relevant "information are available free of charge for the authorities of an EU Member State database "(Part III and Part IV).</p> <p>What should the candidate state here?</p>
	A	<p>For Part II, A, question(s), this concern official list on authorized economic operators and certification. It appears from the Danish Competition and Consumer Authority's Guide to ESPD - Documentation and e-Certis (June 2017), p. 27, as referred to in the contract notice that the Minister for Industry, Business, and Financial affairs has not exercised his authority in section 156 of the Public Procurement Act to prepare such lists. Companies that are established in Denmark should therefore answer "no" to this question. The following question about if such documentation is available in electronic form, , should likewise be answered with a "no" as these questions belong together.</p> <p>As regard to Part III and Part IV, it is noted that these fields relate to whether the</p>

		final documentation of the relevant information is available electronically in a national database, cf. the Competition and Consumer Authority's guidance to ESPD - Documentation and e- Certis (June 2017), p. 33. Therefore, if the contracting authority can obtain the documentation electronically directly through unpaid access to a national database, the candidate may state this by answering "Yes" and specifying that website under "URL". An example is the Central Business Register (CVR) via Virk.dk, where key financial information is available. In the "Code" field, a possible code that is used in some Member States to access the database is specified and the name of the relevant authority is indicated in the "Issuer" field.
12	Q	The contract stipulates that (other) contracts must be concluded with third parties, e.g. an independent certification body. Should such subcontractors be included in the ESPD?
	A	No, this is not necessary, unless the candidate relies upon the capacity of the certification body or forms part of an association with the certification body, cf. Section VI.3 of the contract notice).
13	Q	Part V of the ESPD - Should YES or NO be answered in the final question of the ESPD as to whether "the economic operator declares that it meets the objective and non-discriminatory criteria or rules to be used to limit the number of applicants in the following manner"?
	A	According to the Competition and Consumer Authority's guidance for ESPD - Documentation and e-Certis (June 2017), p. 44, the candidate must fill in the field only when the contracting authority has stated in the tender documents which objective and non-discriminatory criteria to be used to limit the number of applicants. As this is the case in this tender, the candidate must answer "Yes" and describe how he meets these criteria. In the description field, the candidate may refer to the description of the references described in Part IV, C.
14	Q	Is it possible for a candidate who is prequalified without subcontractors subsequently base his tender on that parts of the contract are subcontracted to subcontractors, which the candidate is not relying on?
	A	Yes. An candidate may indicate in his request to participate that he is participating alone with his own company and in his subsequent tender add subcontractors that will perform parts of the contract. Reference is made to the tender documents and Appendix 12 for details of subcontractors regarding the tender.
15	Q	Can a candidate who is prequalified alone subsequently form a consortium that submit a tender?
	A	In principle, the organization that is form when requesting to participate must be maintained. There may in certain cases be a possibility within the scope of the Public Procurement Act to replace a participant in a consortium. As a rule, the contracting authority cannot accept changes to a candidates organizational form. It must therefore be the same legal entity that has been prequalified, who submit a tender.

		Section 147 of the Public Procurement Act, however, provides certain possibilities for the contracting entity to accept such subsequent changes.
16	Q	Will all candidates who become prequalified participate in the entire negotiation process?
	A	All candidates who become prequalified will be part of the overall subsequent tender process, as there are no short-listing of tenderers
17	Q	How is the assessment of references performed and is it considered how the references all together complement each other?
	A	As stated in the contract notice, section II.2.9) regarding the relevance assessment of the applicants' references, the contracting authority will, in assessing which applicants have documented the most relevant deliveries, assess all references so that it is assessed whether the <i>all</i> references <i>together</i> document a high level of relevant experience.
18	Q	Will it be evaluated positive that candidates document an overall experience with the main services?
	A	Limitation of candidates is based on assessment of which candidates have documented the most relevant deliveries cf. the contract notice, section II.2.9) regarding the contract tendered, as described in section II.1.4) and II.2.4). The relevance assessment is based on whether and to what extent the references document experience with delivering of services that in terms of requirements and volume are comparable to the main services encompassed by contract, cf. the description in section II.1.4) and II.2.4).
19	Q	In connection with the indication of the economic value of the delivery, this may be subject to a possible confidentiality clause or the economic value can be difficult to accurately determine. How should you handle this?
	A	The economic value must be stated as accurately as possible, but if this is not possible, it will be necessary to indicate an approximate amount. Regarding a possible confidentiality clause please indicate the candidate's economic value as accurately as possible, cf. his obligation to confidentiality.
20	Q	It follows from section III.1.2 of the contract notice, "Economic and financial standing" that the following must be stated: " Minimum level(s) of standards possibly required ". How should this be understood?
	A	The contract notice is based on a template prepared by the EU Commission, which contains several standard formulations that cannot be changed. The wording referred to is such a standard formulation, but it does not change that the minimum requirements set out in Section III.1.2 of the contract notice, are minimum requirements for positive equity and revenue, respectively, in the last available

		financial year.
21	Q	Is the candidate supposed to state the contract notice number in the ESDP?
	A	The contracting authority has updated the ESDP, i.e. XML file, January 3, 2018. The updated version contains the contract notice number - this item in ESPD Part I is thus filled in for the candidate. If a candidate has downloaded the XML file earlier than this date, the candidate is requested to provide the number of the contract notice (No. 2017 / S 244-509896) at the top of the ESPD, Part I.