



Organisation for Joint Armament Co-operation Executive Administration

NVC Programme

File Number: NVC/2024/00040

Bonn, 11/04/2024

To Economic Operators interested in the Tendering Process for IRCOD

Subject: Questions and Answers on the PQQ

References:

1. Pre-Qualification Questionnaire relating to the acquisition of Infrared Clip-On Device Sets, NVC/2024/00010, dated 22/03/2024
2. Contract Notice relating to the acquisition of Infrared Clip-On Device Sets, NVC/2024/00014, dated 22/03/2024
3. Questions by Economic Operators received until 03/04//2024

Attachments: N/A

Dear Madam or Sir,

With this document, OCCAR-EA provides answers to all questions raised until 03/04/2024 on the Pre-Qualification Questionnaire (PQQ) and Contract Notice (CN) relating to the acquisition of Infrared Clip-On Device (IRCOD) Sets [Ref 1 & 2].

All questions are anonymised and registered with an ID. The clarification phase on the PQQ is herewith closed [Ref 1, section 2.8].

ID	Ref	Question	Answer
PQQ-1	PQQ, §3.1.2	In chapter 3.1.2 (Financial Standing), it is stated that the economic operator can submit a letter of guarantee from a third party in order to prove its financial stability. OCCAR reserves the right to request the audited accounts for that third party. Will the audited accounts for the economic operator in that case still be necessary to be submitted or is it sufficient to submit the said letter of guarantee including the audited accounts from the third party?	In case the economic operator presents a letter of guarantee but is in possession of audited accounts, the economic operator shall submit the audited accounts together with the letter of guarantee. In case the economic operator does not need to have their accounts audited, a statement that confirms why the accounts are not audited are required together with the letter of guarantee. OCCAR-EA reserves the right to request the audited accounts for the third party from the economic operator.

ID	Ref	Question	Answer
PQQ-2	PQQ, §1.3.4	According to paragraph 1.3.4, products or services of an economic operator which are subject to the International Traffic of Arms Regulations (ITAR), will result in the exclusion from the procurement process. Applying the same rationale, kindly verify that the economic operator's product or major/critical components originate from or are manufactured in the Russian Federation or the People's Republic of China will also be excluded from the procurement process.	Section 3.4 of the PQQ states: "A minimum threshold score of 3 (three) out of 5 (five) must be achieved for each criterion." We furthermore clarify: "the [complete] criterion 'Control' will be assessed as 'FAIL' (score 0) if the economic operator's product or major/critical components originate from or are manufactured in the Russian Federation or the People's Republic of China."
PQQ-3	PQQ, §§3.2, 3.3	Could you please confirm that for the calculation of the final scoring, in case of more than five economic operators having fully completed the PQQ documentation and having achieved an acceptable scoring ('PASS') for all PASS/FAIL criteria, the Financial Health Score (par. 3.2.2.1), the Work Share Score (par. 3.2.3) and the Technical Capability and Capacity Score (par. 3.3) will be taken into account.	The achieved scores of section 3.2 and section 3.3 of the PQQ will determine the five highest scoring economic operators.
PQQ-4	PQQ	Can the Authority provide a copy of the PQQ documents in Microsoft Word format?	No, this is not possible.
PQQ-5	PQQ, §3.1.3	PQQ paragraph 3.1.3 states that "the possible Tender may be required to transfer of technology and know-how to experienced Belgian companies to perform the assembly, integration and test of the IRCOD, and/or by providing ISS through these Belgian companies for the IRCOD after delivery". Who will be responsible for choosing this Belgian company/companies? OCCAR, the Customer, or the Tenderer? Furthermore, who will take on responsibility for warranty and liability thereafter?	It is the responsibility of the economic operator to find a suitable Belgian contractor or sub-contractor to fulfil the work share requirement. Warranty and liability are responsibilities of the economic operator.

ID	Ref	Question	Answer
PQQ-6	PQQ, §3.1.3	Making signed agreements with new partners before a Contract Award as requested in PQQ paragraph 3.1.3 implies high risks for a candidate Tenderer. If the Tenderer has intent to involve subcontractors from Belgium and/or Germany in the production and/or ISS of the IRCOD at the time of Contract Award, will this intention be considered with the evaluation of the PQQ response? If yes, how?	If no legally binding agreements are available for the submission of the PQQ, a joint letter of intent could be acceptable.
PQQ-7	PQQ, §3.1.3	Finding experienced companies and negotiating an agreement as requested in PQQ paragraph 3.1.3 will take some time and it is unlikely for this to be completed prior to the PQQ response deadline. Should the Tenderer intend to work together with a Belgian/German company for this Contract and a formal agreement not be produced prior to the PQQ submission, what will be requested for the ITT stage; a signed Letter of Intent, a Memorandum of Understanding, or a Contract? Will this have an impact on the evaluation of the PQQ or ITT, and if so, what will be the impact?	Regarding the PQQ, please refer to answer on PQQ-6. Regarding the ITT, OCCAR-EA will not answer any questions regarding the ITT at the current stage of the procurement procedure. Note, that at tender submission, the economic operator shall be in the position to provide evidence on the involvement of Belgian industry, including the workshare and cost.
PQQ-8	PQQ, §3.1.3	If the Tenderer is required to transfer technology and know-how experience to a Belgian company according to PQQ paragraph 3.1.3, how should the Tenderer consider the cost impact of this as it may be the Tenderer is not informed of this requirement until after contract award and delivery? Transferring experience how to assemble, integrate or test the IRCOD will have a significant cost impact so it must be understood if this is expected to be required after contract award and delivery in advance of the ITT submission.	See our answer on PQQ-7.

ID	Ref	Question	Answer
PQQ-9	PQQ, §3.2.3	The IRCOD is an "off the shelf" product (see Contract Notice paragraph 4) where a significant proportion of the unit cost incorporates investment in IP and development predating the ITT. For the Work Share Assessment Criteria under PQQ paragraph 3.2.3, should the Work Share apply only to the unit cost of materials and ISS?	The economic operator shall apply the workshare criterion to the assumed total cost of their offer.

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Night Vision Capability

Internal copy to: SP PM, SP CO, NVC TPO, PMSD CLO8