



4 April 2014

## Clarification No 2

**Reference:** Open call for tenders No EEA/MDI/14/001

**Title:** *Copernicus Initial Operations 2011-2013 - Land Monitoring Service  
Local Component: riparian zones*

### Question 1

With regard to Liquidated Damages (LD) we looked at Article II.16 of the Draft Framework Service Contract EEA/MDI/14/001 and would like to get a clearer picture about the following topic:

Our understanding is, that LD should be calculated with contract price of deliverables being late (subject to agreed Milestones i.e. if contractor is late with Milestone one, LD will be based on value of this Milestone).

Can you please confirm that understanding?

Further we would prefer to have an overall limit of LD, i.e. 5% of total contract price. The critical issues are in particular LD's for delays, since the life time of the project compared to the amount of work is very short and in addition we will be dependent on the timely delivery of a huge amount of input data in a perfect quality. Would it be possible to agree on an overall limit of e.g. 5% in the final contract?

### Answer 1

*Your understanding is correct. With reference to section 4 of the tender specifications, 'Participation in the tendering procedure', page 4 of 32, the submission of a tender implies acceptance of the terms and conditions set out in the invitation to tender, in the tender specifications and in the draft framework contract attached as annex 6 to the tender specifications and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.*