Case file no.: XIV/264/**14/**17 Warsaw, 2017-11-16

**NOTICE FOR CHANGES TO ToR AND CHANGES TO CONTRACT NOTICE AND EXTENSION OF TIME LIMIT FOR SUBMISSION OF TENDERS AND OF DATE OF OPENING OF TENDERS**

**Re.: open tender public procurement procedure pursuant to Article 39 of the Public Procurement Law of 29 January 2004 (Journal of Laws of 2015, Item 2164, as amended) (hereinafter the "PPL") named: "Purchase and Implementation of an the Integrated Resource Management System for Libraries”.**

**I.** National Library as the Contracting Authority in the above mentioned proceedings informs that until the end of the day in which half of the deadline for submission of tenders has expired, ie. by 2017-09-06, requests for clarification of the content of the terms of reference were received. Also after that date, the Contractors submitted inquiries to the contents of the ToR. Pursuant to Art. 38 Sec. 1 of the PPL, the Contracting Authority has a statutory obligation to reply for all questions received by 2017-09-06, whereas in case of questions that have been received after 2017-09-06 or refer to the explanations already given, pursuant to Art. 38 Sec. 1a of the PPL, the Contracting Authority may provide explanations or leave the application without consideration. At the same time, the Contracting Authority recalls that, pursuant to Art. 38 Sec. 1b of the PPL, extension of the deadline for submission of tenders does not affect the period of submission of the request for clarification of the content of the ToR.

Acting pursuant to Article 38 Section 2 of the of the PPL, the Contracting Authority communicates the inquiry from 2017-09-04, 2017-09-05 without disclosing the source of inquiry and provides an answer in the attachment to this letter, entitled "Response Table (2017-11- 16)", as well as some of the questions received after 2017-09-06. Other questions Contracting Authority leaves, pursuant to Art. 38 Sec. 1a of the PPL, without recognition.

**II.** The Contracting Authority, pursuant to Article 38 Section 4 of the PPL, hereby amends the ToR so that:

1. **In:**
   1. **Chapter III, section 1 ToR:**

- the provision that currently reads:

„1. The object of the procurement includes the Contractor’s supply and implementation of a completed Integrated Resource Management System for Libraries, hereinafter referred to as the "System", along with the service of provision of access to the cloud computing library system in the SaaS (Software as a Service) model together with the necessary licenses. The complete Resource Management System for Libraries shall be deemed to be a solution already held by the Contractor the implementation of which may be carried out within the time limit specified in the contract.”

* shall now be read as follows:

„1. The object of the procurement includes the Contractor’s supply and implementation of a completed Integrated Resource Management System for Libraries, hereinafter referred to as the "System", along with the service of provision of access to the cloud computing library system in the SaaS (Software as a Service) model together with the necessary licenses, as long as they are necessary for proper use of the System by the Contracting Authority. The complete Resource Management System for Libraries shall be deemed to be a solution already held by the Contractor the implementation of which may be carried out within the time limit specified in the contract.”

* 1. **Chapter XIV, section 1, point 5 item 1:**
* the provision that currently reads:

“The system will allow access to data via direct SQL queries, for instance through ODBC. 2% (2 points)”

* shall now be read as follows:

“The system will allow access at least to authority records, bibliographic records and item records through the REST API in modification mode. 2% (2 points)”

* 1. **Chapter XIV, sec. 2, point 5:**
* the provision that currently reads:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Additional system functionalities/**D1** | In this criterion, points will be awarded for providing an additional functionality of the System consisting in accessing data via direct SQL queries, e.g. through ODBC:   1. The system will allow data to be accessed via direct SQL queries, e.g. through ODBC – 2%/2 points 2. The system will not allow data to be accessed via direct SQL queries, e.g. through ODBC – 0%/0 points | **2%/2 points** |

* shall now be read as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Additional system functionalities/**D1** | In this criterion, points will be awarded for providing an additional functionality of the System consisting in accessing at least to authority records, bibliographic records and item records through the REST API in modification mode:   1. The system will allow access at least to authority records, bibliographic records and item records through the REST API in modification mode – 2%/2 points 2. The system will not allow access at least to authority records, bibliographic records and item records through the REST API in modification mode – 0%/0 points | **2%/2 points** |

**2. In the Attachment no 1 to the ToR - Description of the Object of the Contract:**

1) Item **2.1.General description**:

- the provision that currently reads:

„The object of the procurement includes the Contractor’s supply and implementation of a completed Integrated Resource Management System for Libraries, hereinafter referred to as the "System", along with the service of provision of access to the cloud computing library system in the SaaS (Software as a Service) model together with the necessary licenses. The complete Resource Management System for Libraries shall be deemed to be a solution already held by the Contractor the implementation of which may be carried out within the time limit specified in the contract.”

* shall now be read as follows:

„The object of the procurement includes the Contractor’s supply and implementation of a completed Integrated Resource Management System for Libraries, hereinafter referred to as the "System", along with the service of provision of access to the cloud computing library system in the SaaS (Software as a Service) model together with the necessary licenses, as long as they are necessary for proper use of the System by the Contracting Authority. The complete Resource Management System for Libraries shall be deemed to be a solution already held by the Contractor the implementation of which may be carried out within the time limit specified in the contract.”

1. **Item 2.2****. Contractor's obligations:**

- the provision that currently reads:

„The Contractor is to ensure the performance of the following tasks:

1. provision of the System along with the required licenses,
2. implementation of the System,
3. configuration of the System,
4. migration of data from the existing library resources management system to the System,
5. provision of technical documentation and user's manuals for the System,
6. training for the System's administrators (training of trainers),
7. service support for the System.”

* shall now be read as follows:

„The Contractor is to ensure the performance of the following tasks:

1. provision of the System along with the necessary licenses, as long as they are necessary for proper use of the System by the Contracting Authority,
2. implementation of the System,
3. configuration of the System,
4. migration of data from the existing library resources management system to the System,
5. provision of technical documentation and user's manuals for the System,
6. training for the System's administrators (training of trainers),
7. service support for the System.”

3) **Item 2.3. Plan of implementation**

**-** the provision that currently reads:

„Implementation at the National Library is to be completed no later than after 12 months following the commencement of the performance of the contract.”

* shall now be read as follows:

„Implementation at the National Library is to be completed no later than after 31 December 2018.”

4) Item **1.5**

- the provision that currently reads:

„The Contractor shall ensure availability of the System for the users (patrons, staff) at the level of 99.98% throughout the year.”

* shall now be read as follows:

„The Contractor shall ensure availability of the System for the users (patrons, staff) at least at the level of 99.5% throughout the year.”

5) Item **1.13**

- the provision that currently reads:

„The Contractor shall ensure training for the System administrators at least in the following scope:

* training covering all the System features,
* no less than 80 hours of training,
* training for no less than 10 persons,
* training to be held at the offices of the Contracting Authority.”
* shall now be read as follows:

„The Contractor shall ensure training for the System administrators at least in the following scope:

* training covering all the System features,
* no less than 80 hours of training,
* training for 10 persons,
* training to be held at the offices of the Contracting Authority.”

6) Item **1.16**

- the provision that currently reads:

„The System shall feature user interface in Polish and feature another selectable language version.”

* shall now be read as follows:

„The System shall feature user interface at least in Polish and in English as well as the ability of switching language versions without losing the context.”

7) Item **4.1**

*-* the provision that currently reads:

„The Contractor shall ensure lossless migration of data from the hitherto used library systems, at least in the following scope:

* financial data,
* electronic documents,
* journal subscriptions and other subscriptions,
* bibliographic records,
* patron records,
* vendor records,
* item records,
* authority records,
* order records,
* serials resource (holdings) records.”

- shall now be read as follows:

„The Contractor shall ensure lossless migration of data from the hitherto used library systems, at least in the following scope:

* financial data,
* electronic documents,
* journal subscriptions and other subscriptions,
* bibliographic records,
* patron records,
* vendor records,
* item records,
* authority records,
* order records,
* serials resource (holdings) records.

Data migration shall be based on data in the exchange format ISO 2709 or in a text file.”

8) Item **5.1.** and Item **5.2.:**

- the provision that currently reads:

„5.1. The Contractor shall provide the maintenance and technical support services as a part of the System subscription/license.”

„5.2. The Contractor shall provide service support available in the following scope:

* 24 hours a day,
* 7 days a week.”
* shall now be read as follows:

„5.1. The Contractor shall provide the maintenance and technical support services as a part of the SaaS (Software as a Service) model.”

„5.2. The Contractor shall provide service support available in the following scope:

* 24 hours a day,
* 7 days a week
* in Polish or English.”

9) Item **6.10**:

- the provision that currently reads:

„The System shall feature the generation of the inventory as a text file.”

* shall now be read as follows:

„The System shall feature the generation of the inventory book as a text file.”

10) Item **6.12 indent 36-37**”

- the provision that currently reads:

„encoded information on the library material complaint cycle,

the encoded subject category of the library material,”

* shall now be read as follows:

„encoded information on the library material complaint cycle,

the encoded subject category of the library material,”

[There were language errors in Polish version]

11) Item **6.25** – deleted from the English version:

„The System shall feature control mechanisms for the management of financial operations (such as verification of the aggregate item prices against the invoice total value). [DT]”

12) Item **9.24**

- the provision that currently reads:

„The System shall feature communication with patrons through e-mail and text messaging in the scope of sending personalised messages to a single user, a group of users or all users.”

* shall now be read as follows:

„The System shall feature communication with patrons through e-mail and text messaging in the scope of sending personalised messages to a single patron, a group of patrons or all patrons.”

**3. In the Attachment no 1a to the ToR – Glossary*:***

- the provision that currently reads:

„Search index - a search criterion that determines which bibliographic records and / or master records are searched through.”

* shall now be read as follows:

„Search index - a search criterion that determines which records of all types are searched through.”

1. **In the Attachment no 2 to the ToR – Sample contract:**
2. **§6 Section 4. Item 2**

- the provision that currently reads:

„2) the Parties agree that the license referred to in item 4.1 above shall be granted without limit as to the number of concurrent users of the System and/or the Search Engine.”

* shall now be read as follows:

„2) the Parties agree that the license referred to in item 4.1 above shall be granted for 2500 users accounts of the System.”

1. **§9 Section 2:**

- the provision that currently reads:

„2. 2. In the contractual warranty period, the Contracting Authority shall require the Contractor to provide warranty service. The warranty service shall be provided 24 hours a day, 7 days a week.”

* shall now be read as follows:

„2. 2. In the contractual warranty period, the Contracting Authority shall require the Contractor to provide warranty service. The warranty service shall be provided 24 hours a day, 7 days a week, in Polish or in English.”

1. **§10 Section 5. Item 2**

- the provision that currently reads:

„2) The Contracting Authority shall charge liquidated damages from the Contractor for a failure to maintain uptime levels in accordance with the provisions of the DOC. In the case of uptime level below 99% - in the amount of 3000 PLN per each started percentage point of insufficient uptime.”

* shall now be read as follows:

„2) The Contracting Authority shall charge liquidated damages from the Contractor for a failure to maintain uptime levels in accordance with the provisions of the DOC. In the case of uptime level below 99,5% - in the amount of 3000 PLN per each started percentage point of insufficient uptime.”

1. The Contracting Authority hereby announces, **that it amends the content of the Attachment no 5 to the ToR – Proposal Form.** The amended Proposal Form shall be published on the website of the Contracting Authority as an attachment to this information. The Proposal Form shall be made available in Polish and in English.
2. The Contracting Authority hereby announces, **that it amends the content of the Attachment no 6 to the ToR – List of Services Provided.** The amended List of Services Provided shall be published on the website of the Contracting Authority as an attachment to this information.

**II.** Pursuant to Article 11c of the PPL the Contracting Authority amends the **Contract Notice**:

**Section II: Object**

Section number: II.1.4) **Short description**:

Place of text to be modified: Short description:

- the provision that currently reads:

“The object of the procurement is the supply and implementation by the Contractor of a ready integrated Library Resources Management System for Libraries with access to the library system in a cloud, in the SaaS (Software as a Service) model, with the necessary licenses. A ready Library Resources Management System is understood as a solution which the Contractor already has and can implement it within the deadline specified in the contract.”

* shall now be read as follows:

The object of the procurement is the supply and implementation by the Contractor of a ready integrated Library Resources Management System for Libraries with access to the library system in a cloud, in the SaaS (Software as a Service) model, with the necessary licenses, as long as they are necessary for proper use of the System by the Contracting Authority. A ready Library Resources Management System is understood as a solution which the Contractor already has and can implement it within the deadline specified in the contract.

Section number: II.2.4) **Description of the procurement**:

Place of text to be modified: Description of the procurement:

- the provision that currently reads:

„ The object of the procurement is the supply and implementation by the Contractor of a ready integrated Library Resources Management System for Libraries with access to the library system in a cloud, in the SaaS (Software as a Service) model, with the necessary licenses. A ready Library Resources Management System is understood as a solution which the Contractor already has and can implement it within the deadline specified in the contract.

2. The object of the procurement will be delivered:

1) Stage I – no later than by 30.6.2018.

Scope of the stage:

a) delivery of the Technical and User Documentation of the System

b) training of System administrators

c) delivery and configuration of the System

2) Stage II – no later than by 31.12.2018

Scope of the stage:

a) preparation of data migration and loading tools

b) migration of data of the National Library

3) Stage III – no later than by 14.8.2019

Scope of the stage:

a) System implementation in the libraries indicated by the National Library, in accordance with the description of the object of the procurement forming Attachment no. 2 to the Contract.

Upon the delivery and configuration of the System, the Contractor will provide the service in the SaaS model, in accordance with the provisions of § 4 section 5 of the Sample contract (Attachment no. 2 to the ToR) until 30.09.2024.

3. The object of the procurement also includes:

1) The Contractor will give the Contracting Authority for the Object of the Contract warranty for physical and legal defects and a guarantee for physical and legal defects until 31.12.2024. The warranty and guarantee period shall commence as of the date of the final acceptance of the Object of the Contract without qualifications.

2) Licenses: the Contractor may grant to the Contracting Authority, within the contractual remuneration, a non-exclusive license without temporal or territorial limits to the said works in accordance with the provisions of § 6 section 4 of the Contract template (Attachment no. 2 to the ToR).

4. The Contracting Authority requires that the object of the procurement be delivered on the terms and conditions set out in the Sample contract (Attachment no. 2 to the ToR), in accordance with the “Description of the Object of the Procurement” (Attachment no. 1 to the ToR).

5. Additional requirements of the Contracting Authority regarding the object of the procurement:

1) During the guarantee period the Contracting Authority requires the Contractor to provide guarantee service. Guarantee service shall be provided 24 hours per day, 7 days per week.

2) The guarantee includes:

a. functioning of the System in accordance with the Description of the Object of the Procurement forming Attachment no. 1 to the ToR.

b. the obligation of the Contractor to provide free software updates and free technical support for the operation of the System.

c. elimination of System errors.

6. The system provided by the Contractor will ultimately be intended for libraries in Poland (regardless of the nature of the library and the type of library materials collected). The Contractor shall be required to provide a System that will be fully scaled with respect to future library implementations (in the period after September 30, 2019).

7. The Contracting Authority informs that it may cancel the contract award procedure if funds from the European Union budget and non-recoverable funds from the EFTA Member States which the Contracting Authority intends to use to finance to the whole or part of the procurement are not granted to it.

8. The procurement forms part of the “E-service OMNIS” project co-financed under the Digital Poland Operational Programme from the European Regional Development Fund and the state budget under co-financing agreement No POPC.02.01.00-00-0043/16-006-01.”

* shall now be read as follows:

1. The object of the procurement is the supply and implementation by the Contractor of a ready integrated Library Resources Management System for Libraries with access to the library system in a cloud, in the SaaS (Software as a Service) model, with the necessary licenses, as long as they are necessary for proper use of the System by the Contracting Authority. A ready Library Resources Management System is understood as a solution which the Contractor already has and can implement it within the deadline specified in the contract.

2. The object of the procurement will be delivered:

1) Stage I – no later than by 30.6.2018.

Scope of the stage:

a) delivery of the Technical and User Documentation of the System

b) training of System administrators

c) delivery and configuration of the System

2) Stage II – no later than by 31.12.2018

Scope of the stage:

a) preparation of data migration and loading tools

b) migration of data of the National Library

3) Stage III – no later than by 14.8.2019

Scope of the stage:

a) System implementation in the libraries indicated by the National Library, in accordance with the description of the object of the procurement forming Attachment no. 2 to the Contract.

Upon the delivery and configuration of the System, the Contractor will provide the service in the SaaS model, in accordance with the provisions of § 4 section 5 of the Sample contract (Attachment no. 2 to the ToR) until 30.09.2024.

3. The object of the procurement also includes:

1) The Contractor will give the Contracting Authority for the Object of the Contract warranty for physical and legal defects and a guarantee for physical and legal defects until 31.12.2024. The warranty and guarantee period shall commence as of the date of the final acceptance of the Object of the Contract without qualifications.

2) Licenses: the Contractor may grant to the Contracting Authority, within the contractual remuneration, a non-exclusive license without temporal or territorial limits to the said works in accordance with the provisions of § 6 section 4 of the Contract template (Attachment no. 2 to the ToR).

4. The Contracting Authority requires that the object of the procurement be delivered on the terms and conditions set out in the Sample contract (Attachment no. 2 to the ToR), in accordance with the “Description of the Object of the Procurement” (Attachment no. 1 to the ToR).

5. Additional requirements of the Contracting Authority regarding the object of the procurement:

1) During the guarantee period the Contracting Authority requires the Contractor to provide guarantee service. Guarantee service shall be provided 24 hours per day, 7 days per week, in Polish or in English.

2) The guarantee includes:

a. functioning of the System in accordance with the Description of the Object of the Procurement forming Attachment no. 1 to the ToR.

b. the obligation of the Contractor to provide free software updates and free technical support for the operation of the System.

c. elimination of System errors.

6. The system provided by the Contractor will ultimately be intended for libraries in Poland (regardless of the nature of the library and the type of library materials collected). The Contractor shall be required to provide a System that will be fully scaled with respect to future library implementations (in the period after September 30, 2019).

7. The Contracting Authority informs that it may cancel the contract award procedure if funds from the European Union budget and non-recoverable funds from the EFTA Member States which the Contracting Authority intends to use to finance to the whole or part of the procurement are not granted to it.

8. The procurement forms part of the “E-service OMNIS” project co-financed under the Digital Poland Operational Programme from the European Regional Development Fund and the state budget under co-financing agreement No POPC.02.01.00-00-0043/16-006-01.”

The Contracting Authority hereby announces that it has extended the time limit for the submission of tenders from 2017-11-30, 12:00 hour, to 2017-12-04, 12:00 hour, and the date of opening of tenders from 2017-11-30, 12:30 hour to 2017-12-04, 12:30 hour. Therefore, pursuant to Article 38 Section 4 of the PPL, the terms of the ToR pertaining to the time limit for the submission and the date of opening of tenders shall be amended.

**IV.** The change to the ToR (pursuant to Article 38 Section 4 of the PPL) and the notice of contract notice change (pursuant to Article 12a Section 3 of the PPL) shall be posted by the Contracting Authority on the website in the "Public procurement" („Zamówienia publiczne”) tab: <http://bn.org.pl/bip/zamowienia-publiczne>.

The relevant „Notice for changes or additional information” was submitted by the Contracting Authority to the Publications Office of the European Union on 2017-11-16.