

ESMA REGISTERS
OJ/26/06/2012-PROC/2012/004

Questions/ Answers

Question n.37 (received on 30/07/2012)

In description of the content of envelope C by “a statement containing the name and position of the tenderer’s authorized signatory” – it’s mean Annex V Authorized signatory form?

Answer to Question n.37

Yes it is the Annex V

Question n.38(received on 30/07/2012)

In description of the technical proposal it is stated: “Offers must include a commitment to ESMA’s transition methodology and maintenance methodology as described in Technical Annex E and a description of the contractors standard methodologies at transition and maintenance”. Is this Annex E available?

Answer to Question n.38

The content of the initial Annex E was included in the Technical Specification and Monitoring document under chapter 2.2.2.. Please refer in your commitment to chapter 2.2.2. Description of work/tasks, Maintenance and Reversibility.

Question n.39(received on 30/07/2012)

In Terms of references it is stated that first stage of the contract includes implementation of registers from OMNIBUS Directive, AIFMD Directive, Short Selling Regulation and EMIR Regulation. In project schedule are listed only registers from OMNIBUS and AIFMD Directives. Shall we understand that Short Selling Regulation and EMIR Regulation are planned for next year of first stage?

Answer to Question n.39

The provided planning is preliminary and not definitive. The order of implementation is not definitive. It will likely include OMNIBUS and AIFMD as first tasks and might be followed by Short Selling and EMIR Regulation.

Question n.40(received on 30/07/2012)

In project schedule are listed register from OMNIBUS and AIFMD Directives. In description of the technical proposal is notation to base on the case of MIFID and PROSPECTUS. Shall we take into consideration the other registers in tender (especially project plans and management)?

Answer to Question n.40

All the planned registers will be similar in terms of required tasks, project organisation and deliverables and we have chosen two representative ones (MIFID and PROSPECTUS) to access your technical quality. Please elaborate on these two registers.

Question n.41(received on 30/07/2012)

In financial proposal work hypothesis include only PROSPECTUS register. Is it expected to present in technical proposal detailed project plan (schedule with involvement of team) for registers listed in project schedule or only PROSPECTUS register?

Answer to Question n.41

We have chosen only one register (PROSPECTUS) as part of the financial assessment. Nevertheless, please base your technical proposal on the MIFID and PROSPECTUS register. Detailed elaboration of the technical or organizational part of your offer based on other than the mentioned registers are not required.

Question n.42(received on 30/07/2012)

In point 51 in MIFID Requirements Documents is stated “Private access, in write mode, will be made available in order to make manual corrections exceptionally as defined in the further “detailed specification document””. What is implied by “detailed specification document”?

Answer to Question n.42

The detailed specification document is the document describing in detail all technical functionalities. It is in process of writing at the current stage and not provided with the tender documents.

Question n.43(received on 30/07/2012)

Is it allowed to use open source components e.g. to process XBRL format?

Answer to Question n.43

Yes.

Question n.44(received on 30/07/2012)

The deadline for submission of offers is 27/08/2012. Does it mean that offers should be delivered to ESMA by this date? Or does it mean that the offer should be sent by registered mail by this date (i.e. date of dispatch is no later than 27/08) but could be delivered to ESMA later (i.e. few days after the deadline)?

Answer to Question n.44

27/08/2012 is deadline for submission. It means that the offer should be sent by registered mail by this date (i.e. date of dispatch is no later than 27/08) or hand delivered by this date.

Question n.45(received on 30/07/2012)

Point 2.2.2 (A) “The data collection may be performed through two options” – Is it required to provide IT Solution which will support only one selected option or both?

Answer to Question n.45

Yes. Option a (the HUB) is existing, option b (the extranet interface) has to be provided as new IT solution. The data will be collected using both options.

Question n.46(received on 30/07/2012)

Point 2.2.2 (A) (a) “The HUB (existing)” – Does the HUB handle any communication feedback to data suppliers? How to identify the sender of notification? How to determine who should be notified about results?

Answer to Question n.46

The only communication the HUB shall handle to data suppliers are error messages in case of errors. The sender is identified in the received data set. The notification on results will be described in the detailed specification document (currently in process of writing and not provided with the tender), but it is expected that except for the error messages

(feedback to sender) only a limited number of ESMA internal users and IT administrators will be notified.

Question n.47(received on 30/07/2012)

Point 2.2.2 (D) The administration/reporting module(s) (new) “... and the possibility to integrate extended data base search and filter functionalities” – Could you provide an explanation for this part? Do you mean that there should be provided an API which will allow external applications to search and filter notifications?

Answer to Question n.47

The data search and filter functionalities are currently not defined. The tenderer should be aware that these functionalities might be requested and we would appreciate a description of solutions which the tenderer could offer regarding data searching and filtering.

Question n.48(received on 30/07/2012)

Point 2.2.2 (D) (a-b) Availability – How to interpret figures provided in this point in the context of figures provided in Annex X point 62? Should we understand that these figures are the more important?

Answer to Question n.48

Annex X point 62 refers only to the MIFID registers, point 2.2.2 (D) refers to the total of all planned registers. Therefore these figures are indeed more important

Question n.49(received on 30/07/2012)

Point 4.1 – “Offers must include a description of all user interfaces with provided functionalities (search, visualization, administration interfaces) and an estimation of their performance parameters.” - What is the expectation in the area of performance parameters? How it should be described?

Answer to Question n.49

You should describe the solution which you would/could provide in case the contract would be awarded to you, including the technical limits of the proposed solution.

Question n.50(received on 30/07/2012)

Point 22: Is it intended to process only one notification per request or it should be possible to process multiple notifications at once?

Answer to Question n.50

It shall be possible to process multiple notifications at once.

Question n.51(received on 30/07/2012)

Point 23 (a): “Timeline/update frequency: NCAs should: (a) be ready to notify the data to ESMA at the beginning of 2013” – Should we understand that the IT solution should be ready also at this date to receive notifications from NCA’a?

Answer to Question n.51

Please refer to the indicative planning for OMNIBUS and AIFMD. The planning will be adapted to technical and organisational feasibility at more advanced project stages. In any case we plan to have first notification tests in the first half of 2013.

Question n.52(received on 30/07/2012)

Point 28 (a): “Error management: (a) The system will immediately notify users of any errors in uploading using an appropriate method.” – What do you mean by “users” in this case? Only the notification sender? Sender and administrator?

Answer to Question n.52

The notification sender will be informed immediately and automatically. The ESMA administrator should have access on his request to the error report.

Question n.53(received on 30/07/2012)

Point 28 (b): “Error management: (b) The system should enable ESMA to reject erroneous, duplicate or incomplete files following the end of the process.” – Is it required to store any information about erroneous notifications? What is the scope of required data in such case?

Answer to Question n.53

Yes, the error report shall be stored.

Question n.54(received on 30/07/2012)

Point 28 (b): “Error management: (b) The system should enable ESMA to reject erroneous, duplicate or incomplete files following the end of the process.” – Could you describe general rules to identify duplicates?

Answer to Question n.54

No. The detailed specification document is in process of writing and does not form part of the call documents.

Question n.55(received on 30/07/2012)

Point 28 (b): “Error management: (b) The system should enable ESMA to reject erroneous, duplicate or incomplete files following the end of the process.” – Could you describe general rules to determine errors in notification? Is there any validation apart format (e.g. xsd validation in case of xml files)?

Answer to Question n.55

No. The detailed specification document is in process of writing and does not form part of the call documents. But we would like to mention that error means formal errors.

Question n.56(received on 30/07/2012)

Point 28 (b): “Error management: (b) The system should enable ESMA to reject erroneous, duplicate or incomplete files following the end of the process.” – Assume that the answer to question 1 is YES. In case there is an error in one notification in the multi-notification request – then should the whole request be rejected.

Answer to Question n.56

The detailed specification document is in process of writing and does not form part of the call documents. But we would like to mention that only the notification containing the error should be rejected.

Question n.57(received on 30/07/2012)

Point 50 (c): “Timeline: (c) The data will be deleted with no delay after the end of publication validity period (please refer to next topic).” – Does it mean that there will not be historical data in the IT solution?

Answer to Question n.57

The detailed specification document is in process of writing and does not form part of the call documents. But we would like to mention that the storage of historical data will be limited to a minimum.

Question n.58(received on 30/07/2012)

Point 55 (c): “Scope of application: ESMA will: ...e.g. as a free text or as a hyperlink to the PDF document in an ESMA document system register, etc.” – What is the vision of role of ESMA document system register in the IT solution architecture? Does it exist or it should be a part of IT Solution? Should it be used to store PDF files uploaded by NCA’s?

Answer to Question n.58

A document system register shall be part of the new IT solution. Yes, it shall be able to store PDF files, which can be part of the notifications to be registered.

Question n.59(received on 30/07/2012)

Point 56 (c): “...List of services and activities and ancillary services...” – Are there defined lists (dictionaries) of all the services, activities and ancillary services? If yes then: should the IT solution support management of such dictionaries?

Answer to Question n.59

The detailed specification document is in process of writing and does not form part of the call documents. But we would like to mention that categories of services and activities are in general standardized and their number is limited.

Question n.60(received on 30/07/2012)

Point 62 (a): System availability – What do you mean by “connection” at this point? The total number of simultaneous connections to the IT solution including portal and notifications being processed by the system?

Answer to Question n.60

No. It means the total number of simultaneous connections related to the notification process itself and IT solution administration. The tenderer should specify the maximum number of simultaneous connection to the portal/publication module of the new IT solution in his proposal.

Question n.61(received on 30/07/2012)

Point 49 (b): “Scope of application: (b) ESMA will not publish the documents stored in its database but external hyperlinks to NCA or issuer websites where the documents are displayed except translated summaries in case of passporting.” – Should we understand that all the PDF documents uploaded into the system and listed in point “42. Content” except summaries in case of passporting will not be available from the IT system?

Answer to Question n.61

Yes. The received PDF documents will be stored by the IT solution but are not directly accessible via the publication module. Instead an external hyperlink to the websites of NCA’s where these documents can be found will be available via the publication module.

Question n.62(received on 30/07/2012)

Point 55 (b) and “Annex 2 – Volume”: How should we interpret the volumes provided in the annex 2 in the context of availability requirements in point 55? What does figures provided in Table 2 mean in the context of IT solution? Should we assume that we will have 1,1mln of notifications per year?

Answer to Question n.62

No. This figure refers to the approval of final terms which will not be notified to ESMA under the current legislation. It could be envisaged that the new IT solution should handle between ten thousand and twenty thousand PROSPECTUS notifications per year.