

ANNEX I TO THE INVITATION TO TENDER

TENDER SPECIFICATIONS

PROVISION OF TRANSMISSION SERVICES

OPEN CALL FOR TENDERS

PO/2016-15/A4

Launched by the Audiovisual Services of the European Commission

TABLE OF CONTENTS

1.	OBJECTIVE AND CONTEXT	3
1.1.	Presentation of the Audiovisual Services	3
1.2.	Europe by Satellite	3
2.	SUBJECT OF THE CONTRACT.....	4
2.1.	Services required	4
2.2.	Technical requirements	5
2.3.	General remarks.....	6
2.4.	Premises of the Commission	7
2.5.	Timetable.....	7
2.6.	Reports.....	7
3.	SIZE OF THE CONTRACT	8
4.	CONTRACTUAL FRAMEWORK	8
4.1.	Lot I – Direct Service Contract	8
4.2.	Lot II - Framework Contract for Services	9
5.	SUBMISSION OF BIDS.....	9
6.	TECHNICAL TENDER.....	9
7.	FINANCIAL OFFER	10
8.	EXCLUSION AND SELECTION CRITERIA	10
8.1.	Exclusion criteria.....	11
8.2.	Selection criteria.....	11
8.3.	Additional requirements for joint tenders and tenders including subcontracting.....	13
9.	AWARD CRITERIA	14
9.1.	Technical evaluation.....	14
9.2.	Financial evaluation.....	15
9.3.	Award of the contract	16

1. OBJECTIVE AND CONTEXT

1.1. Presentation of the Audiovisual Services

The mission of Unit COMM/A4 - Audiovisual Services of the European Commission is to illustrate European Union current affairs, help the audiovisual media cover European stories by focusing on the policies and actions of the European Commission, and to distribute and conserve the audiovisual memory of Europe.

The following audiovisual services are provided:

- Audiovisual coverage (photographic, video and audio) of the activities of the Commission, the Parliament, the Council and, where appropriate, the other institutions of the European Union, and production of thematic stockshots on the main EU news topics (http://ec.europa.eu/avservices/home/index_en.cfm);
- Production and distribution of audiovisual and multimedia products aimed at the general public (such as the production of short video clips, using graphics, voice-overs in English and/or French, excluding linguistic versions, for distribution on the different platforms);
- Technical assistance to radio and television journalists;
- Editing and broadcasting of reports on current affairs and on the diplomatic/ceremonial activities of the European Union by all appropriate means: via the EBU network¹, the Europe by Satellite (EbS) EU information service and its two channels EbS and EbS+ (<http://ec.europa.eu/avservices/ebs/schedule.cfm>), on physical media and by electronic means;
- Acquisition, analysis, preservation and dissemination of film, video, audio and photographic material since the start of EU integration.

An overview of the role of the Unit and of the various services offered can be found on the web portal page (http://ec.europa.eu/avservices/home/index_en.cfm).

1.2. Europe by Satellite

The European Commission, through its Audiovisual Services, operates a news information service called 'Europe by Satellite' (EbS), whose principal aim is to feed, via satellite, live and unedited TV news items related to the European Union institutions to media professionals (<http://ec.europa.eu/avservices/ebs/schedule.cfm>). EbS is also used as an internal communication tool to keep the Union's Representations and Delegations in Europe informed of events.

This network has expanded to become an essential part of the European Union's information service. The present Europe by Satellite television services (EbS and EbS+) are carried on Eutelsat 9A satellite. The services are multi-lingual and each of them currently contains 25 audio channels.

¹ EBU: European Broadcasting Union (professional association of national broadcasters)

EbS operates 24 hours per day. The Master Control Room for EbS is located in the Berlaymont building of the European Commission in Brussels (200 rue de la Loi) and is manned only during office hours.

The EbS and EbS+ services can be received by satellite with the following parameters:

Satellite:	Eutelsat 9A – 9°E
Transponder:	59
Downlink frequency:	11900 MHz
Polarization:	Horizontal
Standard:	DVB-S2
Modulation:	8PSK
Symbol rate:	27.500
FEC:	2/3

Video:	H264 High Profile
Resolution:	1080i/25; HDTV

Audio:	AAC-HE 48kb/s (up to 32 audio channels)
--------	--

2. SUBJECT OF THE CONTRACT

2.1. Services required

The European Commission is seeking a service provider to supply transmission services for the information programmes of the European Union.

The purpose of the present Call for Tender is to select one or more companies competent to provide the various elements that will permit the operation of the described services.

In view of the services to be provided, the contract is divided into two lots, as follows:

Lot I: Provision of a technical infrastructure necessary for the transmission of High Definition television services via satellite. There are two aspects of this service:

- (a) The main EbS and EbS+ services that operate permanently;
- (b) An emergency infrastructure that will be activated during a crisis involving the European Commission's headquarters. This infrastructure must be permanently available, 24/7, and must be tested at regular intervals. When required, this system must be put into service within one hour's notice. Once in service, it may be required for a lengthy period.

These services will give rise to the conclusion of a Direct Service Contract.

Lot II: Supply of bi-directional video links and provision of services for *ad hoc* transmissions of audiovisual material.

This service will give rise to the conclusion of a Framework Contract for Services.

Tenderers may submit bids for one or both lots. Lot I(a) and Lot I(b) are indivisible.

If a tenderer wishes to submit a bid for both lots, Lot I and Lot II, complete and distinct offers must be submitted (one for each lot). There must be no interdependence between the offers - that is neither offer may be based on the condition that the tenderer is awarded a contract for the other lot.

2.2. Technical requirements

Detailed technical specifications for both lots can be found in Annex II². **The selected Contractor will be expected to keep pace with technological developments in the domain throughout the duration of the contracts.**

Due to the technical nature of these specifications, the document is only available in English.

2.2.1. Lot I

Lot I(a) is for the provision of a technical infrastructure necessary for the transmission of television services via satellite and, in particular:

- Permanent digital capacity on a satellite transponder whose footprint covers at least the whole of geographical Europe and the Mediterranean region;
- Ground station services, which are required to uplink a signal to the proposed satellite capacity;
- Terrestrial links between the Berlaymont building and the ground station;
- SDI switching equipment to be installed in the Berlaymont building;
- DVB encoding;
 - ✓ the service is to operate in DVB S2 in High Definition
 - ✓ the compression techniques used should be compatible with the primary purpose of the service aimed at media professionals
- Electronic Program Guide (EPG) attached to the services;
- Monitoring equipment to be installed in the Berlaymont building.

Lot I(b) is for the provision of an emergency infrastructure comprising the following:

- A High Definition SDI video link between the Breydel building of the European Commission, located at 45 avenue d'Auderghem, 1040 Brussels, and a site having fixed access to the contribution satellite networks;
 - ✓ this video link must be permanently available
- Access to an uplink for a single TV service comprising video and 4 audio channels;

² All annexes mentioned in the present document and in the other annexes are an integral part of the tendering specifications.

- ✓ This need not be permanent, but must be guaranteed to be available within one-hour period following an alert, at all times.
- Reception and switching equipment at the same ground station used for Lot I(a);
 - ✓ This need not be permanent, but must be guaranteed to be available in the one-hour period following an alert, at all times.
- A permanently powered encoder at the same ground station used for Lot I(a) for a single video and 4 audios;
- A simple graphics generator able to provide a full screen HD image.

The maintenance and administration of all system and equipment in Lot I(a) and Lot I(b) is required.

2.2.2. Lot II

Lot II is for the supply of a transmission service for the information programmes of the European Union – more specifically, an *ad hoc* provision of transmission bandwidth and supporting services for TV transmission. This service comprises:

- *Ad hoc* transmissions (by satellite or other means) to or from any part of the world, at very short notice;
- Bi-directional video links between the service provider and the Berlaymont building of the European Commission in Brussels to support these *ad hoc* transmissions;
 - ✓ These bi-directional video links are to be permanently available and connected with no usage (per minute) costs.

The services of Lot II are currently covered by Framework Contract PN/2015-20/A4. Following the adoption of the Communication to the Commission "Synergies and Efficiencies in the Commission – New Ways of Working"³, the European Commission wishes to re-open this contract for competition in order to group the two transmissions services contracts under the same heading, thereby gaining in efficiency by limiting the number of procurement procedures to be launched and aligning the contracts in terms of expiry dates.

2.3. General remarks

- All references to the Berlaymont building in the tender documents should be taken to refer specifically to the Technical Rooms of the Audiovisual Services of Directorate-General Communication (Unit COMM/A4). These rooms are situated on level -1 of the building;
- All references to the Breydel building should be taken to refer specifically to the meeting room known as 'Le Chat' situated in the -1 level of this building;

³ SEC(2016) 170 final of 4.4.2016

- In preparing his offer, the tenderer should take into account that the services are intended for use by media professionals, as a source of good quality broadcast material;
- The selected Contractor will supply all the equipment needed for the performance of the contract as foreseen in the terms of reference;
- Systems, formats and standards used must be specified in the tender. Technical specifications must comply with recognised professional quality standards;
- It must be possible to contact the Contractor, at any given moment;
- The Contractor assumes sole responsibility for the employment of the staff necessary for the performance of this contract. In particular, he must ensure them against accidents at work and undertakes to comply with relevant national laws on employment, social security and taxation, and the rules on health and safety (see the General Conditions in the draft contract);
- The Contractor will be liable for damage and accidents caused directly by him or his staff. To that end he will take out the necessary insurance cover. He also assumes sole liability for all accidents or injury incurred to himself or his staff (see the General Conditions in the draft contract);
- The Contractor must also insure any equipment he installs in the Berlaymont and Breydel buildings against damage caused by a third party.

2.4. Premises of the Commission

The two sites concerned by the present contract are located in Brussels (Berlaymont and Breydel buildings in the Schuman area).

Rack space in air-conditioned rooms will be provided for equipment to be installed on these premises. The 220v supplies in Brussels are fully protected.

No modification to the areas may be undertaken by the Contractor without the prior written agreement of the Commission, particularly if the modifications might affect the structure of the buildings (walls, ceilings, pipes, cable ducts for or number of telephone lines, etc.).

2.5. Timetable

The Commission expects to award the contracts in February 2017. The services under Lot I(a) and Lot I(b) must be operational on 1 March 2017, and for Lot II on 10 March 2017.

The tenderer must specify in the offer the proposed timetable for the supply and/or installation of any equipment.

2.6. Reports

Not applicable.

3. SIZE OF THE CONTRACT

The maximum budget for this tender is:

- Lot I: EUR 3,500,000 over four years, VAT excluded.
- Lot II: EUR 600,000 over four years, VAT excluded.

4. CONTRACTUAL FRAMEWORK

The services specified above will be the subject of a Direct Service Contract for Lot I and a Framework Contract for Services for Lot II drawn up between the European Commission (COMM/A4) and the tenderer(s) to whom the contract is awarded. The draft contracts are attached in Annex III to the Invitation to Tender.

Pursuant to Article 134(1)e and Article 134(4) of *Commission Delegated Regulation No 1268/2012 of 29 October 2012* on the rules of application of Regulation 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union ('the Rules of Application') as amended by Commission delegated Regulation (EU) 2015/2462 of 30 October 2015, the contracting authority may use a negotiated procedure for the award of new services which entail the repetition of similar services entrusted to the Contractor who was awarded the original contract. That procedure may be used only for Lot I(b) provision of an emergency infrastructure and strictly in relation to an emergency (BCP) situation and also for Lot II during the first three years following conclusion of the original contract.

In drawing up his bid, the tenderer should bear in mind the provisions of these draft contracts and, notably:

4.1. Lot I – Direct Service Contract

Article I.4	Price
Article I.5	Payment arrangements
Article I.10	Exploitation of the results of the contract
Article II.4	Performance of the contract
Article II.4.2	Compliance with minimum requirements including applicable obligations under environmental, social and labour law
Article II.13	Intellectual property rights (IPR)
Article II.21	Payments and guarantees

4.2. Lot II - Framework Contract for Services

Article I.4	Appointment of the contractor and implementation of the FWC
Article I.5	Prices
Article I.6	Payment arrangements
Article I.10	Exploitation of the results of the contract
Article II.4	Provision of services
Article II.4.3	Compliance with minimum requirements including applicable obligations under environmental, social and labour law
Article II.13	Intellectual property rights (IPR)
Article II.21	Payments and guarantees

5. SUBMISSION OF BIDS

The tenderer's bid must comprise all the documents required in the checklist in Annex IV – Part A. Part B of this annex lists the elements to be provided upon request at a later stage.

6. TECHNICAL TENDER

Tenderers should include in their bid a technical tender detailing how they will perform the tasks covered by the contract, in compliance with all the requirements of the tender specifications. It must also be provided on CD, DVD or USB.

The technical tender should follow the same structure as the subject of the contract (see point 2).

The reply to this Call for Tender must include a detailed description of the proposed service and must clearly show, if necessary, the restrictions that apply in each case.

The technical tender should not include any of the documents referred to under the exclusion or selection criteria, nor should it refer to issues already covered by the exclusion and selection criteria.

The technical tender will be assessed in the light of the quality award criteria set out under point 9.

Only technical offers which meet all the minimum technical requirements listed in the Technical Annex (Annex II) will be considered compliant and evaluated.

By submitting a tender, tenderers declare that their technical offer is compliant with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU⁴.

7. FINANCIAL OFFER

The financial offer for each lot must be quoted using the attached relevant form in Annex VI, which must be duly signed and dated. It must also be provided on CD, DVD or USB.

The price(s) must be fixed and quoted in euros, including for countries which are not in the euro-area.

The price(s) must be all-inclusive and cover all costs related to performance of the contract as described above.

8. EXCLUSION AND SELECTION CRITERIA

Compliance with exclusion and selection criteria is evaluated as follows:

At tender submission stage, tenderers should include the following documentation:

- the declaration of honour on exclusion and selection criteria in Annex V duly completed, dated and signed, together with the relevant evidence related to the remedial measures if applicable.

In the case of joint tenders, all economic operators involved in the tender must provide the declaration of honour on exclusion and selection criteria.

In the case of tenders involving subcontracting, the tenderer shall submit a separate declaration of honour on exclusion and selection criteria, duly dated and signed by each known subcontractors whose tasks represent more than 20% of the tasks of the contract or who help fulfil the selection criteria.

- the checklist of documents to be provided in Annex IV duly completed, together with the relevant evidence required as a result of answers to the questions in Part A of the checklist and Part V of the Declaration of Honour (remedial measures).

The other pieces of evidence listed in Part B of Annex IV may be requested by the contracting authority from any tenderer at a later stage. They will in all cases be requested from the winning tenderer. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

The successful tenderer must provide the documents mentioned as supporting evidence in the Declaration of Honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in the

⁴ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement, OJ L 94/65 of 28 March 2014: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=EN>

case of a joint tender and to each known subcontractors whose tasks represent more than 20% of the tasks of the contract or who help fulfil the selection criteria.

8.1. Exclusion criteria

Bids from tenderers who do not meet the exclusion criteria referred to in Articles 106 and 107 of the Financial Regulation⁵ will not be considered for the award of the contract.

8.2. Selection criteria

The tenderer must demonstrate sufficient legal and regulatory, economic, financial, technical and professional capacity to be able to perform the tasks as specified in point 2 of these specifications.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities to achieve the required level of economic, financial and technical capacity, regardless of the legal nature of the links that it has with them (subcontractor, parent company, third party). It must in that case prove to the contracting authority that it will have at its disposal the resources necessary to perform the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal (see point 8.3 below).

If a third party provides the whole or a very large part of the financial capacity, the contracting authority may demand that that entity signs the contract or that it provides a joint and several first-call guarantee, should that tender be awarded the contract.

(a) Legal and regulatory capacity

The tenderer will provide a 'Legal Entity File (LEF)' and a 'Bank Account File (BAF)' duly completed and signed, with the necessary annexes. The forms to be used are available at the following addresses:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

For joint tenders, the LEF should be provided for each participating entity whereas the BAF is requested for the leader of the group only.

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct Contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (and each Member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

⁵ Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union - <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32015R1929>

(b) Financial and economic capacity

Evidence of financial and economic standing must be provided by the following documents:

A statement of overall turnover during the last three financial years, with a minimum of 8 million EUR per year for Lot I, and a minimum of 2 million EUR for Lot II. If the tenderer submits a tender for both lots, the minimum turnover is set to 9 million EUR per year. If the tenderers are consortiums, the turnover of the leading partner (i.e. the partner having the highest turnover in the consortium) must amount to at least 60% of the figures given above.

If, for some exceptional reason which the contracting authority considers justified, the tenderer is unable to provide the references requested by the contracting authority, he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate (evidence of professional risk indemnity insurance, business plan for newly created entities, etc.).

In any case the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

(c) Technical and professional capacity

The tenderer must demonstrate convincingly that he has the ability to undertake the tasks requested.

Any tenderer with a professional conflicting interest that may affect the performance of the contract may be rejected on the basis of not fulfilling selection criteria for professional capacity.

Criterion 1

A solid experience in the field of:

- For **Lot I**: DVB encoding, terrestrial video links and satellite ground station operation.
- For **Lot II**: *Ad hoc* video transmissions (point-to-point), by satellite and/or other means.

As evidence, he will provide a list of similar contracts (minimum 5, maximum 10) carried out during the last two years. The services provided within these contracts must demonstrate that the Contractor is able to satisfy similar requirements to those in the present Call for Tender (with approximate sums, dates, places, human and technical resources involved, and recipients, together with documents from the recipients showing their satisfaction where possible). If part of the services were subcontracted, the tenderer should specify the nature and the percentage of the tasks subcontracted.

Criterion 2

- For Lot I and Lot II:

Necessary human resources to perform the contract in line with best professional practice:

- For the management staff: at least three years' experience in similar projects and experience in managing teams of at least 10 people.
- For the technical operators: at least three years' experience of technical operations in similar services.

As evidence, the tenderer will provide CVs illustrating the education and qualifications of the persons who will provide the services for this tender, including the management staff. Each CV provided should indicate the intended function in the delivery of the services.

Criterion 3

- For Lot I and Lot II:

Necessary technical resources to perform the contract in line with best professional practice:

- Adequate and sufficient resources to perform the tasks as described in the present tendering specifications and its annexes, according to best professional practices;
- The infrastructure and equipment available should include, as a minimum, the following elements:
 - ✓ Existing network and facilities that would contribute to the provision of the requested satellite transmission services (for **Lot I**).
 - ✓ Existing network or arrangements for use of such network that would facilitate the requested *ad hoc* transmission services to/from at least one location in every EU member state (for **Lot II**).
 - ✓ Indication of the means put at operator's disposal by third parties with proof of the third parties' agreement.

As evidence, the tenderer will provide a description of the infrastructure and equipment available, as well as the operating procedures showing notably the resources involved.

8.3. Additional requirements for joint tenders and tenders including subcontracting

Please refer to the Checklist of documents to be provided (see Annex IV).

Any change in the composition of the group of economic operators during the procurement process (after submission of the offer) is limited to exceptional circumstances (e.g. a take-over) and must be agreed by the Commission.

Any change of subcontractor during the procurement process (after submission of the offer) is subject to agreement by the Commission.

The Commission will require a member of a grouping or a subcontractor to be changed if the member of the grouping or subcontractor proposed is in an exclusion situation or does not meet a specific selection criterion.

9. AWARD CRITERIA

Bids from tenderers who do not satisfy the exclusion or selection criteria will not be considered for the award of the contract.

The contract will be awarded to the tender offering the best value for money on the basis of the quality (technical evaluation) and price (financial evaluation).

9.1. Technical evaluation

The technical tender to be submitted as part of the tender (see point 6) will be assessed as follows:

9.1.1. Lot I

Quality award criteria	Explanation of the criterion's scope	Maximum number of points per criterion	Minimum points to be obtained
1) Extent and quality of the area covered	Will assess the footprint, size of the dishes, signal power	28	17
2) Bandwidth	Will assess the capacity of the bandwidth of the transponder channel	20	12
3) Technical concept and suitability for Lot I(a)	Will assess the quality of the overall technical concept and suitability for the purpose of the transmission of the main EbS/EbS+ services	12	7
4) Technical concept and suitability for Lot I(b)	Will assess the quality of the overall concept and suitability for the purpose of the emergency infrastructure.	10	6
5) Guarantees and quality control measures	Will assess the guarantee of service continuity, quality of support and maintenance proposals.	30	18
Total quality score:		100	70

9.1.2. Lot II

Quality award criteria	Explanation of the criterion's scope	Maximum number of points per criterion	Minimum points to be obtained
1) Technology	Will assess the transmission technology used	20	12
2) Redundancy	Will assess the redundancy features and/or back-up solutions	20	12
3) Response time	Will assess the mean time to establish an <i>ad hoc</i> link	20	12
4) Extent of the area covered	Will assess the geographical coverage	10	6
5) Guarantees and quality control measures	Will assess the guarantee of service continuity, quality of support and maintenance proposals.	30	18
Total quality score:		100	70

The result of the technical evaluation is the sum of the number of points obtained as a result of the evaluation of each criterion. Only those tenders which are awarded at least 60% for each criterion and a total score of at least 70 points will be considered for the award of the contract.

9.2. Financial evaluation

For the financial tender, the tenderer must use the standard price tables in Annex VI-A for Lot I and Annex VI-B for Lot II.

Any omission or amendment to the original price tables may cause the bid to be considered null and void.

For the purpose of evaluation and comparison of the financial offers, the Commission will use a reference price calculated on the basis of the prices for the various services that are listed in Annex VI-A and Annex VI-B as follows:

9.2.1. Lot I

The reference price will be calculated as sum of:

- The total quarterly price for Lot I(a) and I(b);
- The hourly cost for use of the backhaul capacity, multiplied by 23; and
- The daily (per 24 hours) cost for use of the backhaul capacity, multiplied by 15.

9.2.2. Lot II

The reference price will be calculated as the sum of:

- The monthly price for the fixed cost of the bi-directional links; and
- The average price for 30 minutes of *ad hoc* transmission (P_{30}), computed in the following manner:
 1. An average value for each of the four columns in the price table will be calculated as the sum of all prices in the column divided by the number of origins/destinations quoted. These average values will represent the average price per column, i.e. P_1 , P_2 , P_3 , and P_4 .
 2. Given that the HD transmission prices will have a weighting of 80%, while the SD transmission prices will have a weighting of 20%, the average price for 30 minutes of *ad hoc* transmission (P_{30})⁶ will be:

$$P_{30} = 0.20 \times (P_1 + 20 \times P_2) + 0.80 \times (P_3 + 20 \times P_4),$$

where P_1 , P_2 , P_3 , and P_4 are the average prices per column calculated in previous step 1.

9.3. Award of the contract

The contract will be awarded to the tender achieving the highest score obtained by applying the following formula:

Score for tender X	=	Cheapest reference price	x	100	x	0.4	+	Total quality score for all criteria of tender X	x	0.6
		Reference price of tender X								

⁶ The average price for 30 minutes of ad hoc transmission (P_{30}) is composed of the average prices for ten minutes (P_1 and P_3) and 20 times the average prices for one minute (P_2 and P_4).