



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Deputy Director General for Food Safety

CALL FOR TENDERS

N° SANTE/2016/G5/040

**Complete Electronic Signature services (including eSEALs
used as digital corporate stamps) for the operations of the
TRACES system**

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

This procedure concerns an open call for tender launched by the Directorate-General for Health and Food Safety of the European Commission. The call is managed by the Finance, budget and contracts unit (SANTE/A3), which will be the sole contact point for tenderers throughout this call for tender process.

DG SANTE is launching this call for tender with a view to concluding a single framework contract (FWC) with a service provider that will offer a complete electronic signature service for the TRACES¹ system.

1.1. Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement² concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft framework contract which specifies the rights and obligations of the contractor, particularly those on payments under the specific contracts, performance of the contract, confidentiality, and checks and audits.

1.2.1. Duration

The initial duration of the FWC is 24 months. The FWC is renewed automatically 2 times for 12 months each, unless one of the parties receives formal notification to the contrary at least three months before the end of the ongoing duration. .

The FWC shall enter into force on the date on which it is signed by the last contracting party.

The specific contracts must be signed before the FWC they refer to expires. The implementation of the specific contracts shall not exceed 6 months after the expiration date of the FWC.

1.2.2 Maximum indicative budget

The maximum cumulative value of all specific contracts to be concluded under the FWCs for the entire period of four years shall not exceed EUR 2.000.000 (two million euro)

¹ http://ec.europa.eu/food/animals/traces_en

² See http://www.wto.org/english/tratop_e/gp_gpa_e.htm

including reimbursement of expenses. However, this does not bind the Contracting Authority to buy the maximum amount.

During the 3 years following conclusion of the initial framework contract, it may be decided by the Contracting Authority to award, to the same Contractor, an additional framework contract for similar services, using a negotiated procedure without prior publication of a contract notice.

1.3. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU³.

1.4. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

1.5. Subcontracting

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers are required to identify subcontractors.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

1.6. Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 4.1)

³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

Part C: Selection (see section 4.2)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated. It will also include a Service Level Requirement that will expose the performances and availability guaranteed for all the aspects of the service proposed. The SLR will be the basis to draft the Service Level Agreement that will be annexed to the FWC as integral part.

Part E: Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

Financial offer must be quoted on the basis of Annex V and include a detailed breakdown of prices as described in point 4.6.4. The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately. For specific contracts, framework contractor will be asked to quote the price based on the detailed breakdown of prices mentioned above.

1.7. Identification of the tenderer

The tender must include a **tender submission form** (Annex I) signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure.

In case of joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on:

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

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 (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on:

http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

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.

2. TECHNICAL SPECIFICATIONS

2.1. Background and service description

The TRACES system is the EU sanitary certification system for the trade of animals, food, feed and plants. This on-line tool is managing the international exchanges of related sanitary certificates within EU and from/to non-EU countries by networking private companies and competent authorities. This system manages more than 1.7M sanitary certificates per year since more than 12 years implying more than 36.000 users from more than 80 countries. The system interface is available in 35 languages. Sanitary certificate in this context mean the veterinary, phytosanitary, organic certificates for the imports into EU/EFTA, exports from EU/EFTA, intra EU/EFTA exchange plus the official entry documents for the sanitary control at the EU/EFTA border of live animals, food, feed and plants.

DG Health and Food Safety wants to evolve the services currently available to stakeholders by integrating electronic signature, time-stamping tools and long-term proof management, to provide a legal dimension to the electronic documents managed and let TRACES enable the paperless management of sanitary certificates.

DG Health and Food Safety is looking for a service provider able to offer a complete electronic signature service covering the large number and the large geographic coverage of the actors of the TRACES system.

The dematerialization of the sanitary certificates brings the following advantages:

- **Optimize the management of the sanitary certificate**
 - Simplify trade
 - Reduces multiples copies and duplicates
 - Paperless
- **Reduce processing times**
 - Anticipates the receipt of the sanitary certificates
 - Avoids the investigation time for the detection of fraudulent certificates
- **Simplify and modernise the relations between third countries and EU**
 - Allows TRACES to act a sanitary single window for animals, food, feed and plants
- **Ensures the integrity, traceability and the legal value of the electronic sanitary certificate**
 - Provides a repository of electronically signed sanitary certificates, in the reliable version

- **Participates in the fight against fraud**
 - Provides a sanitary certificate on electronically signed support, offering far more security than a paper one
- **Reduction of the costs relating to**
 - Time of control
 - Archiving
 - Physical delivery of documents

In this context, DG Health and Food Safety want to integrate in the TRACES system trusted electronic signatures, timestamping tool and long-term proof management compliant with the eIDAS regulation (Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market and repealing directive 1999/93/EC - eIDAS 23/07/2014).

In order to get the requirements for presumption of reliability, DG Health and Food Safety wants to make use of services of electronic certification guaranteeing a level from "Advanced" to "Qualified" electronic signature by using a virtual key for signatures of 'physical person' and "seal authority" (digital stamp representing the legal entity); it is to be noted that we do not restrict technological choices as long as the technology proposed is offering "Advanced" to "Qualified" electronic signature conform with the eIDAS principles. A TRACES electronic seal will also automatically be applied on the dematerialized sanitary certificates to guarantee it originated in the TRACES system.

The solution that we are requesting from the framework contractor must include all the following items:

- the complete management of electronic certificates (safe association between electronic certificates and physical person or legal entities organized and performed by the service provider),
- the necessary electronic signature technology,
- the time stamp technology,
- the legal archiving needed for the long term proof management,
- communication protocols,
- online distribution,
- the capacity to generate signed PDF-PDF/A sanitary certificates in conjunction with the TRACES system
- the tools (programmatic interface or trusted redirection mechanisms) to integrate the online seal and signature services with the TRACES system (please note that we have two generations of the system: the actual currently deployed TRACES (based on older J2EE technologies (JDK 6, Struts 1.1) and iText V2) and the future TRACES NT tools and components (based on JEE6 with JDK 8 using iText 5 and above))
- all required related elements (Access control lists, etc.).
- A reporting facility allowing the Commission to monitor statistically and technically the correct implementation of the service

2.2. Detail of functions requested

The following table is specifying more in detail the functions requested. The third column expresses:

- the mandatory assets (marked by **Mandatory**),
- those containing minimum requirement (marked as **Minimum Requirement** and whose minimum value is mandatory and offers above this minimum will be considered positively during the assessment of the award criteria)
- the optional assets that are not mandatory but will be considered positively during the assessment of the award criteria.

Requirements Table

Skill	Description	Criteria type
Scope of service	Provider of a complete online electronic signature solution to be used by the EU Member States countries and non-EU countries (list of potential participating non-EU countries is in chapter 2.3).	
1. Distribution and management of the Electronic Certificates used for signature of physical person	The provider must offer an online service allowing the safe association (and dissociation) of an advanced to qualified electronic certificate(s) used for ‘physical person’ signature and its owner, as well as renewal, revocation. Optionally a more classical face-to-face service can complement this offer.	Mandatory
2. Distribution and management of digital corporate stamp	The provider must offer a service allowing the safe association, delivery and management of eSEALs used as digital corporate stamps.	Mandatory
3. Certificate and certification authority (AC)	Electronic certificates shall comply with the requirements of the eIDAS regulation The service provided must have all accreditations to be recognized as a trusted third party in the European Union and accepted in the largest possible proportion of the participating countries as defined in chapter 2.3	Mandatory
4. Legal entity’s certificate		
4.1 eSEAL used as digital corporate stamps - Authority seal (advanced certificate)	In accordance with the regulations, the sanitary certificate shall have the seal of the authority of the exporting country. In the selected process, the Authority seal must be affixed automatically through TRACES or by a second step of signature (TRACES system flow dependent, see point 5.5 of this table) after validation of the content by the signatory.	Mandatory
4.2 Qualified timestamping	The act of signature by the Authority seal will be traced and stamped in accordance with the eIDAS requirements.	Mandatory
5. Physical person’s certificate		
5.1 Compatibility with organization scheme	In accordance with the regulations, the sanitary certificate must be signed by the physical person empowered by a legal entity (for example: in Morocco, there are almost 200 persons authorized to sign to more than 20,000 sanitary certificates per year). The provider will propose a solution	Mandatory

Skill	Description	Criteria type
	compatible with this exigency.	
5.2 Device	The solution will rely on an online signature by the use of a virtual smart card or similar online process. It is to be noted that on-the-fly certificate association can be allowed if it is demonstrated that it can fulfil the advanced to qualified signature characteristics.	Mandatory
5.3 International dimension	The solution must be able to respond to the international dimension of the project and has to be multilingual with the largest possible linguistic choice. It should support at least EN, FR, DE and ES as minimum requirement.	Minimum Requirement
5.4 Managing Digital Corporate Stamps of the authorities	The provider of this solution will also be the provider of the solution for the eSEAL used as digital corporate stamps of the authorities.	Mandatory
5.5 Flexibility in sequences of signature	In the process of electronic signing of the certificate, the sequence of signature might be different by authority using the TRACES system, i.e. the 'seal' might be automatically applied with the signature of the 'physical person', or manually applied by the owner of the eSEAL used as digital corporate stamp; the same might apply for the TRACES seal. Sequences of signatures might change from one authority to the other.	Mandatory
5.6 Advanced or Qualified (eIDAS level 2 to 3) electronic certificate with virtual smartcard	The selected provider will be trusted third party (AC) on behalf of DG Health and Food Safety. It will offer all the guarantees relating to this type of service in the European Union and accepted in the largest possible proportion of the participating countries as defined in chapter 2.3.	Mandatory
5.7 Qualified timestamping	The act of signature by the Authority seal will be traced and stamped in accordance with the eIDAS requirements. The same provider will also perform the timestamp services.	Mandatory
5.8 Signing PDF/A	Format defined by DG Health and Food Safety is PDF/A	Mandatory
5.9 Signature batch	Depending on usage, electronic signature solution must offer to a signatory the opportunity to sign several sanitary certificates on the same time	Optional
5.10 Image of handwritten signature and/or authority stamp	This feature should be offered without necessarily being deployed.	Optional
5.11 Restitution / Diffusion	For each original electronic sanitary certificate, a faithful and lasting copy is automatically generated in a readable format (signed PDF or PDF/A).	Mandatory
5.12 Signature validation service	The supplier should offer a service allowing the validation of each signed document (PDF or PDF/A) it has produced (validating physical person's, authority's seal and TRACES's seal)	Mandatory
5.13 Interoperability with TRACES et TRACES NT	The interface of electronic seal and electronic signature should be able to be embedded into the TRACES and TRACES NT tools.	Mandatory

Skill	Description	Criteria type
5.14 Ergonomy	Ergonomic, fluidity and efficiency of the signature process and ease of use of signature tools (including for the potential self-registration of participants) are important elements.	Minimum Requirement
5.15 Ease of integration	The solution should be easy to integrate to our TRACES and TRACES NT systems (few days of integration works on both sides). This is our minimum integration requirement. In addition and later on, the service could offer the capacity to be integrated with other systems.	Minimum requirement
5.16 Geographic coverage of the solution	The geographic coverage capacity of the supplier compared to the participating EU/EFTA and non-EU country (see list in annex) is an important criterion. The service should be given to <u>all EU/EFTA countries</u> and in addition as a minimum requirement to the following third countries (being TRACES interactive users): Morocco, Senegal, one country of South America and one country of Asia Australia and New Zealand who are exchanging data through system to system interfaces might provide signed documents using XAdES from their own provider that need to be validated by our future provider through a programmatic interface. This validation by our future provider which will return an electronic and trusted receipt of conformity (see “USE CASE 2 graph of chapter 2.5)	Minimum Requirement
6.Long term proof management	The supplier will retain during the performance of this framework contract in a dedicated electronic archive the elements needed for the long term proof. This electronic archive shall be transferable according the existing standards to a potential other provider at the end of the framework contract.	Mandatory
7. Electronic Signature service integration		
7.1 Validation of electronic certificates issued by third parties	The supplier should propose the largest possible automated (including a programmatic interface) capacity to validate electronic certificates (and services) coming from another trusted third party and return an electronic trusted receipt of conformity. This is particularly useful in the context of XML-XAdES data exchanges with a third country or EU using its own system and its own electronic signature provider. (see “USE CASE 2 graph of chapter 2.5)	Minimum Requirements
7.2 Capacity to transfer the service to and from other providers	The supplier should show how and with which limitations and constraints the service could be migrated to another trusted third party offering the same class of services. This will primarily include the archives described in point 6 above.	Mandatory
8. Delivery of the solution		
8.1 Capacity to deliver the solution components	The supplier shall deliver all components and procedures necessary to deploy the service together with DG SANTE and (a selection of) the third countries listed under point 5.16 in a timely manner,	Mandatory

Skill	Description	Criteria type
	not exceeding 4 (four) months after the signing of the first specific contract. The solutions for integrating the supplier's service offering into TRACES and TRACES NT (APIs, documentation etc.) shall be delivered immediately upon signature of the first specific contract.	
8.2	A Service Level Requirement (SLR) should be delivered with the offer, which will be used as the basis to draft the Service Level Agreement that will be annexed to the FWC as integral part.	Mandatory

2.3. Participating countries in TRACES

This is the exhaustive list of the countries using TRACES as at the date of redaction of this document.

Europe: 28 Member States of the EU, 4 EFTA countries, Andorra, Bosnia-Herzegovina, Faeroe Islands, the Kosovo, Moldova, Saint-Marin, Serbia, the Former Yugoslav Republic of Macedonia (FYROM).

Africa: South Africa, Algeria, Cap-Verde, Ivory Coast, Kenya, Madagascar, Morocco, Maurice, Mauritania, Uganda, Senegal, Seychelles, Tanzania, Tunisia

America: Costa Rica, El Salvador, Ecuador, Greenland, Guatemala, Honduras, Falklands Islands, Mexico, Nicaragua, Panama, Peru, Saint-Pierre and Miquelon, Uruguay.

Asia: Indonesia, Israel, Myanmar, Maldives, Philippines, Taiwan, Thailand, Turkey, Vietnam.

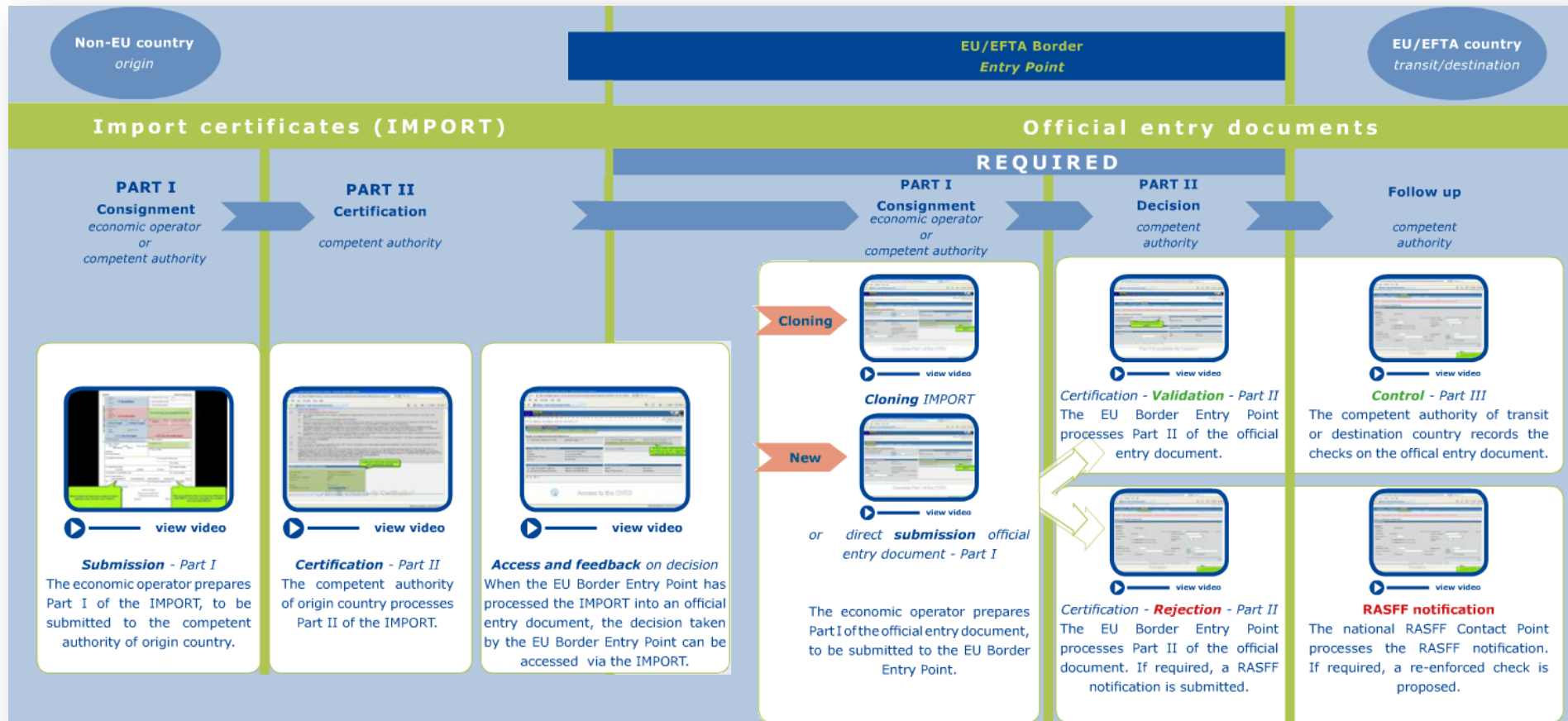
Oceania: Australia, Solomon Islands, New Caledonia, New Zealand, Papua New Guinea, French Polynesia, Republic of Fiji.

2.4. Metrics

- Third countries:
 - Between 10 and 50 legal entities-authorities (requesting electronic certificate for an eSeal)
 - Between 250 and 1.500 physical persons (requesting electronic certificate for electronic signature)
 - Between 50.000 and 100.000 sanitary certificates produced, sealed and signed yearly
- European Union Member States:
 - Between 150 and 300 legal entities-authorities (requesting electronic certificate for an eSeal)
 - Between 500 and 2500 physical persons (requesting electronic certificate for electronic signature)
 - Between 250.000 and 500.000 sanitary certificates (or entry documents) sealed and signed yearly
- TRACES eSeal:
 - One seal
 - Between 300.000 and 600.000 sanitary certificates sealed per year.

2.5. Typical sequence

2.5.1. Typical business sequence of an Import operation of food in the EU



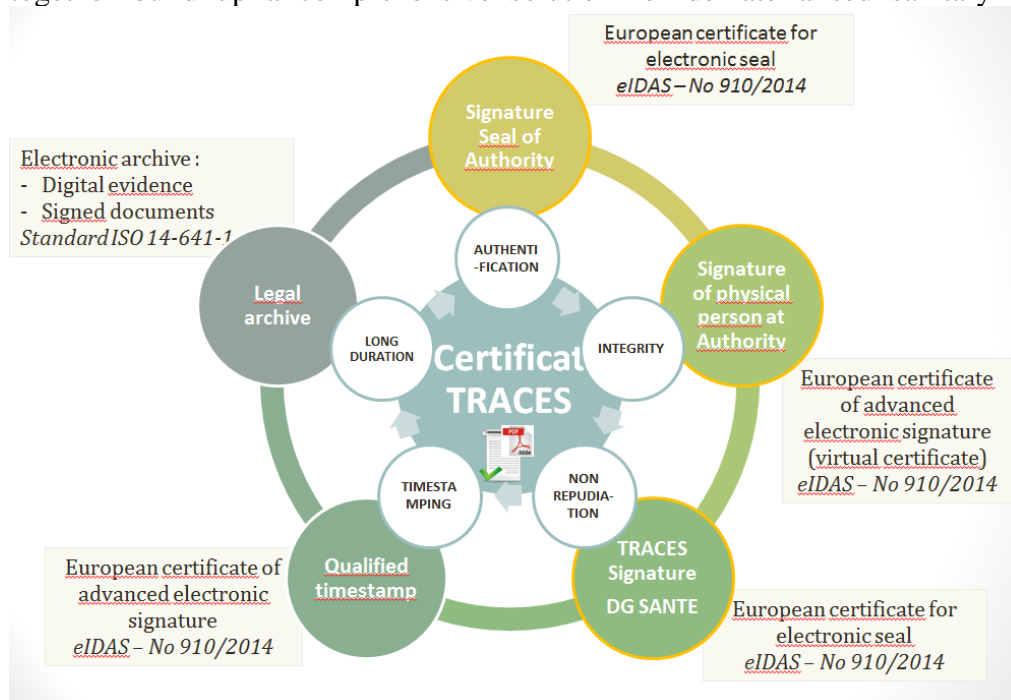
The above business sequence document has to be interpreted the following way:

- Two documents are processed in this sequence (illustrated in the thick green line on the upper part of the page):
 - **Import Certificate** (issued , signed and stamped by the exporting non-EU Country Officer to export goods in the EU/EFTA)
 - **Official Entry Document** (issued, signed and stamped by the EU/EFTA Authority Officer at border inspection post on the basis of the Import Certificate and potential control of the goods)
- In practice, economic operators (transitaires) prepare the Import Certificate which is submitted (part 1 of the document) to, and signed-stamped (part 2 of the document) by the competent authority of the Third country (or country of origin)
- In practice, the EU Member States Authority can clone most of the data from the Import Certificate to prepare the corresponding Official Entry Document. The MS Authority Officer can thus sign and stamp the Official Entry Document.

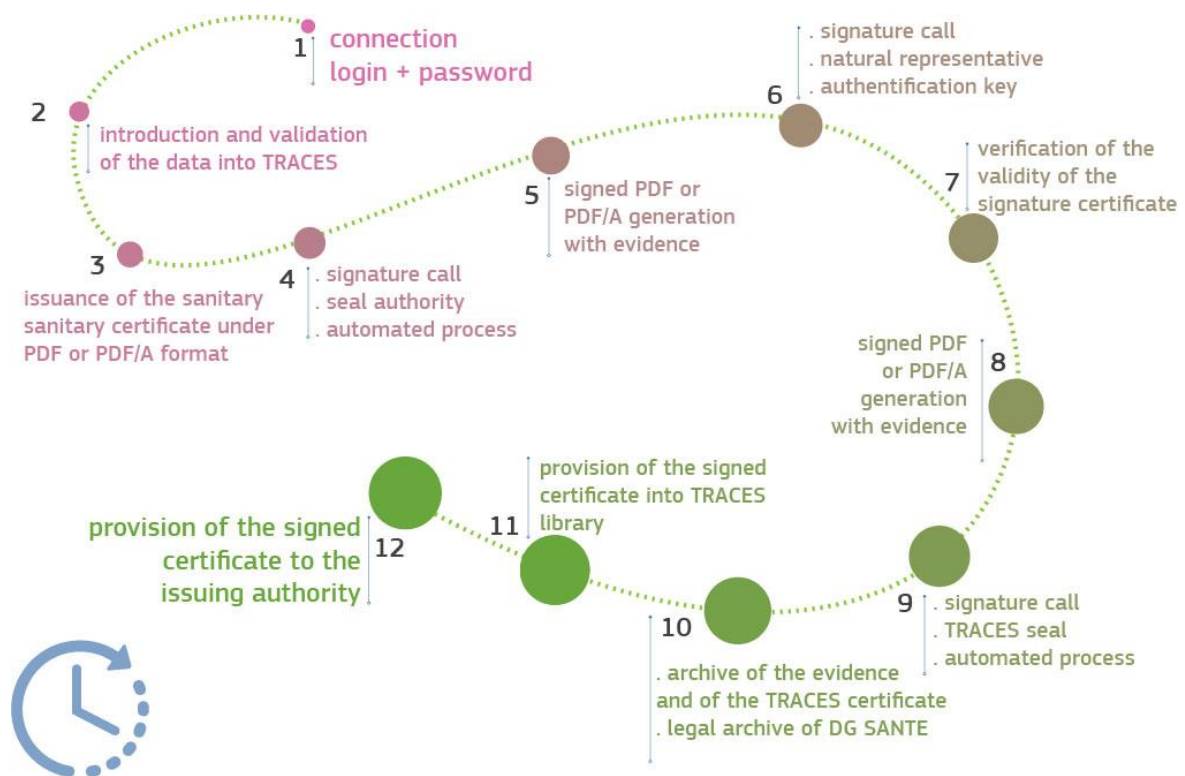
The above slide is explained more in detail in the TRACES Toolkit at https://circabc.europa.eu/webdav/CircaBC/SANTE/Traces%20Toolkit/Information/traces_toolkit_en.html and the associated TRACES systems' videos tutorial of each sequence can be played via a Flash enabled browser. Please refer to the "Non-EU country" section of the TRACES Toolkit to reproduce the sequences of the above business sequence if interested to know more.

2.5.2. Typical eSignature sequences (for Import certificate and Official entry document)

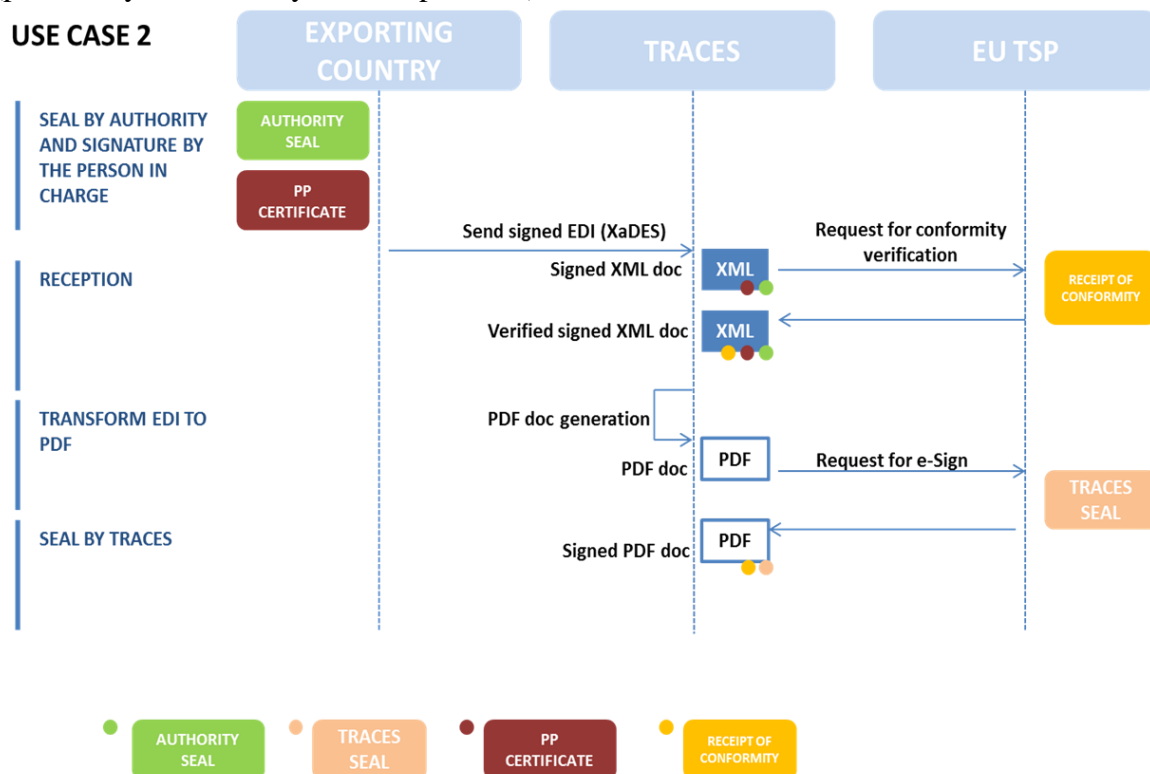
The following picture illustrates the various components envisaged and how they will together build up a comprehensive solution for dematerialised sanitary certificates.



The following “**USE CASE 1**” picture illustrates how e-certification could occur through the TRACES system in the case of a process fully executed within the TRACES system:



The next picture “**USE CASE 2**” illustrates how the flow of signature might occur in the case where a country has his own sanitary certificate system with an eSignature capacity (potentially delivered by another provider):



2.6. Commitment by the European Commission acting as the Contracting Authority

The contracting authorities commit to provide the following input:

- Contact of the participating responsible authorities from non-EU and EU/EFTA countries.
- Commitment of these authorities
- Full collaboration with our development team for the integration of the business processes and the programmatic interfaces exposed by the service provider (the TRACES and TRACES NT systems are managed under the direct control of European Commission staff using intra and extra-muros contractants. We can then ensure quick and efficient communication and technical collaboration with the service provider selected by this procedure). The integration work of the TRACES and TRACES NT systems with the APIs of the service provider selected by this tender will be done under the responsibility of the Commission and is out of scope of this framework contract except for the support needed by the service provider and the correct function of these APIs and their compliance to the expected performances.
- Gradual implementation starting with a pilot with 2 to 5 third countries and 3 to 5 Member States and a progressive generalisation.

2.7. Expected deliverables

The main deliverable will be the operation of the eSignature service for our TRACES users-stakeholders.

In order to structure the performance of the framework contract, the supplier should at a minimum commit to produce:

- A functioning electronic seal and an Advanced to Qualified electronic signature process and system compliant to the requirements listed in the requirement table above (chapter 2.2) including online service allowing the safe association (and dissociation) of an advanced to qualified electronic certificate used for 'physical person' signature and its owner, as well as renewal, revocation (when relevant). Optionally a face-to face service can complement this offer. Alternatively, on-the-fly certificates can be proposed if respecting the level of signature required (advanced to qualified)
- Clear organizational and documentation describing the organization of the service and its requirements as well as the project methodology chosen. (electronic copy only is allowed)
- A project charter describing the steps of the project of this service delivery (electronic copy only is allowed)
- Clear and complete technical documentation describing the programmatic interface or trusted redirections exposed by the service provider in order to integrate the signature and seal services with TRACES and TRACES-NT (electronic copy only is allowed)
- A support (helpdesk) service available for end users and the programmatic interfaces used for the integration of TRACES in the solution.
- User's manuals and online help resources for the service rendered by the contractor. Once the solution is integrated in TRACES, the way TRACES is used to sign sanitary certificate will be documented by the Commission for the TRACES' users.

- A playground allowing the complete testing and simulation of the solution both for organisational (for electronic certificate delivery and/or identity verification and association) and technical matters (integration of the various release of TRACES in test and acceptance phases).
- A final transmission of all the assets collected during the framework contract in a form allowing a potential transfer to another service provider offering similar services.
- The contractor must provide that all documentation needed for the execution of this framework contract (including technical documentation) can be provided in English or French.
- All the assets described in specification item 6 (Long term proof management) above will remain the property of the legal entity which produced them and the European Commission. They will be subject to be retrieved by the European Commission and/or transferred to another third party offering similar services than the one selected in this tender.
- A cost model allowing the establishment of the future invoicing (and that will be fed by the effective consumption of the e Signature service by TRACES and the TRACES users).
- Only during the Award phase of this call for tender: A technical environment and an assistance allowing the quick establishment of a proof of concept (see Chapter 4.6)

In addition, the supplier should commit to produce the reporting documents defined in the specific contracts – indicative reporting requirements:

- Two intermediate reports per year describing the progress made and the effective usage of the various assets contracted and analyzing the performance as availability, transaction time, etc. (electronic copy only is allowed). The performances will be compared to the performances that the provider will commit to respect as proposed in response to this tender. These intermediate reports will be linked to payment metrics and should be associated with the invoices.
- Monthly progress meetings will be held and could be organized by video-conference or webconference means. Minutes of these meetings will be drafted by the contractor.
- A final report summarizing the whole activity and lessons learned (electronic copy only is allowed)

3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

N.A.

4. EVALUATION AND AWARD

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- Selection of tenderers on the basis of selection criteria

- Verification of compliance with the minimum requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The Contracting Authority will assess these criteria in the no particular order.

Tenderers who have submitted a tender will receive within 15 days after the opening meeting, an invitation to perform with the Commission's TRACES team a proof of concept, provided their offer is admissible.

The successful tenderer must pass all criteria to be awarded the framework contract.

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex IV), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, all subcontractors must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on 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 case of joint tender and to all subcontractors.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

4.2. Selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

The tender must include the proportion of the contract that the tenderer intends to subcontract during implementation of the specific contracts.

Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex IV), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

After contract award, the successful tenderer will be required to provide the evidence mentioned below before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to subcontractors whose capacity is necessary to fulfil the selection criteria.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

4.3. Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

4.4. Economic and financial capacity criteria

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

- **Criterion F1:** Minimum total score of 8 points for financial capacity ratios (assets and liability; see below); this criterion applies to each member of the group in case of joint tender.

Evidence to be provided:

- Copy of the profit and loss accounts and balance sheets for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;

For contracts with a value of 135,000 EUR or more, tenderers (and in case of a consortium, the consortium leader and the consortium members) are also requested to fill in the 'simplified balance sheet' and the 'simplified profit and loss accounts' enclosed in the 'Simplified Presentation' form in Annex VI for the last year for which accounts have been closed. Alternatively, the tenderers may fill in only the fields marked in bold and the ones marked in italics. All amounts must be expressed in Euro using the conversion rate of the month of the publication of the tender.

On the basis of the data from the 'Simplified Presentation' form in Annex VI, a number of values and ratios will be calculated in order to evaluate the economic and financial capacity of the tenderers.

The following values will be calculated:

Value	Formula/source	Unfavourable if:
own funds	from the balance sheet	negative
	own funds - paid-up capital	negative
working capital	permanent capital - fixed assets	negative
gross operating surplus	from the P&L accounts	negative
net result	from the P&L accounts	negative
self-financing capacity (SFC)	net result after tax + amortization – capitalized production	negative

Following ratios are calculated:

Ratio	Formula	Unfavourable if	Average if	Favourable if
general liquidity	current assets/short-term debts	below 1	between 1 and 1.25	Above 1.25
financial independence	own funds/total liabilities	below 0.20	between 0.20 and 0.40	above 0.40
indebtedness	own funds/medium & long-term debts (MLT)	below 0.30	between 0.30 and 0.60	above 0.60
coverage of deposits and borrowed funds by the SFC	SFC / MLT debts	below 0.25	between 0.25 and 0.50	above 0.50
profitability	gross operating surplus / turnover	below 0.10	between 0.10 and 0.20	above 0.20

Each type of evaluation has a corresponding scoring (number of points) as follows:

Scoring	
Unfavourable value/ratio	0 points
Favourable value	1 point
Average ratio	1 point
Favourable ratio	2 points

In order to meet the financial capacity criterion, the tenderer must obtain a score of at least 8 points (out of a total of 16 points), which corresponds to 50% of the maximum number of points.

If, for some exceptional reason which the contracting authority considers justified, the tenderer or candidate is unable to provide the references requested by the contracting authority, or if he feels that the financial viability check does not provide an accurate picture of his organisation's financial status, he may prove his economic and financial capacity by any other means which the Commission considers appropriate.

4.5. Technical and professional capacity criteria and evidence

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below.

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private. The statements issued by the clients must be provided on request.

-Criterion A1: The tenderer must prove that he is a recognised eSignature trusted third party provider able to deliver and manage Advanced and Qualified eSignatures and that he has a proven and solid experience in the field of Electronic Seal and electronic Signature services in the scope, extent and coverage as described in Chapter 2.

Evidence A1: the tenderer must provide the documents and verifiable references that prove its capacity to deliver such a service at a geographical level matching at least our minimum geographical requirement. The tenderer should provide references for at least 3 projects delivered in these fields in the last three years with a minimum value per project of €200.000.

-Criterion A2: The tenderer must commit and prove his capacity to deliver all Mandatory and Minimum Requirement items from the table Requirement Table in chapter 2.2.

Evidence A2: the tenderer must provide references for projects delivered in the last three years showing capacity to deliver such requirements.

-Criterion A3: The tenderer must prove capacity to work in two EU official languages including at least English.

Evidence A3: the tenderer must provide references for at least 3 projects delivered in the last three years showing the necessary language coverage.

4.6. Award criteria

The framework contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

4.6.1. Award criterion 1 :

Quality of the proposed solution (50 points - – minimum score 50%)

This criterion will assess the way the project of integrating electronic seal and signature solutions in our context is understood and prepared.

Better scores will be given to solutions which:

- Show credibility on their feasibility
- Show ability to deploy the solution in the shortest possible time frame
- Allow the better possible level of signature (qualified signature will receive highest score)
- Propose the largest possible language coverage above the minimum required
- Propose the largest possible geographical coverage above the minimum required
- Propose the largest capability to validate third party electronically signed document or transaction

It will be based on the analysis of the project methodology, structure, content and geographical extension proposed by the service provider.

4.6.2. Award criterion 2 :

Quality of the content of the Service Level Requirement (20 points – minimum score 50%)

This criterion will assess the content of the standard Service Level Requirement that the service provider is delivering to its clients and proposed in their offer.

4.6.3. Award criterion 3 :

Assessment of the proof of concept (30 points – minimum score 50%)

All tenderers will be invited to prepare and perform with the Commission's TRACES team a proof of concept. The cost of this proof of concept will not be reimbursed by the Commission. The assessment of this phase will be done on the following criteria:

- Ease of use of the procedure and interfaces allowing online registration of the participants and the effectiveness of the eSignature process (for both legal and physical entities) – 20 points
- Ease of integration with the TRACES and TRACES NT systems – 10 points
- Responsiveness of the solution once implemented and integrated – 10 points

Tenders must score minimum 50% for each criterion and sub-criterion, and minimum 70 % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

4.6.4. Scenario to establish a financial offer

Scenario: The table below is detailing a scenario that will be used to compute a comparable price between the various offers. As this is exposing basic electronic signature facts, this scenario is independent of the cost model exposed by each supplier.

However, the cost model will have to be explained in detail in the offers.

	2017	2018	2019	2020	2021
Setup and integration with TRACES & TRACES NT	1	0	0	0	0
eSEAL non-EU countries' authorities	10	35	50	50	50
eSEAL EU countries' authorities	150	225	300	300	300
Certificate for physical persons non-EU	250	900	1500	1.500	1.500
Certificate for physical persons EU	500	200	2.500	2.500	2.500
eSEAL TRACES	1	1	1	1	1
Number of documents to be signed-eSealed	25.000	300.000	600.000	600.000	300.000
Signature by eSEAL authorities	25.000	300.000	600.000	600.000	300.000
Signature by physical person	25.000	300.000	600.000	600.000	300.000
Signature by eSEAL TRACES	25.000	300.000	600.000	600.000	300.000

Comments on table:

- This is a scenario that might be close to the expected reality of this framework contract. However, the usage rate is dependent on numerous and various factors and this scenario does not represent any commitment of the Commission to consume the electronic signature assets. During the performance of the specific contracts the effective invoicing (fed by the effective consumption of the e Signature service) will be computed according to the same cost model used to compute the above scenario and proposed in the responses of this tender. In consequence, the cost model should cover the complete range of possible consumptions related to our business case including the scenario above.
- In case the signature transaction cost for the two main use cases considered are different (see USE CASE 1 and USE CASE 2 in chapter 2.5.2), it should be considered that the number of transactions covered by USE CASE 1 represents 90% of the total estimated yearly transactions and the number of transactions covered by USE CASE 2 represents 10% of the total estimated yearly transactions.
- For column 2017: the effectiveness of the electronic signature will begin by the 1st of July (contact signed by March, setup finished in April, distribution of certificates in May-June and training in June (this last one managed by the Commission). Only some pilots will be allowed with no more than 3 to 5 non-EU countries and as many EU/EFTA countries interested
- For column 2018: Gradually enlarge the scope of the signature to more non-EU and EU countries
- For column 2019: Full implementation of the eSignature in TRACES
- For column 2020: Full implementation of the eSignature in TRACES
- For column 2021: Full implementation but during half year as the contract cannot be longer than 4years.

Each supplier is requested to produce a price for the complete activity expressed on the table above (2017 to 2021) with yearly detail and a detailed explanation of the cost model allowing the reconstitution of this total price. This total price will be used as ‘price of tender X’ in the formula for the evaluation in chapter 4.6.2.

Please note that this cost model fed with effective consumption of the service by TRACES and TRACES’ users is the exact model that will be used for the future establishment and verification of the invoicing.

4.6.5. Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 50/50 is given to quality and price.

score for tender X	=	cheapest price	*	100	*	price weighting (in 50%)	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting (in 50%)
		price of tender X								

The tender ranked first after applying the formula will be awarded the framework contract;

5. SPECIFIC CONTRACTS

The award of the specific contracts is done on the basis of request of services by the Contracting Authority. The services requested will be based on the detailed breakdown of prices attached with Annex V and technical specifications.

Annexes :

Annex I - Tender submission form

Annex II - Financial Identification form

http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

Annex III - Legal identification :

Privacy Statement

Legal Entity form - Private Company

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

Annex IV – Declaration on honour concerning exclusion and selection criteria

Annex V - Financial offer

Annex VI - Simplified financial statements

Annex VII - Draft Framework Contract

Annex VIII: Document check list

Annex IX : Template power of attorney