

## **ANNEX A**

### TENDER SPECIFICATIONS

F-SE-19-T01

Provision of web services for the European Union Agency  
for Fundamental Rights (FRA)

# Annex A – Tender Specifications

## 1. Description of the contract

The subject of this call for tender is the provision of web services to the European Union Agency for Fundamental Rights (FRA or the contracting authority), including analysis, design and software development.

## 2. Division into lots

This tender is divided into two (2) Lots, as follows:

**Lot 1: Provision of Intranet Web Services.** The subject of this lot is the provision of software development and maintenance related to the contracting authority's intranet applications intranet.

**Lot 2: Provision of Internet Web Services.** The subject of this lot is the provision of software development and maintenance of the contracting authority's internet facing applications, like its website and other web applications available to the public and its stakeholders.

Tenderers can apply for one or more lots. However, a separate tender must be submitted for each lot, and each tender must cover all the tasks in the lot to which it refers. Submission of a tender for only some of the tasks to be performed under the contract will lead to the rejection of the tender.

## 3. Purpose of the tender

The purpose of this invitation to tender is to award mixed multiple framework contract(s) for the provision of the services as specified in Annex A.1 - Technical Specifications, in the form of separate but identical contracts with a maximum of 5 contractors, provided that there is a sufficient number of tenders that have access to the procurement, are not excluded, satisfy the selection criteria and award criteria and comply with the tender specifications.

Mixed multiple framework contracts are implemented through specific contracts awarded either:

- on the basis of objective conditions determined in the procurement documents (cascade mechanism) for specific contracts up to EUR 60,000.00 or
- through re-opening of competition for specific contracts above EUR 60,000.00, for which all contractors will be invited to compete on the basis of the same or, if necessary, more precisely formulated terms. The objective conditions for the award of specific contracts through reopening of competition are specified in section 18.2 below.

Framework contracts involve no direct commitment and do not constitute orders per se. Instead, they laid down the legal, financial, technical and administrative provisions concerning the relationship of the contracting authority and the contractors during their periods of validity.



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### 4. Place of delivery or performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in Annex A.1 Technical Specifications.

### 5. Duration

The contract resulting from the present call for tenders shall enter into force the date on which it is signed by the last contracting party.

The framework contract(s) will have an initial duration of 12 months from the date of signature and may be renewed up to 3 times for an additional period of 12 months each time. The contract shall be renewed automatically under the same conditions, unless written notification to the contrary is sent by one of the contracting parties and received by the other before expiry of the period indicated in the Draft Framework Contract (Annex B). Renewal does not imply any modification or deferment of existing obligations. The duration of the framework contract(s) shall not exceed 48 months.

### 6. Volume

The maximum contract amount is EUR 1,050,000.00, excluding VAT. In particular, the volume per lot, excluding VAT, is:

- Lot 1: EUR 250,000.00
- Lot 2: EUR 800,000.00

Within three years following the signature of the resulting framework contract(s), the contracting authority may exercise the option to increase the estimated contract amount via negotiated procedure for the provision of new services consisting in the repetition of similar services with the economic operator to whom the contract is awarded, provided these are in conformity with the basic project as per Point 11.1 (e) of Annex 1 of the Financial Regulation<sup>1</sup>.

### 7. Contractual conditions

The tenderer should take full account of the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, retention money guarantee, confidentiality, and checks and audits.

### 8. Compliance with applicable law

The tender must comply with applicable data protection, 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/EU<sup>2</sup>.

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<sup>1</sup> Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012.

<sup>2</sup> 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).



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### 9. Terms of payment

The payment arrangements governing the contract(s) resulting from the present call for tenders are detailed in the relevant articles of Annex B – draft contract. Tenderers are strongly advised to carefully read those articles before submitting their tenders.

### 10. Financial guarantees

Guarantees are not applicable to this contract.

### 11. Participation in the tendering procedure

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<sup>3</sup>.

For tenderers established in the United Kingdom:

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the terms of any Withdrawal Agreement. In case such access is not provided by the legal provisions in force, tenderers from the UK could be rejected from the procurement procedure.

### 12. 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. Changes in the composition of the consortium or group of companies must be expressly authorised by the contracting authority.

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.

All members of the consortium or group of companies must provide a declaration on honour on exclusion and selection criteria duly dated and signed by an authorised representative.

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<sup>3</sup> Please note that the European Union Agency for Fundamental Rights is not part of the Agreement on Government Procurement (GPA) concluded within the World Trade Organisation. Therefore, the Agency's procurement procedures are not open to tenderers from GPA countries.



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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.

Joint tenders will be assessed as follows as regards the exclusion and selection criteria:

- The exclusion criteria will be assessed in relation to each economic operator individually.
- The selection criteria for economic and financial capacity will be assessed in relation to the consortium or group of companies as a whole.
- The selection criteria for technical and professional capacity will be assessed in relation to the consortium or group of companies as a whole.

### 13. Subcontracting

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

Any intention to subcontract part of the contract must be clearly stated by the tenderer in Annex C. Tenderers must indicate the maximum percentage of the contract they intend to subcontract and the identity of those subcontractors they intend to work with. They should fill-in the subcontracting statement even in the case they do not intent to subcontract part of the contract.

For each subcontractor identified in the tender, tenderers must provide a Letter of Intent signed by the subcontractor stating their unambiguous undertaking to collaborate with the tenderer.

Offers involving subcontracting will be assessed as follows:

- The exclusion criteria of all identified subcontractors whose intended share of the contract is above 10% will be assessed. The declaration on honour on exclusion criteria and selection criteria included in Annex C, duly signed and dated, stating that the subcontractor is not in one of the exclusion situations, must be provided by each identified subcontractor.
- Where the tenderer relies on the economic, financial, technical and professional capacity of the identified subcontractor(s) to meet the selection criteria, subcontractors shall be treated as if they were partners in a consortium or a group of companies for the purposes of the evaluation of the selection criteria, and therefore, they shall provide proof of economic, financial, technical and professional capacity as well.
- Subcontractor(s) should select the 'N/A' option in their individual declaration when the tenderer does not rely on their economic, financial, technical and professional capacity.



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Tenderers must inform the subcontractor(s) and include in their Letter of Intent that the provisions referring to checks and audits included in the draft contract (Annex B) may be applied to them.

Once the contract has been signed, the provisions regarding subcontracting included in the draft contract will apply. The contracting authority retains the right to approve or reject the proposed subcontractors.

If the tender includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after the deadline for submission. Withdrawals must be unconditional and will end all participation in the tender procedure.

Any such notification of alteration or withdrawal must be prepared and submitted in accordance with the instructions on how to submit tenders included in the Invitation to tender, and the envelope must also be marked with "alteration" or "withdrawal" as appropriate.

### **14. Variants**

Variant solutions are not allowed and will not be taken into consideration.

### **15. Evaluation and award**

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

- phase I: verification of non-exclusion of tenderers on the basis of the declaration on honour on exclusion criteria
- phase II: selection of tenderers on the basis of compliance with the selection criteria
- phase III: verification of compliance with the minimum requirements and evaluation of tenders on the basis of the award criteria
- phase IV: contract award on the basis of the award method

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 tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.



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### 15.1 Verification of non-exclusion (Phase I)

All tenderers must provide a declaration on their honour as per the model included in see Annex C, signed and dated by duly authorised legal representative, stating that they are not in one of the situations of exclusion listed in that declaration of honour<sup>4</sup>.

The successful tenderer will be asked to provide evidence as defined in the declaration on honour (including exclusion and selection criteria) 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 whose share of the contract is above 10% and whose capacity is necessary to fulfil the selection criteria.

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

The successful tenderer (or a member of the group in case of joint tender, or a subcontractor) will not be 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 successful tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure<sup>5</sup>, indicate the reference of the procedure and confirm that there has been no change in its situation.

If a specific document can be accessed by the contracting authority on a national database free of charge, the successful tenderer (or a member of the group in case of joint tender, or a subcontractor) will need to include the link to the source and will not be required to submit the document.

If the tenderer is unable to provide the documents requested within the period specified by the contracting authority and cannot therefore prove that it is not in one of the situations of exclusion, the tender may be rejected and the contracting authority reserves the right to sign the contract with another tenderer.

### 15.2 Selection of tenders on the basis of compliance with selection criteria – Phase II

The aim of this phase is to assess whether tenderers have sufficient economic and financial capacity and sufficient technical and professional capacity to perform the contract. Offers from tenderers not meeting the selection criteria will not be taken into account for the award criteria.

#### 15.2.1 Legal and regulatory capacity

Not applicable.

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<sup>4</sup> Articles 136 and 137 of Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012

<sup>5</sup> This has to be understood as limited to those procurement procedures awarded by the contracting authority.



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### 15.2.2 Economic and financial capacity

The tenderer must have the necessary economic and financial capacity to perform this contract until the end. In order to prove their capacity, the tenderer must demonstrate the following:

#### Lot 1: Provision of Intranet Web Services

A minimum annual average turnover for the last two (2) financial years of at least **125,000.00 EUR**. This criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of the group or consortium and identified subcontractors in case of a joint tender.

The tenderer shall provide the following evidence:

- (a) A statement of the annual average turnover of the tenderer (or the consortium or members of the group in case of a joint tender) for the last two (2) financial years, as per the template provided in Annex C. In case of a joint tender, the annual average turnover for each of the partners shall be presented but the sum of the annual turnovers of each partner will be taken into account to reach the minimum above.
- (b) Copy of the financial statements (balance sheets, and profit and loss accounts) for the last two (2) financial years for which accounts have been closed, to demonstrate that the above minimum annual average turnover is met by the tenderer (or by the consortium or group of tenderers as a whole in case of joint tender).

#### Lot 2: Provision of Internet Web Services

A minimum annual average turnover for the last two (2) financial years of at least **400,000.00 EUR**. This criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of the group or consortium and identified subcontractors in case of a joint tender.

The tenderer shall provide the following evidence:

- (a) A statement of the annual average turnover of the tenderer (or the consortium or members of the group in case of a joint tender) for the last two (2) financial years, as per the template provided in Annex C. In case of a joint tender, the annual average turnover for each of the partners shall be presented but the sum of the annual turnovers of each partner will be taken into account to reach the minimum above.
- (b) Copy of the financial statements (balance sheets, and profit and loss accounts) for the last two (2) financial years for which accounts have been closed, to demonstrate that the above minimum annual average turnover is met by the tenderer (or by the consortium or group of tenderers as a whole in case of joint tender).

If, for some exceptional reason which the contracting authority considers justified, a tenderer is unable to provide the above documents, it may prove its economic and



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financial capacity by any other document which the contracting authority considers appropriate. In any case, the contracting authority must at least be notified of the exceptional reason and its justification. The contracting authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

An economic operator may, where appropriate and for a particular contract, rely on the economic and financial capacities of other entities, regardless of the legal nature of the links 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 the performance of the contract, for example by producing a commitment by those entities to that effect. In that case, the contracting authority may require that the economic operator and the entities referred to above are jointly liable for the performance of the contract.

### 15.2.3 Technical and professional capacity (per lot)

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must have the necessary technical and professional capacity to perform this contract until the end.

(a.1) For each lot, tenderers must comply with the minimum educational and professional qualifications, skills, experience and expertise of the team delivering the services as per the profiles described below.

Profile	Minimum education and professional experience required
Project Manager	<ul style="list-style-type: none"><li>• University degree or secondary education followed by 8 years of professional experience</li><li>• Minimum 6 years of professional experience in IT</li><li>• Minimum 4 years of professional experience in IT Project Management</li><li>• Excellent knowledge of written/spoken English (minimum level C1 based on the Common European Framework of Reference (CEF))</li></ul>
Senior Analyst	<ul style="list-style-type: none"><li>• University degree or secondary education followed by 6 years of professional experience</li><li>• Minimum 4 years of professional experience in IT</li><li>• Minimum 3 years of professional experience in technical analysis tasks (e.g. analysis and programming, databases, web application development, etc.) and working with at least 3 of the products, technologies and tools listed in Section 4 of Annex A.1 Technical Specifications for the corresponding lot</li></ul>



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	<ul style="list-style-type: none"> <li>• Good knowledge of written/spoken English (minimum level B2 based on the Common European Framework of Reference (CEF))</li> </ul>
Senior Developer	<ul style="list-style-type: none"> <li>• University degree or secondary education followed by 6 years of professional experience</li> <li>• Minimum 4 years in web development and database experience working with at least 3 of the products, technologies and tools listed in Section 4 of Annex A.1 Technical Specifications for the corresponding lot</li> <li>• Good knowledge of written/spoken English (minimum level B2 based on the Common European Framework of Reference (CEF))</li> </ul>
Developer	<ul style="list-style-type: none"> <li>• University degree or secondary education followed by 5 years of professional experience</li> <li>• Minimum 3 years of professional experience in web development and database experience working with at least 3 of the products, technologies and tools listed in Section 4 of Annex A.1 Technical Specifications for the corresponding lot</li> <li>• Good knowledge of written/spoken English (minimum level B2 based on the Common European Framework of Reference (CEF))</li> </ul>
Graphic Interface Designer/User Experience Expert	<ul style="list-style-type: none"> <li>• Complete training courses on web design and/or user experience or 4 years of proven professional experience in web design and/or user experience</li> <li>• Minimum 3 years of professional experience in web design and/or user experience</li> <li>• Good knowledge of written/spoken English (minimum level B2 based on the Common European Framework of Reference (CEF))</li> </ul>
Instructional Designer ( <u>only for Lot 2</u> )	<ul style="list-style-type: none"> <li>• Minimum 2 years of professional experience designing web-based courses for learners</li> <li>• At least two (2) projects using e-learning development tools and software</li> <li>• Excellent knowledge of written/spoken English (minimum level C1 based on the Common European Framework of Reference (CEF))</li> </ul>



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Evidence must consist in CVs in Europass format and signed selection grids as per the template provided in Annex C of at least the profiles described in the table above.

The minimum number of CVs per profile per lot to be presented at the time of submitting the tender is as follows:

Profile	CVs for Lot 1	Cvs for Lot 2
Project Manager	1	2
Senior Analyst	1	2
Senior Developer	2	3
Developer	2	3
Graphical Interface Designer	1	2
Instructional designer	--	1

The same CV can be proposed for each Lot, but the same CV can only cover one of the above profiles. All CVs proposed must meet the minimum educational and professional requirements per profile described above for the lot for which they are proposed.

(a.2) For each lot, tenderers are requested to demonstrate that the CVs presented have knowledge and professional experience, collectively as a team, in all the products, technologies and tools listed in Section 4 of Annex A.1 Technical Specifications for the corresponding lot.

Evidence shall take the form of a table showing how the different profiles presented under (a.1) cover the products, technologies and tools requested for each lot. Tenderers are free to propose additional CVs to cover the products, technologies and tools listed in Section 4 of Annex A.1 Technical Specifications.

(b) As regards its technical capacity, tenderers are required to prove that they have performed:

For Lot 1, at least three (3) projects in the last five (5) years (counting backwards from the deadline for submission of tenders) in the field of intranet web services for an amount of at least EUR 62,500.00 each. The sum of the contract value of several specific contracts or order forms within a framework contract can be considered to meet the total amount required.

For Lot 2, at least three (3) projects in the last five (5) years (counting backwards from the deadline for submission of tenders) in the field of internet web services for an amount of at least EUR 200,000.00 each. The sum of the contract value of several



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specific contracts or order forms within a framework contract can be considered to meet the total amount required.

Evidence must consist in project references with the sums, dates and clients, public or private in the form included in Annex C, to demonstrate compliance with the minimum requirement above. Successful tenderers will be required, before contract signature, to provide the corresponding statements issued by the clients or contracting authorities or any other relevant documentary evidence acceptable to the contracting authority.

An economic operator may, where appropriate and for a particular contract, rely on the technical and professional capacities of other entities, regardless of the legal nature of the links 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 the performance of the contract, for example by producing a commitment by those entities to that effect.

An economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

A contracting authority may conclude that an economic operator does not possess the required professional capacity to perform the contract to an appropriate quality standard where the contracting authority has established that the economic operator has conflicting interests which may affect negatively its performance.

### **16 Assessment of tenders – Phase III**

The aim of this phase is to verify the compliance of the tenders with the minimum requirements and to evaluate, from the technical and the financial points of view the offers submitted by the tenderers.

#### **16.1 Verification of compliance with the minimum requirements set out in Annex A.1 Technical Specifications and compliance with the applicable law.**

In their technical offers, tenderers must show compliance with the minimum requirements set out in Annex A.1 Technical Specifications. Tenderers must declare compliance with the minimum requirements of the technical specifications and with the applicable law (as per section 8 above) in the form provided in Annex C.

Compliance with these minimum requirements will be assessed. Offers deviating from the minimum requirements or not covering all the minimum requirements shall be rejected on the basis of non-compliance and will not be evaluated further.

#### **16.2 Technical evaluation**

The quality of the tender will be evaluated based on the following criteria and their corresponding weightings. In their technical proposals, tenders must include all the information required by the contracting authority to evaluate their tenders, as described below:



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### **Lot 1: Provision of intranet web services**

Technical Award criteria/sub-criteria	Weighting in %
<p><b>Criterion A. Scenario for a Fixed price service request</b></p> <p><u>Context:</u></p> <p>The contracting authority wants to develop a new information system in the domain of Portfolio and Project Management.</p> <p><u>Description of activities:</u></p> <ul style="list-style-type: none"> <li>• Analysis and design model of the information system including architecture and database model</li> <li>• Development of the system</li> <li>• Testing</li> <li>• Installation and configuration</li> <li>• Technical documentation</li> <li>• Handover of the development</li> </ul> <p><u>Delivery time:</u></p> <p>The timeframe for the development of the system is 6 months.</p> <p><u>Technologies:</u></p> <p>The information system should be developed using Office 365 including SharePoint and Project online including reporting.</p> <p>Tenderers should prepare a technical proposal for Scenario A including the following:</p>	<b>50</b>
<p>A.1 The methodology and approach to be used to analyse, develop and test the information system, namely, Portfolio and Project Management System.</p> <p>It should include a description:</p> <ul style="list-style-type: none"> <li>• of the processes, tools and practices to automate as much as possible the code-test-build-release cycle including: tight integration between development, quality assurance and operations, continuous integration, Test automation, Deployment automation;</li> <li>• of the security provisions in place when connecting to the contracting authority's staging and production Microsoft cloud based environments.</li> </ul> <p>Maximum size: 4,000 words</p>	20
<p>A.2 The proposed methodology to establish the composition of the team for the development of the Portfolio and Project Management system</p> <p>Maximum size: 2,500 words</p>	30
<p>A.3 Quality of service level agreement describing the :</p> <ul style="list-style-type: none"> <li>• Incident response and resolution times according to priority, inside and outside business hours.</li> <li>• Request response and resolution times according to priority, inside and</li> </ul>	30



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outside business hours. Maximum size: 3,000 words	
A.4 The methodology to be used for the hand-over of the application including documentation and source code. Maximum size: 2,500 words	20
<p><b>Criterion B. Scenario for a Quoted Times and Means service request</b></p> <p><u>Context:</u></p> <p>The contracting authority wishes to contract the technical support and maintenance of its Document Management System (DMS) and intranet. The task of this service is to assure technical support and corrective maintenance enhancing existing features of the information systems.</p> <p><u>Description of the activities:</u></p> <ul style="list-style-type: none"> <li>• Technical support following the requests received by the contracting authority. This includes handling of requests for maintenance and enhancing existing features</li> <li>• Corrective maintenance i.e. resolving bugs of the information system as they arise</li> <li>• Reporting on the number of requests and their status on a monthly basis.</li> </ul> <p>The contractor must perform all activities at its premises and then deploy them to the contracting authority's infrastructure.</p> <p><u>Delivery time and resources:</u></p> <p>The duration of the requested services is 12 months and the number of foreseen person-days per year is 200 of which 40 person-days relate to corrective maintenance and the rest to technical support and enhancements.</p> <p><u>Technologies:</u></p> <p>The information systems are based on Microsoft SharePoint 2016.</p> <p>Tenderers should prepare a technical proposal for Scenario B including the following:</p>	50
B.1 The methodology to be used to take over the application from the contracting authority and/or its current contractor. Maximum size: 3,000 words	20
<p>B.2 The proposed methodology of how regular technical support and maintenance of the information systems will be optimally carried out. The proposal shall include at least:</p> <ul style="list-style-type: none"> <li>• the proposed output in terms of availability of the system and response time</li> <li>• procedures and tools to achieve the above results</li> <li>• methodology and tools for reporting, monitoring and resolving issues,</li> </ul>	20



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<p>incident management</p> <ul style="list-style-type: none"> <li>the composition of the team and a quantitative estimation of the contractor's resources needed</li> </ul> <p>The proposal should take into account FRA'S current technologies and technical environment as described in sections 4 and 5 of Annex A.1 Technical Specifications.</p> <p>Maximum 3,000 words</p>	
<p>B.3 The description of the methodology to be used to establish and operate a Helpdesk function to address corrective maintenance requests (resolution of bugs) of the information system.</p> <p>Maximum 3,000 words</p>	60
<b>TOTAL Criterion A + Criterion B</b>	<b>100</b>

### **Lot 2: Provision of internet web services**

<b>Technical Award criteria/sub-criteria</b>	<b>Weighting in %</b>
<p><b>Criterion A: Scenario for a Fixed Price service request</b></p> <p><u>Context:</u></p> <p>The contracting authority wants to upgrade its website content management system (CMS). The new content management system must be able to offer the following features:</p> <ul style="list-style-type: none"> <li>Responsive design – the website managed by the CMS must work on all types of device (desktop, laptop, tablet, smartphone) by default.</li> <li>The CMS should offer tools to allow editors to ensure that all content and user data complies with the General Data Protection Regulation (GDPR).</li> <li>Website editors should be able to easily add multilingual content in all 24 official EU languages.</li> <li>The website must have a high degree of accessibility (conformant with Web Content Accessibility Guidelines - WCAG 2.0 level AA).</li> <li>It must be easy to migrate content from the existing CMS to the new CMS.</li> </ul> <p><u>Description of activities:</u></p> <ul style="list-style-type: none"> <li>Analysis of the contracting authority's requirements for the new CMS</li> <li>Selection of candidate systems and identification of the system that best meets the requirements</li> <li>Installation and configuration of the system</li> <li>Content migration</li> </ul>	<b>50</b>



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<ul style="list-style-type: none"> <li>• Accessibility testing and usability testing of the system</li> <li>• Provision of documentation and training</li> </ul> <p><u>Timeframe:</u></p> <p>The timeframe for the above activities is 12 months</p> <p><u>Technologies:</u></p> <p>The new CMS may use any technologies, provided that they meet the following conditions: all technologies used by the system must be a) modern b) supported and c) not require the Contracting Authority to pay any license fees for their use.</p> <p>The system will be hosted on the hardware provided by the Contracting Authority's web hosting contractor.</p> <p>Tenderers should prepare a technical proposal for Scenario A including the following:</p>	
<p>A1. The methodology and approach used to analyse the Agency's system requirements and to determine the system best fitting those requirements</p> <p>Maximum 4,000 words</p>	50
<p>A2. The proposed organisation of the team and allocation of responsibilities to be put in place to deliver the project requirements</p> <p>Maximum 2,500 words</p>	40
<p>A3. The methodology used for the installation and configuration, testing and hand-over of the new CMS, including documentation and training</p> <p>Maximum 3,000 words</p>	10
<p><b>Criterion B: Scenario for a Quoted Times and Means service request</b></p> <p><u>Context:</u></p> <p>The contracting authority wishes to contract the technical support and maintenance of the Statistical Software and the Survey Software hosted on its web servers. The Statistical Software generates web statistics of usage of the Contracting Authority's website. The Survey Software is used for surveys run by the Contracting Authority.</p> <p>The objective of this service request is to assure technical support, corrective maintenance and evolutive maintenance of the Software as described above.</p> <p><u>Description of activities:</u></p> <ul style="list-style-type: none"> <li>• Technical support following the requests received by the Contracting Authority. This includes handling of requests for maintenance and enhancing existing features.</li> <li>• Corrective maintenance i.e. resolving bugs in the systems as they arise</li> <li>• Reporting on the number of requests and their status on a monthly basis</li> </ul> <p>The contractor must perform all activities at its premises and then deploy</p>	50



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<p>them to the contracting authority's infrastructure.</p> <p><u>Delivery time and resources:</u></p> <p>The timeframe for the implementation of the activities above is 12 months and the estimated number of person-days is 75.</p> <p><u>Technologies:</u></p> <p>The principal technologies used by the systems are Piwik/Matomo, Limesurvey, PHP, MySQL and Apache web server.</p> <p>Tenderers should prepare a technical proposal for Scenario B including the following:</p>	
<p>B1. The methodology and approach used to analyse, develop and test the activities requested by the contracting authority</p> <p>Maximum 4,000 words</p>	50
<p>B2. The proposed organisation of the team and allocation of responsibilities to be put in place to deliver the project requirements</p> <p>Maximum 2,500 words</p>	40
<p>B3. The description of the methodology and tools used to report and follow-up the requested activities</p> <p>Maximum 3,000 words</p>	10
<b>TOTAL Criterion A + Criterion B</b>	<b>100</b>

For each criterion (and sub-criterion) a number of points in a range between 0 to 100 points will be given. A tender can reach a maximum of 100 points per criterion and a maximum of 100 points in total. After the application of the corresponding weightings per criterion and sub-criterion as per the grid above, tenders scoring less than 60% in the total overall points or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure.

### 16.3 Financial evaluation

Tenderers financial offers will be evaluated on the basis of the following financial award criteria and their corresponding weighting:

#### Lot 1 - Provision of Intranet Web Services

Financial award criteria/sub-criteria Lot 1	
Profiles	Weighting in %
<b>A. Fixed price and Quoted Times and Means profiles (extramuros)</b>	<b>95</b>



## Annex A – Tender Specifications

Project Manager	10
Senior Analyst	10
Senior Developer	45
Developer	30
Graphical Interface Designer	5
<b>B. Times and Means profiles (intramuros)</b>	<b>5</b>
Project Manager	2
Senior Analyst	5
Senior Developer	60
Developer	30
Graphical Interface Designer	3
<b>TOTAL A + B</b>	<b>100</b>

### Lot 2 - Provision of Internet Web Services

Financial award criteria/sub-criteria Lot 2	
Profiles	Weighting in %
<b>A. Fixed price and Quoted Times and Means profiles (extramuros)</b>	<b>95</b>
Project Manager	10
Senior Analyst	10
Senior Developer	42
Developer	30
Graphical Interface Designer	5
Instructional Designer	3



## Annex A – Tender Specifications

<b>B. Times and Means profiles (intramuros)</b>	<b>5</b>
Project Manager	5
Senior Analyst	5
Senior Developer	50
Developer	30
Graphical Interface Designer	5
Instructional Designer	5
<b>TOTAL A + B</b>	<b>100</b>

The financial award criteria above will be applied as follows: firstly, the tender with the lowest price per item (item i) will receive 100 points for that item. The remaining tenders will receive their financial points per item in accordance with the following formula:

$$FP_{ix} \text{ (Financial points for item } i \text{ of tender } X) = (\text{lowest price for item } i / \text{price for item } i \text{ of tender } X) * 100$$

Secondly, the financial points for each item will be weighted and finally, the result for tender X (FR<sub>x</sub>) will be calculated by summing the weighted financial points according to the formula below:

$$\sum_{i=1}^4 (w_i * FP_{ix})$$

### 17 Information about prices

Tenderers must include their prices in the Financial Offer Form included in Annex C. When filling in the Financial Offer Form, tenderers must take into consideration that prices shall be:

- expressed in euro. For tenders in countries which do not belong to the euro zone, tenderers shall quote their prices in euro and the price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an exchange rate and assume the risks or benefits deriving from any variation.
- inclusive of all costs and expenses, directly and indirectly connected with the goods and/or services to be supplied/provided and including all the charges, unless otherwise stated in the tender documents, except for Times and Means orders, **where travel costs from the tenderer's place of establishment to the contracting authority's premises in Vienna (Austria) and the corresponding daily and accommodation allowances, will be reimbursed separately to the contractor** in accordance with the provisions stated in article 1.5.3 and 2.22 of the Draft Framework Services Contract (Annex B).



## Annex A – Tender Specifications

- free of all duties and taxes (in particular VAT). According to Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the European Union Agency for Fundamental Rights is exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted; the VAT amount must be indicated separately.

For the **cascade mechanism**, the prices provided in the Financial Offer Form represent fixed prices per profile.

For the **reopening of competition**, the prices provided in the Financial Offer Form represent maximum prices per profile. Contractors will be able to apply lower prices per profile when presenting their financial offers for the award of a particular reopening of competition.

Prices shall be fixed and not subject to revision during the first year of performance of the contract. From the beginning of the second year of performance of the contract, each price may be revised upwards or downwards each year in accordance with the provisions of the draft contract in Annex B.

The services supplies the financial offer refers to are intended to provide a fair, non-discriminatory basis for evaluation purposes. Consequently, cannot under any circumstances be considered to constitute a commitment on the part of the contracting authority to conclude specific contracts for the related services and quantities, and cannot give rise to any right of legitimate expectation on the part of the contractor.

### **18 Award – Phase IV**

#### **18.1 Framework contract(s) award**

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:

*Score for tender X = (financial score of tender X \* 40 %) + (total quality score (out of 100) for all award criteria of tender X \* 60 %)*

The framework contract(s) shall be awarded to the first 5 ranked tenders, which comply with the Tender Specifications and are submitted by tenderers with access to procurement, not in an exclusion situation and fulfilling the selection and award criteria.

#### **18.2 Award of specific contracts**

Under the cascade mechanism (up to EUR 60,000.00), the ranking will determine the sequence in which the contractors will be offered specific contracts. The implementation of the framework contract under the cascade mechanism is described in detail in Annex A.1 Technical Specifications.



## Annex A – Tender Specifications

Under the re-opening of competition mechanism (above EUR 60,000.00), all framework contractors will be invited to compete for the award of specific contracts during the implementation of the framework contract, unless one of the contractors falls into a situation that could give rise to a professional conflicting interest, as provided for in Article II.7 of the Draft framework contract.

Specific tenders awarded through re-opening of competition will be evaluated on the basis of the following technical award criteria:

<b>Technical Award criteria for re-opening of competition</b>	<b>Weighting in %</b>
A.1 Quality of the technical solution proposed for the delivery of the services	<b>50</b>
A.2 Quality of the project implementation time schedule and of the proposed allocation of tasks and responsibilities to the project team	<b>30</b>
A.3 Quality of the monitoring measures proposed to ensure a timely and efficient delivery of the services	<b>20</b>
<b>TOTAL</b>	<b>100</b>

For each criterion, a number of points in a range between 0 to 100 points will be given. A specific tender can reach a maximum of 100 points per criterion and a maximum of 100 points in total. After the application of the corresponding weightings per criterion as per the grid above, specific tenders scoring less than 60% in the total overall points or less than 50% in the points awarded for a single criterion will be excluded from the rest of the re-opening of competition evaluation.

Financial offers for specific tenders under re-opening of competition shall be lower than or equal to the maximum unit prices per profile per type of contract offered in response to the present open call for tenders.

The specific contract will be awarded to the specific tender presenting the best quality/price ratio determined by the formula below:

$$\text{Score for specific tender } X = (\text{financial score of specific tender } X * 60 \%) + (\text{total quality score (out of 100) for all award criteria of tender } X * 40 \%)$$

The implementation of the framework contract under re-opening of competition is described in detail in Annex A.1 Technical Specifications.

### **19 Information to tenderers on the outcome of the tender and means of redress**

The contracting authority will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to recommence the procedure.



## Annex A – Tender Specifications

The contracting authority will inform as soon as possible all tenderers whose tenders are rejected of the reasons for their rejection. If a written request is received by the unsuccessful tenderers who are not in an exclusion situation, who are not rejected from the procurement procedure for misrepresentation of information or distortion of competition, and whose tender is compliant with the procurement documents, the contracting authority will inform, as soon as possible and in any case within not more 15 calendar days from the date on which the written request is received, about the characteristics and relative advantages of the successful tender(s) and the name of the tenderer(s) to whom the contract(s) is awarded.

However, certain information may be withheld where its release would impede law enforcement, would be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them.

Tenderers may submit any observations concerning the procurement procedure to the contracting authority using the contact details under Heading I.1 of the contract notice. If tenderers believe that there is maladministration, they may lodge a complaint to the European Ombudsman within two years of the date from which they become aware of the facts which form the basis for the complaint (see <http://www.ombudsman.europa.eu>).

Within two months of notification of the outcome of the procedure (award decision), tenderers may launch an action for its annulment. Any request tenderers may make and any reply from the contracting authority, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment nor open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated under Heading VI.4.1 of the contract notice.

### **20 No obligation to award the contract**

The tender procedure shall not involve the contracting authority in any obligation to award the contract. No compensation may be claimed by tenderers whose tender has not been accepted, including when the contracting authority decides not to award the contract.

### **21 Cancellation of the tender procedure**

In the event of cancellation of the tender procedure, tenderers will be notified of the cancellation by the contracting authority. If the tender procedure is cancelled before the outer envelope of any tender has been opened, the unopened and sealed envelopes will be returned to the tenderers.

In no event shall the contracting authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure even if the contracting authority has been advised of the possibility of damages.



## Annex A – Tender Specifications

### 22 How to submit the tender

Tenderers applying for more than one lot must submit a separate tender for each lot. The tenders must be presented in three parts:

#### Part 1 – Administrative Proposal

In the Administrative Proposal, tenderers must include all the information and documents required by the contracting authority for the assessment of tenderers on the basis of the exclusion and selection criteria described above. For that purpose, tenderers must fill and sign the following documents using the forms included in Annex C:

##### Section A: Tenderers Identification

- Tenderers identification form (administrative details). If the tenderer is a consortium or a group of companies, only the leader must fill in the form.
- Legal Entities Form, to be signed by a representative of the tenderer authorised to sign contracts with third parties. There is one form for individuals, one for private entities and one for public entities. If the tenderer is submitting a joint offer, a Legal Entities Form must be submitted by each consortium or group member. It also has to be submitted by each identified subcontractor whose intended share of the contract is above 10% of the total contract value.
- Bank Identification Form filled in and signed by an authorised representative of the tenderer and its banker. In case of a joint offer, only one of the members of the consortium or group of companies, usually the leader, must complete the Bank Identification Form.
- Power of Attorney (in case of joint offers). In case of a joint offer, the power of attorney has to be signed by the leader and all consortium partners, preferably in a single document.
- Statement on Subcontracting, indicating the intention of the tenderer to subcontract part of the contract and the percentage of subcontracting per identified subcontractor.
- Letter of Intent of identified subcontractors, only if the tenderer intends to subcontract part of the contract.

##### Section B: Exclusion Criteria information

- Declaration on honour on exclusion and selection criteria. To be submitted by each consortium or group member in case of joint tenders and by each identified subcontractor whose intended share of the contract is above 10% of the total contract value.

##### Section C: Selection criteria

Besides the signed declaration on exclusion and selection criteria, tenderers should include in their tenders:



# Annex A – Tender Specifications

## Section C.1: Legal and Regulatory capacity

- Not applicable

## Selection C.2: Economic and Financial capacity

- Statement on the annual average turnover for the last 2 financial years
- Copy of the financial statements (balance sheets, and profit and loss accounts) for the last two (2) financial years

## Section C.3: Technical and Professional Capacity

- Educational and professional qualifications of the profiles requested in Annex A.1 Technical Specifications (CVs and selection grids)
- List of relevant services performed in the last 5 years

## **Section D: Compliance with minimum requirements and applicable law**

- Compliance with minimum requirements form

## **Part 2 – Technical proposal**

In the Technical Proposal, tenderers must include all the information required by the contracting authority for the evaluation of tenders on the basis of the technical award criteria described in the corresponding sections of these Tender Specifications. Tenderers should elaborate on all points addressed in Annex A.1 Technical Specifications in order to obtain as many points as possible. The mere repetition of mandatory requirements set out in Annex A.1, without going into details or without giving any added value, will only result in a low number of points. In addition, if certain essential points of Annex A.1 are not expressly covered by the tender, the contracting authority may decide to give a zero mark for the relevant qualitative award criteria.

The technical offer must be written with a lay person in mind. The style and presentation must, as far as is possible, be simple and clear, and free of jargon that obscures rather than promotes meaning to readers unfamiliar with it.

The technical proposal must be included in a separate envelope clearly marked as "Technical Offer". Please note that there is no specific form to present your Technical Offer. However, it should be drawn up following the instructions above.

## **Part 3 – Financial Proposal**

In the Financial Proposal tenderers must indicate their financial offers by completing the Financial Offer Form included in Annex C (Section F). Prices must be included in accordance with the instructions given in the corresponding sections of these Tender Specifications. The Financial Proposal must be included inside a separate envelope clearly marked as "Financial offer".



## Annex A – Tender Specifications

### 23 Data protection

If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the call for tenders by the Agency, as data controller, represented by its Director. Details concerning the processing of your personal data are available in the privacy statement at: [https://ec.europa.eu/info/data-protection-public-procurement-procedures\\_en](https://ec.europa.eu/info/data-protection-public-procurement-procedures_en).

The tenderer's personal data may be registered in the Early Detection and Exclusion System (EDES) if the tenderer is in one of the situations mentioned in Article 136 FR. For more information, see the Privacy Statement on [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)).

### 24 Intellectual Property Rights (IPR)

The tenderer is strongly advised to carefully read the IPR clauses included in Annex B draft contract regarding modes of exploitation of the results and ownership and transfer of pre-existing rights.

In the tender, all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including the date and place, creator, number, full title, etc.) in a way allowing easy identification.

