



EUROPEAN COMMISSION  
JOINT RESEARCH CENTRE

Support Services  
**Budget Execution**

# **European Commission**

## **Call for tenders JRC/IPR/2019/OP/0039**

### **Online subscription to the SAE Mobilus platform for access by JRC staff**

**Open procedure**

### **Tender specifications**

### **Part 1: Administrative annex**

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## 1. INFORMATION ON TENDERING

### 1.1. Who may submit a tender

Participation in this call for tenders 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 shall be noted that the Agreement on Government Procurement<sup>1</sup> concluded within the World Trade Organisation does not apply to the services requested under this call for tenders.**

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

To enable the *Contracting authority* to verify the access to procurement, tenderers must indicate their country of establishment when registering in the Participant Register (see Section 1.2) and be ready to present the supporting evidence normally acceptable under the law of that country.

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 the Withdrawal Agreement. In case such access is not provided by legal provisions in force tenderers from the UK could be rejected from the procurement procedure.

### 1.2. Participant Register

Any economic operator willing to submit a tender for this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons participating in European Commission's calls for tenders or proposals (participants).

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other European Commission's calls for tenders or calls for proposals.

At any moment during the procurement procedure the Research Executive Agency Validation Services (hereafter the EU Validation Services) may contact the participant and ask for supporting documents on legal existence and status [and financial capacity]. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly.

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<sup>1</sup> [https://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm).

The documents that may be requested by the EU Validation Services are listed in [the EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

**Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.**

### **1.3. How economic operators can organise themselves to submit a tender**

Economic operators can submit a tender either as a sole tenderer or as a group of tenderers. In either case subcontracting is permitted.

In order to fulfil the selection criteria set out in Section 2.3 the tenderer can rely on the capacities of subcontractors or other entities (not subcontractors).

The role of each entity involved in a tender (hereafter referred to as *involved entity*) must be clearly specified: sole tenderer, member of a group or Group leader, subcontractor or an entity on whose capacities the tenderer relies to fulfil the selection criteria. This applies also where the involved entities belong to the same economic group.

#### **1.3.1. Joint tenders**

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them. The group as a whole is considered a tenderer<sup>2</sup>.

All members of the group assume joint and several liability towards the *Contracting authority* for the performance of the contract as a whole.

The joint tender must clearly indicate the role and tasks of each member and designate one of them as a *Group leader* acting as the *Contracting authority's* contact point for the contract's administrative or financial aspects and operational management. The *Group leader* will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the *Contracting authority* shall sign the contract with the Group leader, authorised by the other members to sign the contract on their behalf via a power of attorney.

#### **1.3.2. Subcontracting**

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the *Contracting authority* for performance of the contract as a whole.

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<sup>2</sup> References to tenderer or tenderers in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

All contractual tasks may be subcontracted unless the *Technical specifications* expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract, if known at the time of submission of the tender, and identify subcontractors (*identified subcontractors*) meeting **any** of these conditions:

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 2.3;
- whose individual share of the contract is above 20 (where the subcontracting share is known at the time of submission).

### 1.3.3. Reliance on a third party for fulfilment of selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter signed by the authorised representative of such an entity.

If the contract is awarded to a tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity, the *Contracting authority* may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required (i.e. the latter will assume the role of subcontractors).

## 2. EVALUATION AND AWARD

### 2.1. Order and basis of evaluation

Tenders that comply with the submission conditions of the call for tenders will be first checked for access to procurement (see Section 2.2) and then evaluated.

The evaluation will consist of the following evaluation steps:

- 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 Tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The Contracting authority will perform the abovementioned evaluation steps in the order that it considers to be the most appropriate. If a tenderer fails an evaluation step, its tender will be

rejected and not evaluated further. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. The successful tenderer(s) must pass all evaluation steps to be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the *Contracting authority* during the procedure. If any of the declarations or information provided proves to be false, the *Contracting authority* may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

The *Contracting authority* shall evaluate tenders as follows:

- Exclusion and selection criteria shall be evaluated on the basis of a signed and dated *Declaration(s) on Honour on Exclusion and Selection criteria* (Annex 1) to be provided at tender submission stage as evidence of non-exclusion and fulfilment of selection criteria (Section 2.2. and 2.3) and, if applicable, on the basis of the information and evidence requested and provided with the tender or during the procurement procedure.
- Compliance with the minimum requirements and award criteria shall be evaluated on the basis of the Administrative documents (Section 3.1), and the Financial offer (Section 3.4).

Where the value of the awarded contract is equal to or above EUR **144,000**, the successful tenderer **shall** be required to provide before contract signature and within a deadline given by the *Contracting authority* the following documentary evidence:

- Supporting documents of non-exclusion listed in the *Declaration on Honour on Exclusion and Selection criteria*. In case of a joint tender this evidence must be provided by each member of the group, the *identified subcontractors* (Section 1.3.2) and other entities whose capacity is being relied upon for fulfilment of the selection criteria (Section 1.3.3).
- Evidence of legal and regulatory, financial and economic and technical and professional capacity specified in Section 2.3 of this document. For joint tenders, subcontracting or reliance on third parties for the fulfilment of the selection criteria, the evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

The *Contracting authority* reserves the right to require the above documentary evidence at any time during the procurement procedure and contract performance. Failure to provide the requested evidence may lead to the tender being rejected.

An economic operator participating in the procurement procedure is not required to submit:

- *the declaration on honour on exclusion criteria* if the same declaration has already been submitted for the purposes of another award procedure of the European Commission,

provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year. In such cases, Sections I-VI of the *Declaration on Honour on Exclusion and Selection criteria* do not need to be completed provided that the date of the previous declaration and the full reference to the previous procedure are indicated in the relevant part of the *Declaration*.

- ***documentary evidence for exclusion or selection criteria*** already submitted for the purposes of another award procedure of the European Commission, provided that any such documents submitted as evidence of absence of an exclusion situation are still valid and the time elapsed since their issuing date does not exceed one year, whereas any documents submitted as evidence of fulfilment of the selection criteria are still up-to-date. In such cases, the document(s) already submitted and the full reference(s) to the previous procedure(s) must be indicated in the relevant parts of the *Declaration on Honour on Exclusion and Selection criteria*.
- A ***specific document*** which the *Contracting authority* can ***access on a national database free of charge***. In such cases, the *Contracting authority* shall be provided with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

International organisations are exempt from the obligation to submit supporting documents of non-exclusion.

## 2.2. Exclusion criteria

The objective of the exclusion criteria is to assess whether an economic operator is allowed to participate in the procurement procedure or to be awarded the contract.

Tenderers will be rejected from the procurement procedure if they are in any of the situations listed in Article 136(1) of [the Financial Regulation](#). Where the tenderer is a legal person, certain exclusion situations apply also to the natural persons having power of representation, decision-making or control over the tenderer and to natural or legal persons assuming unlimited liability for the debts of the tenderer. All these situations are explicitly described in the *Declaration on Honour on Exclusion and Selection Criteria*.

To verify if an economic operator participating in the procurement procedure is in an exclusion situation the *Contracting authority* may consult [the Early Detection and Exclusion System](#) or, where this is necessary to ensure the proper conduct of the procedure, require the supporting evidence listed in the *Declaration on Honour on Exclusion and Selection Criteria*.

## 2.3. Selection criteria

The objective of selection criteria is to assess the capacity of the tenderer to carry out the work subject to this procurement procedure. This includes legal and regulatory, economic, financial, technical and professional capacity.

### 2.3.1. Legal and regulatory capacity

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

The legal and regulatory capacity shall be proven by the evidence listed below:

- Proof of enrolment in a relevant trade or professional register

### 2.3.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last two financial years above <b>EUR 40,000</b> .
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
<b>Evidence</b>	Copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

**The evidence of economic and financial capacity listed below does need not be provided with the tender but may be requested at any time during the procedure. Please note that a request for evidence in no way implies that the tenderer has been successful.**

### 2.3.3. Technical and professional capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Criterion T1	
<b>The tenderer must prove experience in the field of providing online access to electronic information resources.</b>	
<b>Minimum level of capacity</b>	At least 1 similar (in scope and complexity) project completed in the last three years preceding the tender submission deadline.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .

<b>Evidence</b>	A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.
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**The evidence of technical and professional capacity listed below does need not be provided with the tender but may be requested at any time during the procedure and contract performance. Please note that a request for evidence in no way implies that the tenderer has been successful.**

#### 2.4. Verification of compliance with Tender Specifications

The aim of this verification is to assess the compliance of the tender with:

- (1) The administrative formalities of the call for tender set out in the *Tender Specifications: Part 1 - Administrative Annex*.
- (2) The minimum technical requirements set out in the *Tender Specifications: Part 2 - Technical Specifications* (hereafter *Technical Specifications*).

For requirements, standards, brand names, processes or formats named in the Technical Specifications fully equivalent objects shall be accepted unless otherwise specified. It shall be for the tenderer to justify this full equivalence.

Tenders may be considered non-compliant with the Tender Specifications if they:

- do not cover all or deviate from the minimum requirements of the Technical Specifications,
- propose a solution different from the one prescribed in the Technical Specifications (variants are not allowed),
- contain an incomplete or inconsistent financial offer,
- propose a price exceeding the maximum budget set or an abnormally low price,
- do not comply with the 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/EU](#), as well as compliance with data protection obligations resulting from Regulation (EU) [2016/679](#).

These tenders may be rejected on the basis of non-compliance with the Tender Specifications and will not be further evaluated.

#### 2.5. Award criteria

The objective of the award criteria is to evaluate the [technical and] financial offer with a view to choosing the most economically advantageous tender in accordance with the award method indicated below.

### - **Lowest price award method**

The contract shall be awarded to the tender that offers the lowest price, complies with the Tender Specifications and is submitted by a tenderer which is not in an exclusion situation and fulfils the selection criteria.

The price considered for evaluation will be the total price of the tender, covering all the requirements as set out in the Tender Specifications.

## **2.6. Ranking and award**

Tenders shall be ranked in ascending order of the total price considered for evaluation, with the lowest price tender being ranked first.

## **3. STRUCTURE AND CONTENT OF THE TENDER**

Tenders are to be submitted via the e-Submission application according to the instructions laid down in the Invitation to tender letter and the [e-Submission Quick Guide](#).

Tenders shall include the following documents.

### **3.1. Administrative documents**

- Tender report: a document generated by e-Submission and listing all the documents included in the tender. It must be signed by the tenderer or the group leader in case of a joint tender.
- Cover letter signed by an authorised representative of the tenderer (in case of joint tenders an authorised representative of each member or only of the leader duly authorised by the other members). The letter must clearly indicate:
  - the name of the tenderer, including the names of all members of the group in case of a joint tender, as well as their tasks during contract performance,
  - the tender reference number and title,
  - if applicable, the names of *identified subcontractors* and entities on whose capacity the tenderer relies for fulfilling the selection criteria, as well as their tasks during contract performance,
  - the period of tender validity (in the absence of such indication the *Contracting authority* shall assume that the tender is valid at least for the minimum validity period set in the Invitation letter),
  - confirmation of acceptance of all terms and conditions of the Tender Specifications and the Draft Contract,
  - indication whether the tenderer (each member in case of a joint tender) is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#) (this information is used for statistical purposes only).

- Evidence confirming that the person signing the cover letter and other documents on behalf of the tenderer is so authorised (e.g. copy of notice/publication of appointment or extract from trade register). Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- (if applicable) Evidence that the leader of the joint tender is authorised to sign the cover letter and, if the joint tender is successful, the contract on behalf of the other members of the group.
- (if applicable) Document proving the commitment of subcontractors/third parties on whose capacity the tenderer relies for fulfilling the selection criteria and confirming that the tenderer will have at its disposal the resources necessary for the performance of the contract.

### 3.2. Non-exclusion and selection

As evidence of non-exclusion and fulfilment of selection criteria the following documents **must** be provided with the tender:

- *Declaration on Honour on Exclusion and Selection criteria* (Annex I), duly filled in<sup>3</sup>, signed and dated by an authorised representative of:
  - the tenderer (each member of the group in case of joint tender), and
  - (if applicable) each identified subcontractor (Section 1.3.2), and
  - (if applicable) each third party on whose capacity is being relied for fulfilment of the selection criteria (Section 1.3.3).

### 3.3. Technical offer

No specific technical offer is required. The tenderers have to provide confirmation that they are able to perform the tasks required and described in the technical specifications, including 15 simultaneous users (points 2.2 and 2.3 of the Technical Specifications).

### 3.4. Financial offer

A complete financial offer needs to be uploaded. The annual amount should be clearly indicated. During the contract execution, the annual amount can be revised only according to the contract provisions.

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the relevant field of the e-Submission application corresponds to the amount indicated in the uploaded

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<sup>3</sup> Sections I-VI of the *Declaration on Honour on Exclusion and Selection criteria* do not need to be completed if the same Declaration has already been submitted for the purposes of another award procedure of the European Commission, see further Section 2.1 of this document.

financial offer. In case of discrepancies, only the amount indicated in the financial offer will be taken into account.

The financial offer must be:

- **fixed** (during contract performance the price may be revised only under the terms set out in the *Draft Contract*).
- **free of all duties, taxes (e.g. VAT) and charges** (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 of 8 April 1965 (OJ 152 of 13 July 1967)).

Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT must be shown separately. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT.

- **all-inclusive** (covering all requirements of the Tender Specifications), and
- **expressed 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).

Where these Tender Specifications require a document to be signed, the signature must be either hand-written, a qualified electronic signature or an advanced electronic signature based on a qualified certificate as defined in Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (the *eIDAS Regulation*).

For hand-written signatures see Section 1 of the Invitation to tender.

For electronic signatures see here: <https://ec.europa.eu/docsroom/documents/32342>.

## 4. ANNEXES

Annex 1: Declaration on Honour on Exclusion and Selection criteria