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OPEN CALL FOR TENDERS

“Cooperative Models for Public Private Partnerships (PPPs) and Information Sharing and Analysis Centres (ISACs)”

ENISA D-COD-17-T03

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*Offers via e-Submission portal **ONLY***

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PART 1 INTRODUCTION TO ENISA

1. Background on ENISA

1.1 Introduction

Electronic communications, infrastructure and services are essential factors, both directly and indirectly, in economic and societal development. They play a vital role for society and have in themselves become ubiquitous utilities in the same way as electricity or water supplies, and also constitute vital factors in the delivery of electricity, water and other critical services. Communications networks function as social and innovation catalysts, multiplying the impact of technology and shaping consumer behaviours, business models, industries, as well as citizenship and political participation. Their disruption has the potential to cause considerable physical, social and economic damage, underlining the importance of measures to increase protection and resilience aimed at ensuring continuity of critical services. The security of electronic communications, infrastructure and services, in particular their integrity, availability and confidentiality, faces continuously expanding challenges which relate, inter alia, to the individual components of the communications infrastructure and the software controlling those components, the infrastructure overall and the services provided through that infrastructure. This is of increasing concern to society not least because of the possibility of problems due to system complexity, malfunctions, systemic failures, accidents, mistakes and attacks that may have consequences for the electronic and physical infrastructure which delivers services critical to the well-being of European citizens.

1.2 Scope

The European Union Agency for Network and Information Security (ENISA, hereinafter 'the Agency') was established in order to undertake the tasks assigned to it for the purpose of contributing to a high level of network and information security within the Union and in order to raise awareness of network and information security and to develop and promote a culture, of network and information security in society for the benefit of citizens, consumers, enterprises and public sector organisations in the Union, thus contributing to the establishment and proper functioning of the internal market.¹

1.3 Objectives

The Agency's objectives are as follows:

- The Agency shall develop and maintain a high level of expertise.
- The Agency shall assist the Union institutions, bodies, offices and agencies in developing policies in network and information security.
- The Agency shall assist the Union institutions, bodies, offices and agencies and the Member States in implementing the policies necessary to meet the legal and regulatory requirements of network and information security under existing and future legal acts of the Union, thus contributing to the proper functioning of the internal market.
- The Agency shall assist the Union and the Member States in enhancing and strengthening their capability and preparedness to prevent, detect and respond to network and information security problems and incidents.
- The Agency shall use its expertise to stimulate broad cooperation between actors from the public and private sectors.

2. Additional Information

Further information about ENISA can be obtained on its website: www.enisa.europa.eu.

¹ Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004.

PART 2 TERMS OF REFERENCE

I. SCOPE OF THIS TENDER

Within the framework of this Open tender procedure, ENISA would like to find a suitably qualified contractor to provide the services as stipulated in the Terms of Reference outlined below.

Subject of the tender	Maximum budget
Good Practices and Recommendations on Cooperative Models for Effective Public Private Partnerships (PPPs) and Information Sharing and Analysis Centre (ISACs)	€40,000.00
PLEASE NOTE: <i>This tender procedure is limited to tenderers which are legally incorporated in a member state of the European Union/EEA, or which have an incorporated subsidiary in one of the EU/EEA member states. (The Agreement on Government Procurement (GPA) does not apply to EU Regulatory Agencies.)</i>	

Method of submitting tenders:	<i>e-Submission portal</i>	YES
	<i>Courier or postal service</i>	NO
	<i>By hand</i>	NO
	<i>By email</i>	NO

II. ELECTRONIC SUBMISSION OF OFFERS

Please see **ANNEX VIII** of this Tender for a quick description of the e-Submission application.



Access to the e-Submission application

If you are accessing a tender procedure linked to e-Submission via the e-Tendering platform *for the first time*, you will need to create a user account in the Commission system - 'EU Login' (formerly known as ECAS): <https://webgate.ec.europa.eu/cas/>

A '**Guide to creating an ECAS account**' is provided as Annex IX to this Tender.

A button "Submit your Tender" will be then displayed and you will be able to access the e-Submission application.

Before proceeding to fill in the tender details in the system, you need to accept the Terms & Conditions and acknowledge the Privacy Statement of the e-Submission application.

On-time submission of tenders

You are ***strongly advised*** not to wait until the last moment before the deadline to submit your tender. The process of uploading your documents and entering required data may take longer than anticipated.

It is highly recommended to give yourself a MINIMUM of 24 - 48 hours before the stated expiry date and time to upload your tender to e-Submission!

In case of any problems with the submission of your electronic tender, we recommend that you call the helpdesk in reasonable time before the time limit for receipt.

After submitting a tender, but within the time limit for receipt, you may still submit a new (updated) version of your tender. To do this, you should upload a new consolidated tender package containing corrected tender documents together with formal notification by email that the previous tender is withdrawn (to procurement@enisa.europa.eu).

Late receipt of your tender will lead to its exclusion from the award procedure for this contract.

Proof of receipt

You will receive a tender receipt confirmation in your e-Submission mailbox, including information about the timestamp put on your tender by the e-Submission system. This is considered as the official time of receipt and will constitute proof of compliance with the tender deadline.

Withdrawal of tender

If, after submission, you wish to withdraw your tender, you must send a duly signed letter, firstly by email to procurement@enisa.europa.eu as well as by registered post to the address below identifying the name and reference of the tender you wish to withdraw. This notification must be signed by the same authorised legal representative(s) who previously signed the tender in question.

Address

[Insert tender title and reference]

ENISA

For the attention of the Procurement Officer

1 Vasilissis Sofias street,

Maroussi 15124,

Greece

Get to know the e-Submission application

On the '**Help for e-Submission**' page of the application a detailed [User Manual](#), in each of the 24 languages of the European Union, is available that elaborates the system requirements and a step by step procedure to successfully submit a tender.

A **Quick Guide** can also be found on this Help page, summarising the User Manual (*the English version is included as Annex VIII of this tender*).

The 'Help for e-Submission' page is available at:

https://webgate.ec.europa.eu/supplier_portal_toolbox/esubmissionFileProject/files/BT3/spotsHelpPage_en.html

TEST environment for e-Submission application

In order to familiarise yourself with the system and to test whether your workstation configuration is working correctly with our environment, you are invited to access the **test environment**.

Select the first link if the Call for Tenders has NO LOTS, or the second link for a tender with LOTS.

For a tender with **NO** LOTS:

https://webgate.ec.europa.eu/supplier_portal_toolbox/spots/openSpots.do?CFTUUID=TEST_CFT-NO_LOTS&VERSION=1&CAID=5790001791483&screenWidth=1000&screenHeight=850

For a tender **WITH** LOTS:

https://webgate.ec.europa.eu/supplier_portal_toolbox/spots/openSpots.do?CFTUUID=TEST_CFT-3_LOTS_3&VERSION=1&CAID=5790001791483&screenWidth=1000&screenHeight=850

1. GENERAL DESCRIPTION OF THE REQUIRED SERVICES

According to the Network and Information Security (NIS) Directive, MS are required to develop National NIS Strategies to meet current and emerging cyber security threats. The EU Member States need to constantly develop and adapt their cyber security strategies and cooperate effectively to counter network and information security risks. National cyber security strategies (NCSS) are the main documents of nation states to set strategic principles, guidelines, and important objectives. Key objectives (among others) of a National Cyber Security Strategy² are Critical Information Infrastructure Protection and the establishment of effective PPPs.

Critical Information Infrastructure Protection (CIIP) is considered as a vital part of national cyber security strategy. At the same time, a large part of the critical infrastructure of Member States is managed by industry. Industry and government, therefore, work together to ensure that critical infrastructures are secure and resilient. In many Member States public and private organisations co-operate through Public Private Partnerships (PPPs) and Information Sharing and Analysis Centres (ISACs) in order to address CIIP.

EU Member States can bring together several key stakeholders including government departments, national agencies, regulators, and industry to gain experience by forming PPPs and ISACs. Many stakeholders have recognised economic and qualitative benefits through information sharing between co-operative public and private partnerships. Some of the PPPs have developed effective processes and various co-operative models.

Partnerships require a clear framework specifying the roles of the public and private sectors, their relationships and the areas for co-operation. If organisations are to face coherent, straightforward and effective regulatory and/or non-regulatory requirements, public-private co-ordination is considered a necessary step.

This year ENISA will focus on the collaboration objective of the NCSS. ENISA is supporting the Member States by developing good practices, recommendations and advice on effective cooperation by bringing together public and private entities. ENISA has already performed important work in the area by publishing the following studies:

- Desktop Research on Public Private Partnerships³
- Good Practice Guide on Cooperative Models for Effective PPPs⁴
- Cyber Security Information Sharing: An Overview of Regulatory and Non-regulatory Approaches⁵

As part of its Work Programme 2017, ENISA is looking to contract services that will perform a study regarding PPPs and ISACs, in order to collate information from the learning and experiences of existing PPPs and ISACs. This will use as an initial point the former ENISA reports, but will focus on developing new ideas and models on how to setup and run PPPs and ISACs. This study shall research the status of PPPs and ISACs in the MS, describe the characteristics of each model, provide good practices and recommendations, identify challenges and gaps and promote effective cooperation between public and private entities.

² <https://www.enisa.europa.eu/publications/ncss-good-practice-guide>

³ https://www.enisa.europa.eu/publications/copy_of_desktop-reserach-on-public-private-partnerships

⁴ <https://www.enisa.europa.eu/publications/good-practice-guide-on-cooperatve-models-for-effective-ppps>

⁵ <https://www.enisa.europa.eu/publications/cybersecurity-information-sharing>

1.1 Definitions

It must be noted that this tender aims at presenting challenges and effective approaches for PPPs and challenges and effective models for ISACs. These two collaboration types are distinct and this is evident from their definition.

Public Private Partnerships (PPPs)

The PPP is an organised relationship between public and private organisations, which establishes common scope and objectives, and uses defined roles and work methodology to achieve shared goals⁶.

Information Sharing and Analysis Centres (ISACs)

ISACs are defined as member-driven organizations that help critical infrastructure owners and operators to be protected by cyber and physical security threats and other hazards. ISACs collect, analyze and disseminate actionable threat information to their members and provide members with tools to mitigate risks and enhance resiliency. ISACs reach deep into their sectors, communicating critical information far and wide and maintaining sector-wide situational awareness.⁷

2. OBJECTIVES AND TASKS

Objectives:

The objectives of this project are the following:

- An overview of current PPPs and ISACs related to cyber security in the EU Member States.
- The identification of the common characteristics of PPPs and of ISACs (per collaboration type).
- The assessment of current cooperation models and approaches towards PPPs and the ISACs (per collaboration type) i.e. FI-ISAC.
- The identification of Common challenges that highlight the need for future investment in PPPs and ISACs.
- The development of good practices and recommendations to improve the status of effective collaboration between public and private stakeholders.

Target Audience and validation:

The target audience of this project comprises both public and private stakeholders with a policy and/or an operational role, for security and/or resilience of networks and information systems. Specifically, typical examples include policy makers, national regulatory authorities (public sector), critical service providers and critical systems operators (private sector), computer emergency response team (CERT) experts and others.

Validation of the deliverable will be performed either throughout the participation of stakeholders in workshops, organised by ENISA during the course of the project, or via written input.

The costs of participation in these workshops is out of the scope of this tender for the contractor.

⁶ <https://www.enisa.europa.eu/publications/ncss-good-practice-guide>

⁷ <http://www.nationalisacs.org/about-isacs>

The objectives of this tender are organised into the following tasks:

2.1 Task 1: Overview of PPPs and ISACs in the European Union

In this Task, the contractor shall collect information by performing a desk research of the available literature. In parallel, the contractor together with ENISA shall identify key experts from public and private entities and engage them to take part in this study by offering their expertise (participation to interviews/workshops, validating the results of the study). These key experts shall represent diverse examples of cooperation types for both PPPs and ISACs. The stakeholders list should be included in the offer that the contractor will submit.

The outcome of this Task shall lead to a mapping of the current status of PPPs and ISACs in the EU Member States and its cooperation models, rules and/or regulations.

For this task the contractor shall:

- Identify the roles of the stakeholders/experts involved in the study and their key characteristics (example: country, size, specific expertise, etc.)
- Identify the characteristics and the areas of cooperation within the PPPs and ISACs the stakeholders participate.
- Engage with national and international stakeholders in order to understand the models and approaches for PPPs and ISACs.
- Understand how the current European Policy (i.e. NIS Directive) affects PPPs and ISACs.
- Optimise effective regulatory and/or non-regulatory requirements that PPPs and ISACs need. The coverage of maximum number of the 28 MSs representatives is not obligatory but recommended.
- Develop a questionnaire and an interview guide to address the objectives and requirements set for this study.

The outcome of the desk research will be the first milestone of the project with the realisation of a first intermediate report (R1). It will also specify the key areas chosen. At this point, the contractor will also create a table of contents summarising in each chapter and subchapter the possible outcome of the study.

2.2 Task 2: Series of interviews and surveys

Task 2 should focus on interviews/survey based on the questionnaire created in Task 1 in order to validate the desktop research, collect good practices and challenges, assess the challenges and identify common models or approaches followed.

Note that for this task it might be useful to contact experts with emailed questions or an online survey. If needed, the contractor will implement the online survey using the ENISA tools – based on a short list of questions provided by the tenderer.

To complement the information gathered and to understand better the context of the information found in Task 1, the tenderer is expected to conduct telephonic interviews with relevant experts in each Member State. ENISA will participate in these calls to support the process.

We expect the tenderer to conduct interviews with **public and private** stakeholders from at least 12 Member States. The tenderer must deliver to ENISA all documents derived from this task such as the filled questionnaires together with the minutes from the interviews.

ENISA will also mobilise its network of contacts and institutional bodies (i.e. PSG, MB and NLOs) to identify relevant experts that could possibly help the contractor to enrich his/her list of identified experts/stakeholders.

In this task the tenderer should provide:

- Minutes of the interviews and information on the questionnaires
- A second intermediate report (R2) with enriched context from the first report (R1) and with a clear structure for the final deliverable (FD).

The survey, interviews and the analysis will be the second milestone of the project. The intermediate report R2 shall include the results of this task.

2.3 Task 3: Analysis of the Findings and Recommendations

Based on Tasks 1 and 2 the contractor shall analyse the information gathered from the desktop research and the interviews. In this task the contractor should, based on previous tasks, analyse the cooperative models between PPPs and ISACs, generate an overview of the current status in the EU MS, identify gaps and challenges, provide examples of good practices and develop recommendations.

For that purpose, the contractor shall:

- Analyse findings from the interviews.
- Consolidate previous findings.
- Integrate all findings in a final deliverable.
- Validate the results.
- Propose recommendations.

ENISA will support the contractor in the different subtasks. The contractor shall collaborate closely with ENISA throughout the elaboration of the study and agree on the chosen solutions.

The objective of Task 3 is the final deliverable (FD) “Cooperative Models for Public Private Partnerships (PPPs) and Information Sharing and Analysis Centres (ISACs)”.

The final report will be reviewed and validated by the tenderer in coordination with ENISA. Additionally, ENISA will engage Experts Group like the NCSS Expert Group⁸ and other relevant experts to act as reviewers. The tenderer is expected to update the report with the comments, suggestions and recommendations of ENISA and the external reviewers before issuing a final version.

2.4 Task 4 - Press Release and Deliverable Summary

Pursuant to delivering the final draft project deliverable, the successful contractor is expected to provide a media proposal in the form of a draft press release in English (max 1 page). This draft press release to be distributed to the Press and Media with little or no further editing will correspond to the draft project deliverable, and it will be drafted in language understood by lay people or a target audience specified by the Contracting Authority, if different; it should highlight the policy context and the relevance of the work carried out.

⁸ <https://resilience.enisa.europa.eu/enisas-ncss-project>

The prospective Contractor is also required to extend the findings and outcomes of the work (max 3 pages) to explain them in more policy and technical detail. This project deliverable summary will be used as background information for journalists to support the above-mentioned press release, as appropriate.

2.5 Task (on-going) Project management

We expect the prospective contractor to carry out appropriate project management, and to adopt a sound planning of time and resources, according to proven expertise and prior knowledge of the subject. Back plans in case of lack of resource or any non-predicted change, needs to be described in the offer.

We expect the prospective contractor to interact with ENISA staff regularly and to provide progress reports on a regular basis. The prospective contractor will need to send to ENISA a brief **monthly progress report** explaining the status of tasks in the planning and issues if any. The prospective contractor is expected to discuss progress with ENISA in a virtual meeting (conference call) on a **bi-weekly** basis and provide the minutes of these calls.

The prospective contractor is expected to submit, prior to the kick-off meeting, a detailed Gantt chart, describing the project plan in more detail. These will be discussed with ENISA in the kick-off meeting before confirmed as final.

The Gantt charts and related documentation should include:

- Scheduling of all tasks and activities within objectives and their respective tasks
- Identification of milestones and critical activities
- Identification of possible risks and suggestions to mitigate them
- Quality assurance and peer review measures to ensure high quality results
- Detailed information on the expertise of the prospective contractors on the tasks and topics of this tender including references to previous relevant projects,
- Detailed justification for subcontracting tasks or parts of them. In that case, ENISA requires additional information on the:
 - Tasks undertaken by the sub-contractor
 - Expertise of the prospective contractor and its experts
 - Resources allocated to him/her
 - Co-ordination mechanisms among the prime and the sub-contractors
 - Risk management method in case of delayed and/or low quality delivery of sub-contractor's outcomes
 - Official statement of overall responsibility for the whole project and its results by the prime contractor
- Proposal for a peer-review by a native English speaker

Based on the Gantt chart, the prospective contractor is expected to deliver the following documents regularly:

- Monthly progress report on current activities (as they defined in the Gantt chart) information on the progress achieved, next steps, possible risks affecting project, and risk mitigation measures
- Early warning reports, at any time, if emerging risks threaten key milestones of the project and when the Agency needs to either be informed or take a decision

- Minutes from the bi-weekly teleconferences with ENISA staff on the progress of the project and its tasks.

It is expected that the prospective contractor performs a first level of proof-reading before transmitting any document to ENISA.

At least the following communication with the Prospective contractor is expected:

- Regular video or teleconferences via Skype Business or Adobe Connect (bi-weekly or at more frequent intervals to be agreed upon) on the progress achieved.
- Monthly progress reports (template provided by ENISA).
- For all meetings, the contractor sends all relevant documents at least 24 hours before the time of the meeting.
- After interviews and meetings, the contractor sends the meeting minutes to the ENISA project manager within one week (7 days).

3. EXPECTED SKILLS

The performance of the abovementioned activities requires professionals that have good academic and professional multi- disciplinary knowledge and experience of all or a subset of the following fields:

- Very good knowledge of cyber security issues and national NIS strategies
- Good understanding of Critical Information Infrastructures Protection, at both policy and operational levels
- Proven experience in step-by-step lifecycle models and maturity models
- Good understanding of policy and regulatory issues related to the security of public networks and infrastructures at national and/or pan European level including activities related to Critical Information Infrastructure Protection (CIIP)
- Proven experience in organising stock taking exercises, analysis skills, and creating good practice guides and recommendations on relevant subjects
- Excellent knowledge of data collection and validation methods including the ability to produce clear and understandable text equipped with graphical elements
- Good professional experience to produce clear and understandable text equipped with graphical elements;
- Very good experience in collecting feedback from stakeholders, performing interviews.
- Excellent project management skills including quality assurance;
- Excellent communication and presentation skills;
- Proficient in both written and spoken English.

Advantageous:

- Knowledge of EU directives, EU and national laws, and international laws concerning network and information security (NIS) and economy. More specifically laws and secondary laws relevant to the usage of NIS products and services in various sectors of the economy;
- Interdisciplinary knowledge of areas related to NIS (e.g. social issues, awareness raising, legal issues, etc.);

- Experience in pre-research or in academic research (literature reviews and desk research);
- Participation to working groups, industry groups, or presentation in conferences;

4. DURATION AND DEADLINES

The Prospective contractor is required to make a proposal in their tender for the time schedule of the activities in order to carry out the project (e.g. including a Gantt chart). In its offer the Prospective contractor should indicate the estimated amount of person days required to accomplish all tasks associated with this Call for Tenders.

The duration of this work is foreseen between March 2017 and 31st October 2017

More specifically, assuming the objectives described in section 2 “Objectives and Tasks” will be part of the final project plan (X = contract signature date):

- Task 1 should be finished X + 2 months (mid-May 2017).
- Task 2 should be finalized no later than X + 4 months (end of June 2017).
- Task 3 must be finalized no later than end of August 2017 with the first draft of the final deliverable available for review no later than 25th of August 2017 and final draft deliverable available **for review by ENISA by the 10th September 2017**.
- Task 4 must be finalized no later than 2nd October 2017

5. LIST OF DELIVERABLES

The final deliverables should use the standard ENISA document template, which will be provided to the successful contractor.

The following milestones and deliverable are expected:

- Intermediate report 1 (R1): The status of the PPPs and ISACs in the European Union
- Intermediate report 2 (R2): Clear structure with preliminary context of the final deliverable
- FINAL DELIVERABLE (FD): The full report.
- Press Release and Deliverable Summary

English is the language to be used for all the documents (interim and final reports, project management reports etc.) produced.

6. PLACE OF EXECUTION OF THE ACTIVITIES AND COMMUNICATIONS

The execution of the activities will take place at the Contractor's premises. Network based collaborative tools (i.e. videoconferencing) will be used as working methods.

No physical meetings are envisaged for this project.

It should be mentioned that the costs of potential business trips - if any was needed - should be included in the total offer. ENISA will not additionally reimburse the contractor for taking part in these meetings.

7. TENDER RESULT AND ESTIMATED CONTRACT VALUE

The result of the evaluation of tenders will be the awarding of a Service Contract. The total estimated budget cannot exceed **40,000.00 Euros (forty thousand Euros)** covering all tasks executed and including all costs.

8. CONTENT AND PRESENTATION OF THE TECHNICAL OFFER

The Tenderer shall enclose with the **Technical Offer** all documents and information that will enable its offers to be assessed in terms of quality and of compliance with the Specifications. An Offer shall include a description of the operational means and procedures to be implemented to perform the Contract, supported where appropriate by related documents

An offer must address each of the following elements as A MINIMUM in order to be considered to be a valid and conforming offer:

- The technical offer should explain the general approach to this tender and more specifically to the detailed tasks mentioned. The tenderer should provide some ideas about the content of the required deliverable.
- The technical offer should provide its project management methods and its project plan, including a Gantt chart which describes scheduling of all tasks and activities within objectives, milestones and critical activities.
- The technical offer should describe who will carry out which activities, and how many person days will be allocated.
- The technical offer should describe project risks and provide suggestions to mitigate these risks.
- Short CV's of the experts that will be allocated in the project focussing on their experience and expertise in the areas covered by the study.
- If applicable, the contractor should also provide justification for subcontracting,

Important Note: Page limit technical offer: The total number of pages of the technical offer should not exceed 15 pages including the Gantt chart. Detailed information on the skills and expertise of experts, their detailed CVs, et cetera, are excluded from this page limit.

- Description of the skills of the prospective contactor
 - The Tenderer will have to present its compliance with the expected skills as described in the relevant section.
- Description of the deliverables
 - The deliverables must be presented as requested in the article entitled "Deliverables"
 - The approach and method to perform the tasks and ensure the quality of the deliverables (stakeholders involved, reasoning behind, interesting use cases to study, reasoning why etc.).
 - Examples of previous related works, specifically on market analysis for NIS projects, economic impact of NIS projects.

- A full list of all related projects and activities that the contractor has undertaken in the past.
- The prospective contractor is expected to provide insights in the methodology (approach) chosen in order to reach the objectives of the project described above in article “Objectives and tasks”. In particular:
 - Details on the methodologies for setting up a PPP.
 - Details on the methodologies for setting up an ISAC.
- Management of provision of services
 - Project Management: a close description of the project management method used including quality assurance is required. Breakdown of tasks; milestones definition; assignment of experts to tasks and person days to tasks should be presented in a Gantt chart, included in the offer
 - At the kick off meeting, the project plans will be confirmed as final
 - The prospective contractor must also identify possible risks to the project and propose mitigation measures
 - Interaction with ENISA staff and external experts, and provide regular management reporting. This will ensure the punctual delivery of good quality results of this project and on budget
- In addition, the tenderer is expected to highlight / explain
 - Availability and ability of the tenderer to respond: prompt availability of resources is required within the specified delivery timeframes. Additionally, any ancillary or support resources, such as a network of associates to support the scope of this Call for Tenders must be clearly stated
- Short CV's of the experts that will be allocated to the project focussing on their experience and expertise in the areas covered by the study.
 - If applicable, the contractor should also provide justification for subcontracting,

9. CONTENT AND PRESENTATION OF THE PRICE OFFER

The Price offer must be drawn up using the Financial Offer template provided (see Annex III).

10. DATA PROTECTION

Personal contact information will normally be professional contact data only, so no special confidentiality requirements are envisaged.

Regarding personal data, the following EU data protection regulations have to be respected:

1. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data;
2. Regulation (EC) No. 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;

3. Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

11. MARKING OF SUBMITTED DOCUMENTS

The tenderer SHOULD NOT mark tender documents (for e.g. the header or footer) with any of the following words: RESTRICTED, CONFIDENTIAL, SECRET or TOP SECRET. If the tenderer considers that such markings are required, a prior approval from the ENISA Procurement office should be attained BEFORE sending the tender documents. The tenderer should be aware that the information sent to ENISA for procurement purposes is handled in accordance with the governing rules for EU Public Procurement and the EU Financial Regulation framework.

12. PRICE

Prices submitted in response to this Tender must be inclusive of all costs involved in the performance of the contract. Prices shall be submitted only in Euro and VAT excluded.

13. PRICE REVISION

Price revision does not apply to this tender procedure.

14. COSTS INVOLVED IN PREPARING AND SUBMITTING A TENDER

ENISA will not reimburse any costs incurred in the preparation and submission of a Tender. Any such costs must be paid by the Tenderer.

15. PERIOD OF VALIDITY OF THE TENDER

Tenderers must enclose a confirmation that the prices given are valid for (90) ninety days from the date of submission of the tender.

16. PROTOCOL ON PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

ENISA is exempt from all taxes and duties, including value added tax (VAT), pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities. Tenderers must therefore give prices which are exclusive of any taxes and duties and must indicate the amount of VAT separately.

17. PAYMENT ARRANGEMENTS

Payments under the Contract shall be carried out within 60 days of submission of an invoice accompanying the final report or deliverable based on the conditions set out in the draft contract. One single payment will be made after receipt and approval of the deliverables by ENISA. An invoice must specify the specific deliverables covered. A note that accompanies the final deliverables must present the resources used for each of the deliverables presented. Time sheets should be submitted as appropriate

18. CONTRACTUAL DETAILS

A model of the Service Contract is proposed to the successful candidate - see Annex IV.

Please note that the general conditions of our standard service contract cannot be modified. Submission of a tender by a potential contractor implies acceptance of this contract and all of the terms and conditions contained therein. It is strongly recommended that you have this draft contract checked and passed by your legal section before committing to submitting an offer.

PART 3 TENDER SPECIFICATIONS

1. INFORMATION ON TENDERING

1.1 Contractual conditions

In drawing up their offer, the tenderer should bear in mind the provisions of the draft contract (Annex IV) attached to this invitation to tender particularly those on payments, performance of the contract, confidentiality, and checks and audits. Submission of a tender by a potential contractor implies acceptance of this contract and all of the terms and conditions contained therein. Any limitation, amendment or denial of the terms of contract will lead to automatic exclusion from the procurement procedure.

It is strongly recommended that you have this draft contract checked and passed by your legal representative before committing to submitting an offer.

The Agency may, before the contract is signed, either abandon the procurement procedure or cancel the award procedure without the tenderers being entitled to claim any compensation.

1.2 Joint Tenders (if applicable)

A joint tender is a situation where a tender is submitted by a 'group' of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded. However, the Agency will require the grouping:

- Either to have the contract sign by all members of the grouping. In this case, one of them will be responsible for the receipt and processing of payments for members of grouping, for managing the service administration and for coordination of the contract; or
- to have the contract sign by a team leader, which has been duly authorised by the other members to bind each of them (a power of attorney will be attached to the contract according to the template provided by the Agency).

In addition, the composition and constitution of the grouping, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Agency which can be withheld at discretion.

In case of a joint offer, for each partner, except the LEAD partner:

- the **Legal Entities form** and the **Power of attorney of each partner**, must be filled in, signed by (an) authorised representative(s), scanned and uploaded in the corresponding section.
- the **Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest** must be filled in, signed by (an) authorised representative(s), scanned and uploaded in the corresponding section.

Hand written or electronic signature of the consortium leader who submits the tender is not required, since the signature of the **e-Submission ‘Tender Preparation Report’** implies that all included documents are signed by this party.

More details about uploading the respective documents can be found in Annex VII.

1.3 Liability of members of a group

Partners in a joint offer assume **joint and several liability** towards the Agency for the performance of the contract as a whole.

Statements, saying for instance:

- That one of the partners of the joint offer will be responsible⁹ for only one part of the contract and another one for the rest, or
- That more than one contract should be signed if the joint offer is successful

are thus incompatible with the principle of joint and several liability. The Agency will disregard any such statement contained in a joint offer, and reserves the right to reject such offers without further evaluation, on the grounds that they do not comply with the tendering specifications.

1.4 Subcontracting

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

If the tenderer intends to subcontract part of the service, they shall indicate in their offer which part will be subcontracted and to what extent (% of the total contract value).

Tenderers must ensure that Article II.7 of the contract (Annex IV) can be applied to subcontractors.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract.

Tenderers are required to identify all subcontractors.

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

2. STRUCTURE AND CONTENT OF THE TENDER

2.1 General

Tenders must be written in **one of the official languages** of the European Union. The working language of ENISA is English.

Tenders must be clear and concise, with continuous page numbering. Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

⁹ not to be confused with distribution of tasks among the members of the grouping

2.2 Structure of the tender

Based on the **e-Submission** environment, all tenders must include two sections:

- 1) Qualification data;
- 2) Tender data.

The **'Qualification data'** consists of:

- Identification of the Tenderer;
- The lots the tender is applicable for;
- Information regarding exclusion and selection criteria.

The **'Tender data'** consists of:

- The technical proposal;
- The financial proposal.

2.3 Qualification data

a) Identification of the Tenderer

The tenderer must fill in all required fields in the section:

"Qualification" → "Identification of the Tenderer" → "[Party Name]".

In case of a joint tender the consortium name has to be provided in the section:

"Qualification" → "Identification of the Tenderer" → "Consortium"

and an identification of every party in the consortium needs to be added in the section:

"Qualification" → "Identification of the Tenderer" → "Consortium Members".

The following information should also be provided:

(i) Legal Entities

In order to prove their legal capacity and their status, all tenderers and identified subcontractors must provide a Legal Entity Form with its supporting evidence. The Legal Entity Form needs to be signed by participating parties that are not signing the **'Tender Preparation Report'** (see Annex VII for an overview of required signatures.)

However, the subcontractor(s) shall not be required to fill in or provide those documents when the services represent less than 20% of the contract.

The Legal Entity Form can be generated via the e-Submission application from the section:

"Qualification" → "Identification of the Tenderer" → "[Party Name]" → "Documents"

Located under the sub-section:

"Generate pre-filled documents" button "Legal Entity form"

and uploaded under **"Documents"** in the same section.

Alternatively a standard template in each EU language is available at:

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

Tenderers must provide the following information if it has not been included 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 which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For **natural persons**, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

(ii) Financial identification

The tenderer (or the single point of contact in case of joint tender) must provide a Financial Identification Form and supporting documents. Only one form per offer should be submitted (no form is needed for subcontractors and other joint tenderers). The form is available on:

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

Remark: Tenderers that are already registered in the Agency's accounting system (i.e. they have already been direct contractors) must provide the filled in form but are not obliged to provide the supporting evidence.

The form needs to be printed, filled in and then scanned and uploaded in the section:

"Qualification" -> "Identification of the tenderer" -> "[Party Name]" -> "Documents".

In case of a joint tender, it has to be uploaded in the **"Documents"** section of the Consortium Leader.

(iii) Power of Attorney

In case of a joint tender, an Agreement / Power of Attorney of each partner must be filled in, signed by (an) authorised representative(s), scanned and uploaded in section:

"Qualification" -> "Identification of the tenderer" -> "[Party Name]" -> "Documents"

Please choose 'Model A' for an ad hoc grouping or 'Model B' for a legally constituted consortium - see templates in Annex V (a) and (b)

(iv) Lots interested in (only in case the tender has multiple lots)

The tenderer must indicate for which lots the tender is applicable, by ticking the boxes in the section:

"Qualification" -> "Interest in the following lots" of the e-Submission application.

b) Information regarding exclusion and selection criteria:

The tenderer is requested to submit the following documents:

1. Declaration by the Tenderer relating to the exclusion criteria (see 3.1 below)

The filled-in Declaration form needs to be uploaded under:

"Qualification" -> "Exclusion Criteria" -> "[Party name]"

In case of a joint tender, each member of the consortium has to submit a declaration under the respective party name (see template in Annex II)

2. Documents certifying economic and financial capacity (see 3.2.2 below)

The documents need to be uploaded under:

"Qualification" -> "Selection Criteria" -> "Financial and Economic Capacity" -> "[Party name]"

In case of a joint tender, each member of the consortium has to submit the documents under the respective party name.

3. Proof of technical and professional capacity (see 3.2.3 below)

The documents need to be uploaded under:

"Qualification" -> "Selection Criteria" -> "Technical & Professional Capacity" -> "[Party name]"

In case of a joint tender, each member of the consortium has to submit the documents under the respective party name.

If any of the above documents are associated with a specific Lot, please indicate for which Lot it is applicable inside the document AND in the Description field of the attachment (*only in case the tender has multiple lots*).

2.4 Tender data

a) Technical proposal

The technical section is of great importance in the assessment of the bids, the award of the contract and the future execution of any resulting contract.

The technical offer must cover all aspects and tasks required in the technical specification and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated.

The technical tender needs to be uploaded in the section:

"Tender" → "[name of Call for Tender]" in the e-Submission application.

The tenderer selects the "Technical Tender" document from the dropdown box ("Financial Tender or Technical Tender"). The e-Submission application allows attachment of as many documents as necessary.

b) Financial proposal

All tenders must contain a financial proposal to be submitted **using the form attached as Annex III.**

The tenderer's attention is drawn to the following points:

- Prices must be quoted in **euros**, including the countries which are not in the euro-zone. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.
- **Prices must be fixed amounts** [and include all expenses, such as travel expenses and daily allowances etc.].

- **Estimated travel and daily subsistence allowance expenses must be indicated separately.**
(only if applicable to this procedure)

This estimate should be based on Articles I.6 and II.22 of the draft framework contract (Annex IV). This estimate will comprise all foreseen travel and will constitute the maximum amount of travel and daily subsistence allowance expenses to be paid for all tasks.

- **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.
- Prices shall be fixed and not subject to revision during the performance of the contract.

The total price needs to be encoded in the e-Submission application. The completed Financial Offer form, ALSO needs to be uploaded in section:

"Tender" → "[name of Call for Tender]"

The tenderer selects the "Financial Tender" document from the dropdown box ("Financial Tender or Technical Tender"). The e-Submission application allows attachment of as many documents as necessary.

3. ASSESSMENT AND AWARD OF THE CONTRACT

The assessment will be based on each tenderer's bid. All the information will be assessed in the light of the criteria set out in these specifications. The procedure for the award of the contract, which will concern only admissible bids, will be carried out in three successive stages.

The aim of each of these stages is:

- 1) to check on the basis of the **exclusion criteria**, whether tenderers can take part in the tendering procedure;
- 2) to check on the basis of the **selection criteria**, the technical and professional capacity and economic and financial capacity of each tenderer;
- 3) to assess on the basis of the **award criteria** each bid which has passed the exclusion and selection stages.

Only tenders meeting the requirements of one step will pass on to the next step

3.1 EXCLUSION CRITERIA

All tenderers shall provide a 'declaration on their honour' (see Annex II), stating that they are not in one of the situations of exclusion listed in Annex II.

The 'declaration on honour' is also required for identified subcontractors whose intended share of the contract is above 20%.

The 'declaration on honour' has to be duly signed by parties that are not signing the Tender Preparation Report in *e-Submission* (see Annex VII for an overview of required signatures.).

The successful tenderer shall be asked to provide the documents mentioned as supporting evidence in Annex II before signature of the contract and within a deadline given by the contracting authority. This requirement applies to all members of the consortium in case of joint tender

Remark:

The tenderers will be waived of the obligation to submit the documentary evidence mentioned above if such evidence has already been submitted for the purposes of another procurement procedure launched by ENISA, provided that the documents are not more than one-year-old starting from their issuing date and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure, specifying the reference of the call for tender for which the documents have been provided, and confirm that no changes in their situation has occurred.

3.2 SELECTION CRITERIA

The following criteria will be used to select the Tenderers. If the Tender is proposed by a consortium these criteria must be fulfilled by each partner.

Documentary evidence of the Tenderers' claims in respect of the below-mentioned criteria is required.

3.2.1 Professional Information

The Tenderer must provide evidence of enrolment (declaration or certificates) in one of the professional or trade registers, in the country of establishment.

3.2.2 Financial and Economic Capacity

Proof of financial and economic standing shall be furnished by the following documents and minimum requirements:

- (a) 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, where publication of the accounts is required under the company law of the country in which the economic operator is established. In case of a consortium, each consortium member shall present their financial statements.

If the tenderer is not obliged to publish its accounts under the law of the state in which it is established, a copy of audited accounts for the last two (2) financial years should be presented. In case of a consortium/grouping, audited accounts for each consortium partner shall be presented.

- (b) A statement of the average turnover of the last two (2) financial years for which accounts have been closed. In case of a consortium/grouping, the annual average turnover for each of the partners shall be presented.

If for some exceptional reason which the Contracting Authority considers justified, the tenderer is unable to provide the documentary evidence requested above, he may prove his economic and financial capacity by any other means which the Contracting Authority considers appropriate, but only following a request for clarification before the tender expiry date.

3.2.3 Technical and professional capacity criteria and evidence

These criteria relate to the Tenderer's or subcontractor's skill, efficiency, experience, reliability and similar circumstances. Tenderers are required to prove that they have sufficient technical and professional capacity to perform the contract by providing the following documentation:

a) Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- The tenderer must prove experience in the field of Network Information Security (NIS) related to Public Private Partnerships and Information Sharing and Analysis Centres with at least 2 projects/deliverables delivered in this field in the last three years, to any relevant customer (including ENISA). Each contract/deliverable should be minimum of € 20,000.00 of value.
- The tenderer must prove experience of working in the English language with at least 3 projects delivered in the last three years showing the necessary language coverage.
- The tenderer must prove capacity to draft reports in English

- The tenderer must prove experience of working in EU countries with at least 2 projects delivered in the last three years.
- The tenderer must prove experience in one or more of the following as deemed relevant to the area of expertise the subject of this tender; survey techniques, data collection, statistical analyses, economic and market studies, and drafting reports and recommendations.

b) Evidence:

The following evidence should be provided to fulfil the above criteria:

- Details of the structure of the organisation
- List of relevant services provided in the past three years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed;
- The educational and professional qualifications of the experts who will provide the services for this tender (CVs), including the management staff. Each CV provided should indicate their intended function in the delivery of the service.

3.3 AWARD CRITERIA

3.3.1 Quality of the Offer

Once the Tenderer has demonstrated the appropriate capacity to perform the Contract on the grounds of the selection criteria, the offer will be assessed on the basis of the award criteria.

No	Qualitative award criteria		Weighting (max. points)
1.	Technical compliance	Compliance with the technical descriptions (Part 2 of this document)	30/100
2.	Quality and accuracy of content and structure	Quality of the proposal and accuracy of the description to provide the requested services	25/100
	Project Team	Composition of project team (ratio senior/juniors), relevant experience of the team, work flows and review cycles of the output, direct involvement of senior staff, and distribution of tasks amongst experts; quality reviews of deliverables.	25/100
3.	Methodology	Selected methodology and project management	20/100
Total Qualitative Points (QP)			100

Minimum attainment per criterion

Offers scoring less than 50% for any criterion will be deemed to be of insufficient quality and eliminated from further consideration.

Minimum attainment overall

Offers scoring less than 60% after the evaluation process will be considered to be of insufficient quality and eliminated from the following phase.

The sum of all criteria gives a total of 100 points. The respective weighting between the different award criteria depends on the nature of the services required and is consequently closely related to the terms of reference. The award criteria are thus quantified parameters that the offer should comply with. The **qualitative award criteria** points will be weighted at **70%** in relation to the price.

3.3.2 Price of the Offer

Tenders must state a total fixed price in Euro. Prices quoted should be exclusive of all charges, taxes, dues including value added tax in accordance with Article 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities. Such charges may not therefore be included in the calculation of the price quoted.

ENISA, in conformity with the Protocol on the Privileges and Immunities of the European Community annexed to the Treaty of April 8th, 1965, is exempt from all VAT.

Offers exceeding the maximum price set in Part 2; Article 7 will be excluded. The cheapest offer will receive the maximum points and the rest of the candidate's offers will be awarded points in relation to the best offer as follows

$$PP = (PC / PB) \times 100$$

where;

PP = Weighted price points

PC = Cheapest bid price received

PB = Bid price being evaluated

3.3.3 Award of the contract

The contract will be awarded to the offer which is the most cost effective (offers the best value for money) which obtains the highest number of points after the final evaluation on the basis of the ratio between the **quality criteria (70%) and the price (30%)**. The following formula will be used:

$$TWP = (QP \times 0.7) + (PP \times 0.3)$$

where;

QP = Qualitative points

PP = Price points

TWP = Total weighted points score

In case the successful tenderer is unable to sign the contract for any reason, the Contracting Authority reserves the right to award the contract to other tenderers as per the ranking order established following the evaluation procedure.

4. TENDER OPENING

The public opening of received tenders will take place on **18th January 2017 at 11:00 EET Eastern European (Greek) time** at ENISA Athens office, 1 Vasilissis Sofias Street, Maroussi 151 24 Attiki, Greece.

A maximum of one legal representative per participating tenderer may attend the opening session. Tenderers shall inform the Agency in writing of their intention to attend by email to procurement@enisa.europa.eu **at least 3 working days** prior to the opening session.

5. OTHER CONDITIONS

5.1 Validity

Period of validity of the Tender: 90 days from the closing date stated in Invitation to Tender. The successful Tenderer must maintain its Offer for a further 120 days from the notification of the award.

5.2 Lots

This Tender is not divided into Lots.

5.3 Additional Provisions

- Changes to tenders will be accepted only if they are received on or before the final date and time set for the receipt of tenders.
- Expenses incurred in respect of the preparation and presentation of tenders cannot be refunded.
- No information of any kind will be given on the state of progress with regard to the evaluation of tenders.
- All documents submitted by Tenderers will become property of ENISA and will be regarded as confidential.

5.4 No obligation to award the contract

Initiation of a tendering procedure imposes no obligation on ENISA to award the contract. Should the invitation to tender cover several items or lots, ENISA reserves the right to award a contract for only some of them. ENISA shall not be liable for any compensation with respect to Tenderers whose Tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

6. SPECIFIC INFORMATION

6.1 Timetable

The timetable for this tender and the resulting contract is as follows:

Title: “**Good Practices and Recommendations on Cooperative Models for Effective Public Private Partnerships (PPPs) and Information Sharing and Analysis Centres (ISACs)**”

ENISA D-COD-17-T03

Summary timetable comments

Launch of tender: Contract notice to the Official Journal of the European Union (OJEU) Uploaded to e-Tendering website Uploaded to ENISA website	24th November 2016	
Deadline for request of information to ENISA	11 th January 2017	
Last date on which clarifications are issued by ENISA	13 th January 2017	
Deadline for electronic reception of offers via e-Submission	17th January 2017	18:00 CET Central European time
Opening of offers	18 th January 2017	11:00 EET Eastern European (Greek) time
Date for evaluation of offers	TBA	TBA
Notification of award to the selected candidate	late Jan 2017	Estimated
Contract signature	Mid-February 2017	Estimated
Commencement date of activities	As per tender	Estimated
Completion date of activities	As per tender	Estimated