

RESTRICTED PROCEDURE

STEP 1 – Selection of candidates

Tender Documentation

FACILITIES MANAGEMENT SERVICES

ENISA F-CSS-22-T36

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Applications via e-Submission portal

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1.1 INTRODUCTION

The European Union Agency for Cybersecurity (ENISA) was established by the European Parliament and the Council Regulation (EU) No 2019/881 of 17 April 2019 (OJ L 151/15, 07.06.2019) (hereinafter CSA). ENISA is dedicated to achieving a high common level of cybersecurity across Europe. Through knowledge sharing, capacity building and awareness raising, the Agency works together with its key stakeholders to strengthen trust in the connected economy, boost resilience of the Union's infrastructure, and ultimately, keep Europe's society and citizens digitally secure.

1.2 OBJECTIVES

The Agency's objectives are as follows:

- The Agency shall enhance the capabilities of the cybersecurity community including EU Member States to prevent, to address, and to respond to cybersecurity issues and threats.
- The Agency shall provide assistance and deliver advice to the Commission and EU MS on issues related to cybersecurity falling within its competencies as set out in the Regulation.
- Building on national and EU efforts, the Agency shall develop a high level of expertise.
- The Agency shall use this expertise to stimulate broad cooperation between actors from the public and private sectors.
- The Agency shall assist the Commission, in the technical preparatory work for updating and developing EU legislation in the field of cybersecurity.

2. ADDITIONAL INFORMATION

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

PART 2 TENDER SPECIFICATIONS

I. SCOPE OF THIS TENDER

The purpose of this tender is the procuring of Facilities Management Services for the ENISA's main premises (in Athens Greece) or at its branch office (Heraklion Crete Greece) as well as possibility of ad-hoc (online) services for the branch office in Brussels Belgium.

IMPORTANT NOTE:

This Restricted procurement procedure is organised in **two steps**:

- **Step 1** – Selection of candidates - the exclusion and selection criteria are assessed;
- **Step 2** – Evaluation of tenders against the award criteria.

Only economic operators selected based on the exclusion and selection criteria in Step 1 will be invited to submit a tender in Step 2 of this procurement procedure.

Subject of the tender	Maximum budget
Facilities Management Services	€1.600.000,00 (one million six hundred thousand euro) over the maximum possible period of 4 years.
Last date for <u>dispatch</u> of applications	21st October 2022 until 18:00 CEST


PLEASE NOTE:

a) In the case where unforeseen circumstances result in this contract being consumed faster than originally planned, the Agency reserves the right to consider conducting a 'Negotiated procedure without prior publication of a contract notice' with the existing contractor in order to increase the maximum amount stated above by up to 50%. This procedure being fully in accordance with Article 164(4) and Annex I - point 11.1(e) of the EU Financial Regulation (FR)).

b) This tender procedure is limited to tenderers which are legally incorporated or which have an incorporated subsidiary in a Member State of the European Union/EEA as well as SAA countries¹. The Agreement on Government Procurement (GPA) does not apply to EU Regulatory Agencies and as such, ENISA cannot accept offers from legal entities based in 'third countries'.

IMPORTANT: For UK based entities (and in general - entities outside the EU):

The United Kingdom is now considered a 'third country by the European Union'. ENISA cannot therefore accept submissions from legal entities based in the UK, nor can a UK legal entity be nominated as part of a consortium. Subcontracting of UK (and other third country) entities is allowed. In these cases, any transfer of personal data to third countries shall only take place after prior authorisation of ENISA and shall fully comply with the requirements laid down in Chapter V of Regulation (EU)2018/1725.

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

1. BACKGROUND

ENISA moved into its new Headquarters building (HQ) in Chalandri, Athens on 1st July 2021. The building is well situated within a prime office and commercial area of Athens, located among a combination of corporate, residential, retail and embassy buildings as well as headquarters for a number of companies and organisations.

The ENISA HQ has recently had a major refurbishment carried out, bringing a modern and vibrant look and feel to the building complex.

ENISA seeks to establish a long-term service relationship with a Service Provider which has a strong customer focus and which will deliver a transformation in the efficiency, effectiveness and value for money for the required services across the ENISA estate.

The primary purpose of this procurement procedure is to bring a high-quality standard of services to all areas with common practices and methodologies, which can be monitored and measured accordingly.

ENISA wish to move away from the internal management of a number of suppliers and sub-contractors who currently supply the facilities management services and towards a 'Total Facilities Management' model with one point of contact and accountability.

It is essential that all potential Service Providers not only have the capability to deliver the services but, in addition, can offer added value to ENISA through strong customer focus and collaboration and by delivering innovative service solutions and positively embracing continuous improvement.

2. DESCRIPTION OF THE OFFICE BUILDINGS

The offices are located at:

ATHENS Head Office: Ethnikis Antistaseos 72 & Agamemnonos 14, Chalandri 15231, Attiki, Greece

CRETE Office: Nikolaou Plastira 95, Vassilika Vouton, Heraklion, 70 013, Crete, Greece

BRUSSELS Office: The ONE building, Rue de la Loi 107, 1049 Brussels, Belgium

The Head Office complex in Chalandri consists of two buildings:

- Building A: a heritage listed property constructed in 1932.
- Building B: a modern building constructed in 2001 and renovated in 2019 and again in 2022.

The two buildings are connected with access via the glass atrium covered central open area located on the ground floor as well as via a hallway passage on the basement level.

In 2019, the complex was fully refurbished; interiors and its infrastructure have been upgraded for the previous tenant.

In early 2022, the offices were again refurbished by ENISA to make it a more modern and dynamic environment for ENISA staff and its activities.

The complex, built on a 4.193 m2 land plot, has a total gross superstructure surface of approx. 4.520 m2. The two basements host auxiliary spaces and 66 parking spots. The surrounding area of the complex covers 3.000 m2 with a landscaped garden.

3. DESCRIPTION OF SERVICES TO BE PROVIDED

ENISA seeks to contract an economic entity to deliver all Services in scope to its Athens Head Office and a reduced service to its Crete office, as well as the ability to offer some ad-hoc services (mainly online) to its Brussels office. The chosen contractor will understand and be able to implement current best practices and emerging technologies to improve service delivery. ENISA wish to partner with a contractor who can help them deliver tangible results against the following strategic outcomes:

- Provide a step-change in service quality
- To drive efficiency and provide best value for money
- Support ENISA's greening policies, zero carbon and other environmental sustainability commitments
- Develop a strategic partnership that delivers wider value and benefits to ENISA

The ensuing Facilities Management Services contract will include as a minimum:

- A dedicated on-site FM Team
- Routine Maintenance delivery
- Reactive Maintenance delivery
- Maintenance Management
- Cleaning Services
- Computer aided Facility Management (CAFM) System
- Reception Services
- Helpdesk services
- Grounds keeping and Gardening services
- Environmental, Social and Governance (ESG) compliance
- EU Eco-Management and Audit Scheme (EMAS¹) certification support
- Pest Control
- Building & Asset Information Management (System)
- ICTS feasibility assessment (cross platform integration of CAFM / BMS / ICTS)

¹ https://ec.europa.eu/environment/emas/index_en.htm

- Operational Asset Management (static and other IT movable assets)
- Strategic Asset Management
- Variable Service Management
- Feasibility Studies
- Project Management Services for future refurbishment / upgrading works
- Ad-hoc Service delivery (e.g. provide comprehensive service rate-cards)
- Lifecycle planning for the Buildings (where relevant)
- ENISA (in-house only) Event Management and catering support services

Excluded from the above services are external Event management/support services and Security services (both physical and technical).

4. EXPECTED STAFFING FOR IMPLEMENTATION OF CONTRACT

A number of full time and possibly part-time staff will be expected to be based at the Athens HQ Office; the anticipated positions are as follows:

1. One full time on-site **Facilities Manager** with mid-level experience and qualification in either mechanical or electrical engineering.
2. **Multi-skilled operatives** working a cross-over shift pattern of 8 hours per operative Monday to Friday. These operatives are required to have an understanding of engineering services and maintenance of the building structure delivery. It is envisaged these staff will be capable of carrying out some planned maintenance activities.
3. **Cleaning staff**
4. **Reception staff.**

5. ONLINE ACCESS TO SITE PLANS AND INFRASTRUCTURE DETAILS

The Agency will make available a web link to a document repository, which will contain all relevant site and building plans and infrastructure data. Only applicants who are selected for Step 2 of this tender procedure will be given access to this documentation.

6. LANGUAGE SKILLS

As the Agency is composed of staff from many EU member states, the ability for the personnel to speak, read and write **in English is necessary**. The Facilities Manager should have an advanced level of English (speaking, reading and writing).

7. SECURITY CLEARANCE

The Facilities Manager and all personnel will need to successfully pass a vetting for personnel security clearance, if requested.

8. SUBCONTRACTING OF SERVICES

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

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

Tenderers must give an indication of the proportion of the contract that they intend to subcontract. Tenderers are required to identify all subcontractors if possible.

9. CONSORTIA

9.1 JOINT TENDERS (IF APPLICABLE)

A joint tender is a situation where a tender is submitted by a 'group' of economic operators (consortium).

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 signed by all members (partners) of the grouping. In this case, one of them, as 'Lead Partner', will be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination of the contract.
- Or to have the contract signed by the 'Lead Partner' only, who has been duly authorised by the other members to bind each of them (a fully completed 'power of attorney' form for each member of the Group 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 its discretion.

In case of a joint offer, each member of the grouping shall provide the following:

- a **Legal Entities form** and a **Power of Attorney of each consortium partner**, must be filled in, signed by (an) authorised representative(s), scanned and uploaded in the corresponding section.
- a **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.

9.2 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 responsible² 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, because they do not comply with the tendering specifications.

10. ASSESSMENT OF QUALIFICATION

10.1 GENERAL

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

The evaluation of requests to participate and tenders that comply with the submission conditions will consist of the following elements:

Step 1: Evaluation of requests to participate

- Validation of access to procurement;
- Verification of administrative compliance;
- Verification of non-exclusion of candidates on the basis of the exclusion criteria;
- Selection of candidates on the basis of selection criteria;

Step 2: Evaluation of tenders

- Verification of administrative compliance;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the requests to participate/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.

PLEASE NOTE: If the evaluation of one or more elements in either step demonstrates that there are grounds for rejection, the request to participate/tender will be rejected and will not be subjected to

² not to be confused with distribution of tasks among the members of the grouping

further full evaluation. The unsuccessful candidates/tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their requests to participate/tenders.

Applications must be written in a clear and concise manner, with continuous page numbering. Since applicants 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.

10.2 QUALIFICATION DATA

a) Identification of the Tenderer

The tenderer must fill in all required fields in the 'Administrative ID and Declaration form' (Annex VI). In case of a joint tender the consortium name has to be provided and an identification of every party in the consortium needs to be added.

The following information should also be provided:

(i) Legal Entities

In order to prove their legal capacity and their status, all applicants must provide a Legal Entity Form with its supporting evidence. The Legal Entity Form needs to be signed.

The Legal Entity standard template in each EU language is available at:

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

Applicants 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 at:

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 **with ENISA** in the past) must provide the filled in form but are not obliged to provide the supporting evidence

(iii) Power of Attorney

In case of a joint application, an Agreement / Power of Attorney for each partner must be filled in, signed by (an) authorised representative(s), scanned and uploaded. Please choose 'Model A' for an ad hoc grouping or 'Model B' for a legally constituted consortium - see templates in Annex IV.

10.3 EXCLUSION CRITERIA – STEP 1

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

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

The successful tenderer (after STEP 2) shall be asked to provide the actual documents mentioned as supporting evidence in Annex III 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.

In addition the following documentary evidence shall be provided by the applicant:

- a) A recent document from a bank stating that the applicant is not bankrupt or being wound up, having their affairs administered by the courts, entered into an arrangement with creditors, suspended business activities, are not the subject of proceedings concerning those matters;
- b) A certificate(s) issued by the competent authority or solemn declarations attesting that taxes, duties and social security contributions have been paid
- c) Copy of a current insurance certificate covering the risks of its activities;

This requirement applies to all members of the consortium in case of joint tender.

Remark:

An applicant may 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/her 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.

ENISA will also waive the obligation of the tenderer to submit the documentary evidence if it can access it on a national database free of charge.

Each tenderer (and each member of a consortium) shall declare in the relevant field in Annex VI (Administrative Identification form) whether it is a Small or Medium Size Enterprise (SME) in accordance with Commission Recommendation 2003/361/EC³.

As a general guideline, here is an excerpt from the Recommendation:

³ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:124:0036:0041:en:PDF>

“The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million.”

10.4 SELECTION CRITERIA – STEP 1

The following criteria will be used to select the applicants for further evaluation. If the application is proposed by a consortium, these criteria shall be fulfilled by all partners as a whole (unless otherwise stated).

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

10.4.1 PROFESSIONAL INFORMATION

The applicant must provide evidence of enrolment in one of the professional or trade registers related to the subject of this tender, in the country of its establishment. It should also be proven that they are legally able to provide these services in Greece.

10.4.2 FINANCIAL AND ECONOMIC CAPACITY

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

- (a) Provide 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 applicant 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) **Complete the attached Annex II ‘Simplified Financial Statement’**, which summarises your recent financial capacity. Please note that the average turnover for the last two (2) financial years for which accounts have been closed must meet our **minimum annual average turnover of €400.000,00 (four hundred thousand euro)**:

In case of a consortium/grouping, the annual average turnover for each of the partners shall be presented. The sum of the annual average turnovers of each partner will be taken into account to reach the annual average turnover of **€400.000,00**.

- (c) If applicants will call on the competences of another entity (for example, a parent company), a written undertaking by the said entity certifying that it will make available to the applicant the resources required to implement the contract.

If for some exceptional reason which the Contracting Authority considers justified, the applicant 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 formal request for clarification **before** the tender expiry date.

10.4.3 TECHNICAL AND PROFESSIONAL CAPACITY CRITERIA AND EVIDENCE

These criteria relate to the Applicant's skill, efficiency, experience, reliability for relevant services. Applicants are required to prove that they have sufficient technical and professional capacity to perform the contract by providing the following documentation:

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

CRITERION T1:

Indication of the permanent number of employees of the company and of the average number of the employees over the past three years

Evidence for T1:

A List and/or Organigramme of your organisation.

CRITERION T2:

At least three (3) similar (in scope and complexity) contracts completed/still running in the last three years preceding the application submission deadline, **each with a minimum value € 100.000.**

Also a list of the principal services provided in the past three years.

This criterion applies to the applicant as a whole, i.e. the combined capacities of all involved entities.

Evidence for T2:

a). A list of contracts meeting the minimum level of capacity (€ 100.000). The list shall include details of their start and end date, total contract amount and scope, role and amount invoiced. In case of contracts still on-going only the portion completed during the reference period will be taken into consideration.

b). A general list of the principal services with the values, recipients, public or private, especially those services provided to international or foreign companies, diplomatic missions or representations of international organisations;

CRITERION T3:

The tenderer must prove at least eight (8) years of experience in provision of similar tasks and services as mentioned in Section 3.

Evidence for T3:

Reference list (including contact details) of minimum three (3) current and/or past customers to whom the tenderer has supplied (similar in scope and volume) facilities management services, in the past eight (8) years; specifying the tenderer's share in provision of the services and if subcontractors were used for any of the services.

CRITERION T4:

Demonstrated experience and qualifications of the members of the managerial bodies and of the technical managers assigned, ensuring the quality and the continuity of the services requested.

Evidence for T4:

- at least three (3) years of experience in managing similar contracts
- CVs or Professional Experience Summaries
- good command of the English language (at least level B1 according to the Common European Framework of Reference for Languages (CEFR));

CRITERION T5:

Evidence of compliance with the EU standards applicable to the Facilities Management field.

Evidence for T5:

Provide proof of certification:

- ISO 9001:2015 - Quality management systems
- ISO 14001:2015 - Environmental management systems
- ISO 41001:2018 - Facility management systems (*or in the process of obtaining*)
- any other relevant certification you wish to submit

11. AWARD CRITERIA DETAILS – STEP 2

For those applicants who are accepted and passed to the next stage (STEP 2) the following award criteria are envisaged to be included in the Tender Specification document:

No	Qualitative award criteria		Weighting (max. points)
1.	Quality and accuracy of contract management	Description of the proposed service management system using CAFM software and quality control system for the efficient scheduling of routine and reactive maintenance (e.g. scheduling work, follow-up, response to inquiries etc.), including a description of how the maintained quality levels (using a Service Level Agreement with KPIs) throughout the full length of the contract, will be ensured.	30/100
2.	Organisation of the work and resources	Description of how the services will be undertaken to ensure: <ul style="list-style-type: none"> • That the personnel are efficiently and effectively managed by the Facility Manager/Contractor management, including description of the staff selection and replacement process; • Respect of the response times to effectively resolve any problem and ensure continuity of the service 	40/100

3.	Quality of supplies (eco-friendliness) and equipment	<p>Description of how you intend to comply with meeting the minimum cleaning standards with regards to supplies of materials and equipment (e.g. eco friendliness of the products, efficiency of the products, replacement of damaged products/equipment etc.). (15/30)</p> <p>Adequacy of description on implementation of Carbon Neutral initiatives and ESG related measures (15/30)</p>	30/100
Total Qualitative Points (QP)			100

12. OTHER CONDITIONS

12.1 VALIDITY

Period of validity of the application: 6 months from the closing date stated in Invitation to Tender. The successful Applicant must maintain its Offer for a further 120 days from the notification of the award.

12.2 LOTS

This Tender is not divided into Lots:

12.3 ADDITIONAL PROVISIONS

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

12.4 NO OBLIGATION TO AWARD THE CONTRACT

Initiation of a tendering procedure imposes no obligation on the Contracting Authority to award the contract. Should the invitation to tender cover several items or lots, the Contracting Authority reserves the right to award a contract for only some of them. The Contracting Authority 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.

13. CONTRACTUAL DETAILS

A Framework Service Contract will be proposed to the successful tenderer after STEP 2 of this 'Restricted' tender procedure. Selection of candidates and / or signature of the Framework Service Contract imposes no obligation on ENISA to order services.

The contract and its annexes draw up the legal, financial, technical and administrative provisions governing the relations between the Agency and the Contractor during its period of validity.

The tender will conclude, valid as of the date of the last signature, with a one-year Framework Service contract, tacitly renewable three times for a maximum of four years.

14. ANNEXES TO BE COMPLETED

You must complete and submit the following annexes with your application:

Annex I	Legal Entity & Financial ID Forms
Annex II	Simplified Financial Statement form
Annex III	Declaration on honour on exclusion criteria and selection criteria
Annex IV	Power of Attorney for Consortium Forms
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