



## **OPEN CALL FOR TENDERS**

### ***Tender Specifications***

for the provision of

**“Provision of 3G/4G Mobile Voice and Data communication services”**

**ENISA F-ASD-14-T02**

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# PART 1 INTRODUCTION TO ENISA

## 1. CONTEXT

### 1.1 Introduction

ENISA, the European Union Agency for Network and Information Security, is an Agency of the European Union (EU). It was set up to strengthen the capacity of the European Union, its Member States and the business community to prevent, address and respond to network and information security threats.

Computers and other information technology devices, such as smart phones, are now central to how Europe's citizens live their lives. Therefore, protecting digital information and networks is crucial, for society and the European economy.

In order to achieve this goal, ENISA acts as a centre of expertise in network and information security and facilitates cooperation between the public and private sectors. The Agency's mission is to support a high and effective level of Network and Information Security within the EU. Together with the EU-institutions and the Member States, ENISA seeks to develop a culture of Network and Information Security for the benefit of citizens, consumers, business and public sector organizations in the European Union.

### 1.2 Scope

The Agency assists the Commission and the EU Member States, and cooperates with the business community in order to help them to meet the requirements of network and information security. This work supports the smooth functioning of the EU's internal market.

### 1.3 Objectives

The Agency's objectives are as follows:

- Advising and assisting the European Commission and the Member States on information security and in their dialogue with industry to address security in hardware and software products.
- Collecting and analysing data on security incidents in Europe and emerging risks.
- Promoting risk assessment and risk management methods to enhance the Agency's capability to deal with information security threats.
- Awareness-raising and co-operation between different actors in the information security field, notably developing public and private sector partnerships with industry.

## 2. ADDITIONAL INFORMATION

Further information about ENISA can be obtained on its website: [www.enisa.europa.eu](http://www.enisa.europa.eu)

## PART 2 TECHNICAL DESCRIPTION

### 1. 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 technical specifications outlined below.

ENISA assigns to certain staff a smartphone for business purposes requiring 3G and 4G voice and data services. In addition, ENISA also assigns to key personnel a data SIM for use in their laptop or tablet requiring 3G and 4G mobile data services

As an indication of the likely volume of services requested in this tender procedure, ENISA has spent between €40,000 and €60,000 per year for the last 3 years for similar mobile voice and data communication services.

A Framework Service Contract will be offered to the successful contractor for a period of up to 3 years. Each year a Specific Contract for a period of 12 months shall be agreed upon based on the plan and pricing provided in the contractor's offer.

For the 2<sup>nd</sup> and 3<sup>rd</sup> year, the Specific Contracts will be negotiated to take into account any revisions in pricing for the same level of services as per the price plan offered in the original tender offer.

Subject of the tender	Maximum budget
Provision of 3G/4G Mobile Voice and Data communication services	<b>€200,000.00</b> over the maximum possible period of 3 years

## 2. PRODUCTS AND SERVICES TO BE PROVIDED

### 2.1 Mobile Voice and Data Telephony

All services are planned to be activated by 1<sup>st</sup> May 2014.

#### 2.1.1 Voice and Data communications with smartphones

3G and 4G mobile voice and data communication services are required for ENISA staff to enable them to communicate wherever they are in the world with their smartphones. The number of users requiring voice and data services that are capable of roaming in EU is currently around 68 and is expected to increase to around 84 by 2016.

It should be possible to add additional connections under the same conditions at a later date.

In addition, about 20 additional inactive SIM cards must be supplied upon commencement of the contract in order to be able to assign new SIM cards in case of theft or loss of a smartphone.

For the requirements related to tariff plans please see Annex IV, 'PART A: *Voice and Data communications with smartphones*'.

ENISA does not foresee procuring smartphones in the first year of this contract. Therefore the specific subsidy usually offered per connection should be declared as a total amount in Euro and fully credited to ENISA within the period of the yearly specific contract.

#### 2.1.2 Data services with data SIM in mobile devices

For use with devices (e.g. laptops / tablets) with built in SIM card slots, ENISA also wishes to procure mobile data services for use in Greece and EU member states. ENISA estimates that it will require about 4 (four) 4G mobile data contracts.

The required tariff plan should be 5GB national. The tenderer should also make a proposal for mobile data roaming charges.

Due to the low number of Data SIM cards required they will not be taken into consideration when evaluating offers.

#### 2.1.3 Coverage

The candidate **must be able to provide both 3G & 4G mobile voice and data services in Greece**. The widest possible geographical coverage in the rest of the world will be considered as advantageous.

The signal strength received throughout ENISA's buildings in Heraklion (ITE, Vasilika Vouton) and Athens (Marousi, 1 Vass Sofias & Meg. Alexandrou) *should be between: -60 to -85 dBm*.

If the signal strength is below the expected range, ENISA expects the candidate to propose measures to remedy this – each candidate must fully describe their solutions, taking into consideration the health and safety of users, and clearly state any related cost, if any, for ENISA.

## 2.2 Eligibility Requirements:

**PLEASE NOTE:** For your offer to be considered eligible, **all boxes** in Annex IV, Financial Offer form (also titled: *'Typical ENISA Tariff Plan and Technical Requirements Forms'*) must be fully completed and submitted along with your offer.

The quality of *all* the services to be provided in accordance with Art.2.3 to 2.9 will be assessed on the basis of the relevant supporting documents which should be included in the tender, e.g.:

- information on network coverage,
- quality and availability of 3G and 4G network,
- roaming partners for voice and data for all 28 EU countries,
- awards and certificates,
- etc.

## 2.3 Typical ENISA Tariff Plan:

In order to simplify the tender we have defined a "Typical ENISA Tariff Plan" which forms the basis of the offer. You **must use and fully complete the form provided as Annex IV (Parts A and B)**.

## 2.4 General Requirements:

As part of the services to be provided, one hardcopy (paper) summary invoice must be presented for payment each month, summarising all costs, and excluding VAT (see Part 3, Art. 4.2). Hardcopy itemised invoices per number are not required.

In addition, this monthly invoice must be available electronically, along with separate itemised electronic invoices for each mobile connection, in both PDF and CSV formats.

Please refer to Annex IV (Part B) for a more complete description of requirements

## 2.5 Customer Services:

A customer portal must be available for the download of electronic invoices, as well as for other administrative tasks, and an effective client service function must be available. The ability to be able to block/unblock SIM cards directly and immediately through the customer portal would be advantageous to your offer.

Please refer to Annex IV (Part B) for a more complete description of requirements

## 2.6 SMS Services:

Please refer to Annex IV (Part B) for description of requirements

## 2.7 Voice Services:

Please refer to Annex IV (Part B) for description of requirements

***For articles 2.4 to 2.7, you must fully complete the 'Technical Requirements' form provided as Part B of Annex IV.***

### **3. ESTIMATED CONTRACT VALUE**

The contract value without this being binding for ENISA is estimated<sup>1</sup> to be two hundred thousand (€200,000) Euros over a maximum possible period of 3 years.

### **4. CONTENT AND PRESENTATION OF THE TECHNICAL OFFER**

The Tenderer shall enclose with the Technical Offer all documents and information that will enable its offer to be assessed in terms of quality and of compliance with the Technical specifications. (See Annex VII for the Documents Checklist)

### **5. CONTENT AND PRESENTATION OF THE PRICE OFFER**

The Financial offer must be drawn up using the **Financial Offer form (see Annex IV - Part A and Part B)**. In order to be valid, it must be duly filled in, dated, stamped, and signed by the authorized person

Please take special care to enter data **in all boxes** as described. Failure to provide a fully completed form may result in your offer being declared invalid and not being further evaluated.

### **6. 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.

### **7. 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 included (for the purposes of evaluating prices provided by each candidate).

### **8. PRICE REVISION**

Contracted prices for the selected tariff plan can be maintained or altered in the 2nd and/or 3rd year of the awarded framework service contract. One month before the conclusion of the Specific Contract for the next yearly period, both contractual parties shall negotiate and conclude contracted prices for the selected tariff plan.

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<sup>1</sup> Please note that depending on budget availability and the needs of the contracting authority, the maximum amounts stated above can be increased by up to 50%

As mentioned before, ENISA does not foresee procuring smartphones during this contract. Therefore the specific subsidy usually offered per connection should be declared as a total amount in Euro and fully credited to ENISA within the period of the yearly specific contract.

## **9. 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.

## **10. 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.

## **11. 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..

## **12. PAYMENT ARRANGEMENTS**

Invoices can be submitted by the contractor on a monthly basis, in arrears, for the services as covered under the contract. Payments under the Contract shall be carried out within 30 days after an invoice is received to ENISA. In order to be eligible, an invoice has to comply with the requirements mentioned in Article 4.3 of the contract

## **13. CONTRACTUAL DETAILS**

A Framework Service Contract will be proposed to the successful candidate. Selection of a candidate 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 on a yearly basis for a maximum of three years. The services to be provided will be ordered **via a Specific Contract for a period of 12 months each time**.

The Agency reserves the right to end the contract at any time, without any obligation to invoke the reason for it, at one months' notice.

The Tenderer's offer must be drafted taking fully into account the provisions of the draft Framework Service contract annexed to this call for tenders (See Annex V).

***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 ADMINISTRATIVE DETAILS

### 1. FORMAL REQUIREMENTS

#### 1.1 Address and deadline for submission of the Tender:

You are invited to tender for this project and requested to submit (despatch) your tender no later than **31<sup>st</sup> March 2014** either by:

a) **Registered post or express courier**. The postal service's dated stamp or the courier company's printed delivery slip and stamp will constitute proof of compliance with the deadline given above:

**or**

b) **Hand-delivery** (direct or through any authorised representative of the Tenderer) by 17.00 hours on **31<sup>st</sup> March 2014** at the latest to the address shown below (please, be informed that only delivery during working hours 09:00-17:00 hrs. is accepted). In the case of hand-delivery, in order to establish proof of the date of deposit, the depositor will receive from an official at the below-mentioned address, a receipt which will be signed by both parties, dated and time stamped.

Please note that in this case it is the date and time actually received at the ENISA premises that will count.

**Please Note:** Due to frequent delays encountered with the postal services in Europe, we would ***strongly suggest that you use a courier service***. It is important to avoid delays to the programmed Opening and Evaluation dates as this will in turn delay the contract award, thereby affecting project completion dates.

The offer must be sent to one of the following addresses:

Postal Address		Express Courier & Hand Delivery
European Union Agency for Network and Information Security (ENISA)  For the attention of: The Procurement Officer PO Box 1309 71001 Heraklion Greece	Or	European Union Agency for Network and Information Security (ENISA)  For the attention of The Procurement Officer Science and Technology Park of Crete (ITE) Vassilika Vouton 700 13 Heraklion Greece

Please note that late despatch will lead to exclusion from the award procedure for this Contract.

## 1.2 Presentation of the Offer and Packaging

The offer (consisting of one original and two copies) should be enclosed in two envelopes, both of which should be sealed. If self-adhesive envelopes are used, they should be further sealed with adhesive tape, upon which the Tenderer's signature must appear.

The **outer envelope**, in addition to the above-mentioned ENISA address, should be addressed as follows:

<p>OPEN CALL FOR TENDER NO.      <b>ENISA F-ASD-14-T02</b></p> <p><b>“Provision of 3G/4G Mobile Voice &amp; Data communication services”</b></p> <p>NOT TO BE OPENED BY THE MESSENGER/COURIER SERVICE</p> <p>NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE <b>7<sup>th</sup> April 2014</b></p> <p>TENDERED BY: &lt; <i>YOUR COMPANY NAME</i> &gt;</p>
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The **inner envelope** should be addressed as follows:

<p>OPEN CALL FOR TENDER NO.      <b>ENISA F-ASD-14-T02</b></p> <p><b>“Provision of 3G/4G Mobile Voice &amp; Data communication services”</b></p> <p>NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE <b>7<sup>th</sup> April 2014</b></p> <p>TENDERED BY: &lt; <i>YOUR COMPANY NAME</i> &gt;</p>
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## 1.3 Identification of the Tenderer

Tenderers are required to complete the **Legal Entity Form (Annex I)** which must be signed by a representative of the Tenderer authorised to sign contracts with third parties. There is one form for 'individuals', one for 'private entities' and one for 'public entities'. A standard form is provided for each category - please choose whichever is applicable. In addition to the above, a **Financial Identification Form** must be filled in and signed by an authorised representative of the Tenderer and his/her bank (or a copy of the bank account statement instead of bank's signature). A specimen form is provided in **Annex II**. Finally a **Declaration by Authorised Representative (Annex VI)** must also be completed for internal administrative purposes.

The **Legal Entity Form** must be supported by the following documents relating to each Tenderer in order to show its name, address and official registration number:

**a) For private entities:**

- A legible copy of the instrument of incorporation or constitution, and a copy of the statutes, if they are contained in a separate instrument, or a copy of the notices of such constitution or incorporation published in the national or other official journal, if the legislation which applies to the Tenderer requires such publication.
- If the instruments mentioned in the above paragraph have been amended, a legible copy of the most recent amendment to the instruments mentioned in the previous indent, including that involving any transfer of the registered office of the legal entity, or a copy of the notice published in the relevant national or other official journal of such amendment, if the legislation which applies to the Tenderer requires such publication.
- If the instruments mentioned in the first paragraph have not been amended since incorporation and the Tenderer's registered office has not been transferred since then, a written confirmation, signed by an authorised representative of the Tenderer, that there has been no such amendment or transfer.
- 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.
- If the above documents do not show the registration number, a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number.
- If the above documents do not show the VAT number, a copy of the VAT registration document, where applicable.

**b) For Individuals:**

- A legible copy of their identity card or passport.
- Where applicable, a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number.
- If the above documents do not show the VAT number, a copy of the VAT registration document, where applicable.

**c) For Public Entities:**

- A copy of the resolution decree, law, or decision establishing the entity in question or failing that, any other official document attesting to the establishment of the entity.

**All tenderers must provide their Legal Entity Form (Annex I) as well as the evidence mentioned above.**

**In case of a joint bid, only the co-ordinator must return the Financial Identification form (Annex II).**

The Tenderer must be clearly identified, and where the Tender is submitted by an organisation or a company, the following administrative information and documents must be provided:

Full name of organisation/company, copy of legal status, registration number, address, person to contact, person authorised to sign on behalf of the organisation (copy of the official mandate must be produced), telephone number, facsimile number, VAT number, banking details: bank name, account name and number, branch address, sort code, IBAN and SWIFT address of bank: a bank identification form must be filled in and signed by an authorised representative of each Tenderer and their bank (or by producing a recent bank statement which clearly shows the IBAN number).

Tenders must be submitted individually. If two or more applicants submit a joint bid, one must be designated as the lead Contractor and agent responsible.

#### **1.4 Participation of Consortia or group of service providers**

Consortia are not allowed to bid for this tender.

#### **1.5 Subcontracting**

Subcontracting is not allowed in this tender.

#### **1.6 Signatures of the Tender**

Both the technical and the financial offer must be signed by the Tenderer's authorised representative or representatives (preferably in blue ink).

#### **1.7 Prices**

All prices included in the Tender must be expressed in Euro and include VAT. The contract prices shall be firm and not subject to upward revision during the contractual period.

#### **1.8 Language**

Offers shall be submitted in one of the official languages of the European Union (preferably in English).

#### **1.9 Opening of the Tenders**

The public opening of received tenders will take place on **7<sup>th</sup> April 2014 at 10:00am** at ENISA Building, Science and Technology Park of Crete, GR - 70013 Heraklion, 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, at least 48 hours prior to the opening session to email address: [procurement@enisa.europa.eu](mailto:procurement@enisa.europa.eu). Please note that attendance is not compulsory.

## **2. GROUNDS FOR EXCLUSION OF TENDERERS**

### **2.1 Reasons for Exclusion**

In line with Articles No.106, 107, 109(1) of the European Parliament and of the Council Regulation No 966/2012 of 25 October 2012 on the financial rules applicable to the general

budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002; candidates or tenderers shall be excluded from participation in a procurement procedure if:

- They are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or
- Are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- They have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- They have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- They have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- They have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- Following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Tenderers must certify that they are not in one of the situations listed in point 2.1 (see Annex III: Exclusion criteria and non-conflict of interest form). If the tender is proposed by a consortium this form must be submitted by each partner.

## **2.2 Other reasons for not awarding the Contract**

Contracts may not be awarded to Candidates or Tenderers who, during the procurement procedure:

- a. Are subject to a conflict of interest;
- b. Are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information;
- c. Any attempt by a Tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or ENISA during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his offer and may result in administrative penalties.

See last paragraph point 2.1.

## 2.3 Confidentiality and Public Access to Documents

In the general implementation of its activities and for the processing of tendering procedures in particular, ENISA observes the following EU regulations:

- 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;
- 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;
- 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.

## 3. SELECTION CRITERIA

The following criteria will be used to select the Tenderers. Documentary evidence of the Tenderers' claims in respect of the below-mentioned criteria is required.

### 3.1 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 Financial and Economic Capacity

Proof of financial and economic standing may be furnished by one or more of the following references:

- a) Annual accounts, balance sheet or extracts from balance sheets for at least the last 2 years for which accounts have been closed, shall be presented where publication of the balance sheet is required under company law of the country in which the economic operator is established;

It is necessary that the extracts from balance sheets be dated, signed and stamped by the authorised representatives of the tenderer.

- b) Statement of the undertaking's overall turnover and its turnover in respect of the services to which the contract relates for the previous two financial years, signed and stamped by the authorised representatives of the tenderer.
- c) If tenderers 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 tenderers the resources required to implement the contract.

If, for any valid reason, the service provider is unable to provide the references requested by the contracting authority, he may prove his economic and financial standing by any other document which the contracting authority considers appropriate, but only following a request for clarification before the tender expiry date.

### 3.3 Technical and professional capacity

- a) Provide relevant technical and commercial background of the tenderer in supplying related services for the last 3 years.
- b) The quality of the services to be provided will be assessed on the basis of the relevant supporting documents which should be included in the tender, e.g. information on network coverage, **signal levels at the ENISA building locations in Heraklion and Athens**, quality of 3G and 4G network, roaming partners for voice and data, awards / certificates, etc

## 4. AWARD CRITERIA

### 4.1 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.	<b>Voice services</b>	How suitable are the proposed VOICE services for ENISA?	<b>30</b>
2.	<b>Data services for use with smartphones</b>	How suitable are the proposed DATA services for use with smartphones for ENISA?	<b>20</b>
3.	<b>3G and 4G Coverage</b>	To what extent does the 3G/4G network cover Greece (based on 3G and 4G network coverage map and/or other relevant info supplied by the tenderer).	<b>30</b>
4.	<b>Additional value-added services</b>	Additional services proposed and deemed value-added will be given extra points (e.g. access to the provider's wireless hotspots, extended warranty on devices, cost control, toll fraud, etc.).	<b>20</b>
<b>Total Qualitative Points (QP)</b>			<b>100</b>

#### 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 awards 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 **60%** in relation to the price.

#### 4.2 Price of the Offer

Prices quoted for this tender have been requested to be **inclusive of VAT**, for the sake of simplicity and to avoid requests for clarifications when comparing the many prices requested.

However please note that the Agency will expect the successful contractor to provide all invoices on a tax exempt basis.

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.

The offer will be assessed on the basis of the following price award criteria:

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

$$PP = (PC / P_{TT}) \times 100$$

Where:

**PP** = weighted price points

**P<sub>TT</sub>** = Bid Price being evaluated =  $P_v - (P_v \times P_{dv}\%)$

**PC** = cheapest Bid Price received

#### 5. 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 (60%) and the price (40%)**. The following formula will be used:

$$TWP = (QP \times 0.6) + (PP \times 0.4)$$

Where;

**QP** = Qualitative points

**PP** = Weighted price points

**TWP** = Total weighted points score

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

## 6. PAYMENT AND STANDARD CONTRACT

Payments under the Service Contract shall be made in accordance with article I.5 of the Special Conditions and article II.4.3 of the General Conditions (see Annex V)

In drawing up their bid, the Tenderer should take into account the provisions of the standard contract which include the "General terms and conditions applicable to contracts"

## 7. VALIDITY

Period of validity of the Tender: 90 days from the closing date given above. The successful Tenderer must maintain its Offer for a further 7 months from the notification of the award.

## 8. LOTS

This Tender is not divided into Lots.

## 9. ADDITIONAL PROVISIONS

- Changes to tenders will be accepted only if they are received on or before the final date 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.

## 10. 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 who's Tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

## 11. DRAFT CONTRACT

A Framework Service Contract will be proposed to the selected candidate. A draft copy of which is included as Annex V to this tender.

***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.***

## 12. SPECIFIC INFORMATION

### 12.1 Timetable

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

Title: **“Provision of 3G/4G Mobile Voice and Data communication services”**

**ENISA F-ASD-14-T02**

#### Summary timetable comments

Launch of tender - Contract notice to the Official Journal of the European Union (OJEU)	<b>12 February 2014</b>	
Deadline for request of information from ENISA	25 March 2014	
Last date on which clarifications are issued by ENISA	27 March 2014	
Deadline for submission of offers	<b>31 March 2014</b>	in case of hand-delivery (17:00 local time. This deadline is fixed for the receipt of the tender in ENISA's premises)
Opening of offers	<b>7<sup>th</sup> April 2014</b>	At 10:00 Greek time
Date for evaluation of offers	<b>7<sup>th</sup> April 2014</b>	At 11:00 Greek time
Notification of award to the selected candidate + 10 day standstill period commences	Mid April 2014	Estimated
Contract signature	late April 2014	Estimated
Commencement date of activities	1 <sup>st</sup> May 2014	Estimated
Completion date of activities	As per tender	Estimated

# ANNEX I

## Legal Entity Form

The specific form for;

- c) public entity,
- d) private entity or
- e) individual entity,

is available for download in each of the 22 official languages at the following address: [http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)

*Please download the appropriate form, complete the details requested and include in your tender offer documentation.*

# ANNEX II

## **FINANCIAL IDENTIFICATION FORM**

**- SPECIMEN FOR THE TENDERER -**

(to be completed by the Tenderer)

The Tenderer's attention is drawn to the fact that this document is a sample only, and a specific form in each of the 22 official languages is available for download at the following address:

[http://ec.europa.eu/budget/execution/ftiers\\_en.htm](http://ec.europa.eu/budget/execution/ftiers_en.htm)

	
<b>FINANCIAL IDENTIFICATION</b>	
PRIVACY STATEMENT <a href="http://ec.europa.eu/budget/library/contracts_grants/info_contracts/privacy_statement_en.pdf">http://ec.europa.eu/budget/library/contracts_grants/info_contracts/privacy_statement_en.pdf</a>	
<b>ACCOUNT NAME</b>	
ACCOUNT NAME 	<input type="text"/> <input type="text"/>
ADDRESS	<input type="text"/> <input type="text"/>
TOWN/CITY	<input type="text"/>
POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>
 <i>The name or title under which the account has been opened and not the name of the account holder</i>	
CONTACT	<input type="text"/>
TELEPHONE	<input type="text"/>
FAX	<input type="text"/>
E-MAIL	<input type="text"/>
<b>BANK</b>	
BANK NAME	<input type="text"/> <input type="text"/>
BRANCH ADDRESS	<input type="text"/> <input type="text"/>
TOWN/CITY	<input type="text"/>
POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>
ACCOUNT NUMBER	<input type="text"/>
IBAN 	<input type="text"/>
 <i>If the IBAN Code (International Bank Account Number) is applied in the country where your bank is situated</i>	
REMARKS: <input type="text"/>	
BANK STAMP + SIGNATURE OF BANK REPRESENTATIVE (Both obligatory) 	DATE + SIGNATURE OF ACCOUNT HOLDER (Obligatory)

## ANNEX III

### DECLARATION OF HONOUR ON EXCLUSION CRITERIA AND ABSENCE OF CONFLICT OF INTEREST

(Complete or delete the parts in grey italics in parentheses) [Choose options for parts in grey between square brackets]

The undersigned (*insert name of the signatory of this form*):

in [his][her] own name (*for a natural person*)

or

representing the following legal person: (*only if the economic operator is a legal person*)

Full official name: .....

Official legal form: .....

Full official address: .....

VAT registration number: .....

➤ declares that [*the above-mentioned legal person*][he][she] is not in one of the following situations:

a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;

c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;

d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be performed;

e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;

➤ is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.

➤ (*Only for legal persons other than Member States and local authorities, otherwise delete*) declares that the natural persons with power of representation, decision-making or control<sup>2</sup> over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

<sup>2</sup> This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

➤ declares that *[the above-mentioned legal person][he][she]*:

g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;

h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;

i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;

j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;

➤ acknowledges that *[the above-mentioned legal person][he][she]* may be subject to administrative and financial penalties<sup>3</sup> if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

.....  
.....

Full name

.....  
.....

Signature

Date

<sup>3</sup> As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation

# ANNEX IV

## FINANCIAL OFFER:

### TYPICAL ENISA TARIFF PLAN & TECHNICAL REQUIREMENTS FORMS:

<b>Company Name:</b>	
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**Please note:**

- For your offer to be considered eligible **all** forms in this Annex (Part A and B) must be completed and submitted along with the bid.
- To ensure consistency in the evaluation of prices, all costs entered below **must include VAT**.

### **PART A: Voice and Data communications with smartphones**

Please complete the following table with the respective data for the tariff plan you offer which should be based on ENISA's approximate requirements as shown in the table below. ENISA prefers a **volume-based** tariff plan. If you wish to propose *extra services in the tariff plan* then use the blank lines provided.

Services included in the Tariff Plan	Approximate quantity to be included in Tariff Plan	Your <u>proposed</u> Tariff Plan	Cost per unit <sup>4</sup> for additional consumption outside Tariff Plan (including VAT)
Calls to national networks	150 min	min	€
SMS to national networks	60 SMS	SMS	€
Intra-company calls	1500 min	min	€
Mobile internet in Greece	700 MB	MB	€
Extra services in tariff plan			
Extra services in tariff plan			
Extra services in tariff plan			
Proposed Tariff Plan fixed monthly fee: <i>(including VAT)</i>			€ Pv
Proposed discount on above Tariff Plan fixed monthly fee:			% Pdv
Proposed discount on consumption in Greece outside Tariff Plan:			%
Proposed discount on consumption while Roaming:			%
Proposed smartphone subsidy per connection: <i>(including VAT)</i>			€
Can the MB for mobile internet in Greece, which is included in the cost of the Tariff Plan above, also be used while <b>roaming in EU</b> ?			Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>If your answer is YES please specify the following:</i>			
Cost of this service <i>(monthly)</i>			€
Cost per MB in excess of quantity included in Tariff Plan			€
<i>If your answer is NO please specify the following:</i>			
Cost for roaming data service <i>(monthly)</i>			€
Do all prices above <b>INCLUDE</b> VAT?			Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>4</sup> Specify the relevant unit, e.g. minute, MB, etc.

## PART B: Technical Requirements Acknowledgement

Please indicate with **YES** or **NO** in the right hand column of tables below whether you satisfy each specific requirement. This can also serve as a checklist for each tenderer to ensure that they are compliant with the specific technical requirements.

### 2.4 General Requirements:

1. Payment will be based on one summary invoice totalling all charges on a monthly basis.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. No VAT will be charged on the invoice since ENISA is VAT exempt (see Part 3, Art. 4.2).	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Monthly invoices will be available electronically, along with separate itemised electronic invoices for each mobile connection.	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. ENISA will keep all its existing mobile telephone numbers as part of any new contract.	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. All the services ordered under the contract will be available for activation by 1 <sup>st</sup> May 2014.	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Confirm that, if required, measures will be taken in order to ensure minimum signal strength in ENISA's offices (signal strength conformity at the latest 1 month after the activation of services).	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Coverage maps for both 3G and 4G and / or other relevant info has been included with the offer.	Yes <input type="checkbox"/> No <input type="checkbox"/>

### 2.5 Customer Services:

1. An Account Manager will be appointed as the single point of contact for all non-technical questions between the provider and ENISA, e.g. invoice queries.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. A multilingual (in Greek and English) "E-billing" web portal will be available to designated users at ENISA, through which current and previous invoices can be accessed, downloaded and printed.	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. 24/7 help line for user queries will be available.	Yes <input type="checkbox"/> No <input type="checkbox"/>

### 2.6 SMS Services:

1. Local charges for Greece have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Roaming charges for all 28 EU countries have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>

## 2.7 Voice Services

1. Voice tariff plans have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Local call charges for Greece have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Roaming call charges for all 28 EU countries have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Special tariffs for roaming have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. International call charges for all 27 EU countries have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Intra-company charges (between ENISA staff members) have been included in the bid.	Yes <input type="checkbox"/> No <input type="checkbox"/>

*I the tenderer declare that all three pages comprising this Financial Offer form have been completed without leaving any box blank.*

**Print name:**  
*(of the Tenderer or authorised representative)*

**Signature:**

**Date:**

*Annex IV: page3 of 3*

## **ANNEX V**

**Model Framework Service Contract template**

**(See attached file)**

## ANNEX VI

### DECLARATION BY THE AUTHORISED REPRESENTATIVE(S):

NAME OF LEGAL REPRESENTATIVE	
<i>I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.</i>	
First name	
Last name	
Title (e.g. Dr, Mr, Mrs)	
Position (e.g. Manager, Director)	
Telephone number	
Fax number	
e-mail address	
Website	
NAME OF 2 <sup>nd</sup> LEGAL REPRESENTATIVE <i>(if applicable)</i>	
<i>I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.</i>	
First name	
Last name	
Title (e.g. Dr, Mr, Mrs)	
Position (e.g. Manager, Director)	
Telephone number	
Fax number	
e-mail address	
Website	

**SIGNATURE:** ..... **DATE:** .....

## ANNEX VII Document CHECKLIST

### WHAT MUST BE INCLUDED IN THE TENDER SUBMISSION:

PLEASE TICK EACH BOX  AND **RETURN THIS CHECKLIST**

TOGETHER WITH YOUR OFFER

- 1 **Technical Offer**
- 2 **Professional information** (*see Part 3 – Article 3.1*)
- 3 **Proof of financial and economic capacity** (*see Part 3 – Article 3.2*)
- 4 **Proof of technical and professional capacity** (*see Part 3 – Article 3.3*)
- 5 **Legal Entity Form**<sup>5</sup> (*Annex I*) *signed and dated*
- 6 **Financial Identification Form**<sup>6</sup> (*Annex II*) *signed and dated*
- 7 **Declaration on Honour on exclusion criteria** (*Annex III*) *signed and dated*
- 8 **Financial Offer** (*Annex IV Part A and B*) *signed and dated*
- 9 **Declaration by Authorised Representative** (*Annex VI*) *signed and dated*

***\*The tenderers' attention is drawn to the fact that any total or partial omission of documentation requested may lead the Contracting Authority to exclude the tender from the rest of the procedure.***

**Print name:**

**Signature:**

**Date:**

*(of the Tenderer or authorised representative)*

<sup>5</sup> If you have provided a Legal Entity form to ENISA within the previous 12 months maximum and no details have changed in the meantime, then you may provide a photocopy of this previous form.

<sup>6</sup> If you have provided a Financial Identification form to ENISA within the previous 12 months maximum and no details have changed in the meantime, then you may provide a photocopy of this previous form.