



OPEN CALL FOR TENDERS

Tender Specifications

“Provision of operational consultancy services in the field of network and information security”

ENISA P/15/10/TCD

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PART 1 INTRODUCTION to ENISA

1. BACKGROUND

Communication networks and information systems have become an essential factor in economic and social development. Computing and networking are now becoming ubiquitous utilities in the same way as electricity or water supply. The security of communication networks and information systems, in particular their availability, is therefore of increasing concern to society. This stems from the possibility of problems in key information systems, due to system complexity, accidents, mistakes and attacks to the physical infrastructures which deliver services critical to the well-being of European citizens.

For the purpose of ensuring a high and effective level of network and information security within the Community and in order to develop a culture of network and information security for the benefit of the citizens, consumers, enterprises, and public sector organisations within the European Union (EU), thus contributing to the smooth functioning of the Internal Market, a European Network and Information Security Agency (ENISA) was established on 10 March 2004¹.

2. SCOPE

The Agency shall assist the European Commission and EU Member States, and in consequence cooperate with the business community, in order to help them to meet the requirements of network and information security, thereby ensuring the smooth functioning of the Internal Market, including those set out in present and future Community legislation, such as in the Directive 2002/21/EC.

3. OBJECTIVES

The Agency's objectives are as follows:

- The Agency shall enhance the capability of the Community, EU Member States and, as a consequence, the business community to prevent, to address, and to respond to network and information security problems.
- The Agency shall provide assistance and deliver advice to the Commission and EU Member States on issues related to network and information security falling within its competencies as set out in the Regulation.
- Building on national and Community 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, where called upon, in the technical preparatory work for updating and developing Community legislation in the field of network and information security.

¹ Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency. A "European Community agency" is a body set up by the EU to carry out a very specific technical, scientific or management task within the "Community domain" ("first pillar") of the EU. These agencies are not provided for in the Treaties. Instead, each one is set up by an individual piece of legislation that specifies the task of that particular agency.

4. TASKS

In order to ensure the fulfilment of its objectives, the Agency's tasks will mainly be focused on:

- Advising and assisting the Commission and the Member States on network and information security and in their dialogue with industry to address security-related problems 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 our capability to deal with network and information security threats.
- Awareness raising and cooperation between different actors in the network and information security field, notably by developing public-private partnerships in this field.

The Agency shall base its operations on carrying out a work programme adopted in accordance to the relevant Articles of the establishing regulation. The work programme does not prevent the Agency from taking up unforeseen activities that follow its scope and objectives and within the given budget limitations.

5. ORGANISATIONAL FRAMEWORK

The bodies of the Agency comprise a Management Board, an Executive Director (and his staff) and a Permanent Stakeholder Group. The Executive Director is responsible for managing the Agency and performs his/her duties independently.

The Management Board is entrusted with the necessary powers to: establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Agency, approve the Agency's work programme, adopt its own rules of procedure and the Agency's internal rules of operation, appoint and remove the Executive Director. The Management Board should ensure that the Agency carries out its tasks under conditions which enable it to serve in accordance with the Regulation establishing it.

The Permanent Stakeholders Group is composed of experts representing the relevant stakeholders, such as Information and Communication Technologies industry, consumer groups and academic experts in network and information security. The Permanent Stakeholders Group advises the Executive Director in the performance of his duties under the Regulation, in drawing up a proposal for the Agency's work programme and in ensuring communication with the relevant stakeholders on all issues related to the work programme.

The Executive Director will establish, in consultation with the Permanent Stakeholders Group, ad hoc Working Groups composed of experts. Where established, the ad hoc Working Groups shall address in particular technical and scientific matters.

6. ADDITIONAL INFORMATION

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

For ENISA's legal base please go to the following [link](#).

PART 2 TECHNICAL DESCRIPTION

1. GENERAL

The purpose of this Call for Tenders is to provide support for the ENISA operational activities throughout the year. ENISA carries out around 35 operational projects per year for the delivery of various operational services. The bulk of these services involve the contracting of operational consultancy services in the area of network and information security.

By means of this Call for Tenders ENISA seeks to contract the services of a minimum of two (2) and maximum of four (4) service providers which can provide operational consultancy services in the field of network and information security. The successful bidders should be able to demonstrate significant experience and skills in the area of network and information security, with emphasis on the aspects dealt with in the annual ENISA work programme. Additional consideration must be given to the various aspects of the ENISA activities as they are enshrined in the ENISA Regulation.

2. AREAS OF EXPERTISE

ENISA currently undertakes activities in such network and information security areas as the following:

- **Resilience of communication networks**
- **Cooperation with stakeholders**
- **Risk management/ risk assessment**
- **Identity and Trust in the networked world**
- **Security policies**
- **Security technologies**
- **Awareness raising**
- **CERT operation, cooperation and relation to third parties (law enforcement, etc.)**
- **Critical information infrastructure protection**
- **NIS Good Practice Brokerage**
- **Incident reporting (i.e. Article 13 of the new telecom package)**
- **Exercises**

It is envisaged that operational consultancy services will cover at least the areas mentioned above as well as their sub-sectors as addressed by ENISA. The ENISA Work Programme gives an indication of the possible areas.

In the framework of this Call for Tenders it is expected that the successful tenderers will deliver to ENISA such services as: reports, analyses, surveys, studies, recommendations, updates to existing reports, (publicly available) contacts, etc.

ENISA may launch several 'Request for Offers' during the year in a way that complements the acquisition of similar operational consultancy services by other suppliers during the course of the year.

3. DESCRIPTION OF TASKS & SERVICES TO BE PROVIDED

The objectives of the operational consultancy services may take but are not limited to, the following forms:

- Identify relevant stakeholders and engage them in dialogue on the areas of expertise mentioned above
- Carry out Gap Analyses
- Perform desktop research in the areas of expertise mentioned above
- Assess the impact of technologies, policies and regulations.
- Perform risk assessments for various kinds of technical and organisational components, including emerging technologies and applications
- Draft reports on the basis of information collected or on the basis of desk studies.
- Conduct surveys on the needs and competency of member states in various areas of ENISA operational interest, e.g. stocktaking of resilience of networks. Such surveys might be comprised of interviews (conducted face-to-face, via telephone or on-line means, etc.), preparations of questionnaires and analysis/presentation of results.
- Make specific recommendations on practices (good practices, best practices) and operational requirements to address perceived shortcomings/gaps.
- Validate findings, results, good practices and recommendations with stakeholders
- Develop complete and detailed Action-Plans as it might be required.
- Contribute to the implementation of action-plans, *inter alia* by carrying out activities that support the promotion of EU level policies and practices.
- Make arrangements for interviews with stakeholders
- Use online tools to collect information, carry out surveys etc.
- Use appropriate tools to carry out statistical analysis of data.
- Use/adapt existing practices to cover various (multi-sector) security requirements.
- Use existing technologies to assess/mitigate risks connected to vulnerabilities.
- Use available state-of-the-art tools to fulfil relevant project tasks.
- Present effectively achieved results by using presentation techniques (paper documents, on-line documents, slides, demonstrators, graphs, videos, etc.)
- Compile collection of relevant contacts
- Update existing reports, studies, surveys, etc.

The list of tasks connected to the provision of operational consultancy services is indicative. The successful tenderers may be required to carry out any additional service in support of the above-mentioned objectives:

Some travelling might be deemed necessary to meet with stakeholders and/or for kick off as well as interim progress meetings with ENISA representatives.

4. POOL OF EXPERTS AND EXPERT PROFILES

The successful tenderers shall have a pool of experts available for individual assignments/tasks. The experts for individual assignments will be selected depending on their availability and experience with regard to the specific requirements related to each assignment. The pool shall comprise the experts of junior and senior category. You are encouraged to provide the CVs of as many experts as deemed relevant and experienced in the fields related to the subject matter of this tender procedure.

4.1 Junior Expert profile

The Junior Expert shall have:

- Minimum 5 years of professional experience in the field of network information security;
- Minimum 2 years of prior experience in the technical field relevant to the mission described in the assignment, e.g. resilience of networks etc.;
- A good knowledge of the European and international frameworks concerning network information security;
- Knowledge of the European legal framework concerning network information security;
- Interdisciplinary knowledge of areas related to NIS are desirable (e.g. social issues, legal issues, sector orientation, etc.);
- Very good drafting skills and ability to draft long technical reports.
- Excellent communication and presentation skills.
- Very proficient in both written and spoken English

4.2 Senior Expert profile

The Senior Expert shall have:

- Minimum 10 years of professional experience in the field of network information security;
- Minimum 5 years of prior experience in the technical field relevant to the mission described in the assignment, e.g. resilience of networks etc.;
- Project management skills and experience as team leader;
- A good knowledge of the European and international frameworks concerning network information security;
- Knowledge of the European legal framework concerning network information security;
- Interdisciplinary knowledge of areas related to NIS are desirable (e.g. social issues, legal issues, sector orientation, etc.);
- Excellent drafting skills and ability to draft long technical reports.
- Excellent communication and presentation skills.
- Very proficient in both written and spoken English

5. ORGANISATION OF THE ASSIGNMENTS

ENISA will set up a project monitoring committee composed of at least 2 members of its operational teams and one member of its administrative teams. This project monitoring committee will be chaired by an operational team member.

The successful tenderers shall nominate a focal point for all assignments requests and overall management of this framework contract.

6. 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 cover the following aspects:

- Presentation of tender proposal;
- Evidence demonstrating expertise in the fields covered by this call for tender;
- Management practices, planning and resource allocation to tasks and experts;
- A description of the proposed approach to the Contract so that the services outlined in the tender specifications are carried out as efficiently as possible in terms of quality, speed and costs, ;
- The procedure for the provision of consultants (e.g., backup solutions....);
- In the case of a tender being submitted by a consortium, a description of the input from each of the consortium members and the distribution and interaction of tasks and responsibilities between them;
- A description of sub-contracting arrangements foreseen, if any, with a clear indication of the tasks that will be entrusted to a sub-contractor and the quality assurance methods to be used in relation to these tasks. A statement by the tenderer guaranteeing the eligibility of any sub-contractor shall be included as well, in case the subcontractor/s are not known at the moment of the tender submission.

In addition to the above the tenderer must provide the information concerning subcontracting as requested in Part 3; article 1.5.

7. CONTENT AND PRESENTATION OF THE FINANCIAL OFFER

The Financial offer must be drawn up using the **Financial Offer form (see Annex IV)**.

Prices must be quoted in **EURO** and include all expenses necessary to perform the contract.

This price must be a flat rate and include all administrative costs, with the exception of reimbursables in relation to travel and overnight stays away from your principal place of business if requested as part of the 'Request for offers'. These costs will be reimbursed as follows:

Travel by air will be reimbursed based on return economy tickets. Travel by train or coach will be reimbursed on the basis of a second class ticket. These approximate costs will be provided as part of the contractor's proposal following a 'Request for offers' by ENISA.

Any costs incurred during approved missions such as travel costs and subsistence allowances for overnight stays will be reimbursed based on the *per diem* rates published by the European Commission for the actual dates of the mission. *Per diems* cover accommodation, meals, local travel within the place of mission and sundry expenses. Please, refer to the following link for actual rates of reimbursement:

http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm

Any other costs which may be necessarily incurred will be reimbursed as appropriate, following prior agreement between both ENISA and the contractor, in accordance with the special provisions which will be defined in each Specific Contract.

8. ESTIMATED CONTRACT VALUE

The estimated maximum annual contract(s) value without this being binding for ENISA cannot exceed one hundred and fifty thousand (€150 000) annually and six hundred thousand (€600 000) over a maximum possible period of 4 years.

It is important to note that the amounts stated above apply to **all** framework contracts signed under the 'multiple framework contracts' system in total and not for each framework contract. There will be a minimum of two and a maximum of four framework contracts signed, provided that there are a sufficient number of admissible tenderers that meet the award criteria following the evaluation of offers.

(Please note that depending on budget availability and the needs of the contracting authority, the maximum amount stated above can be increased by up to 50%).

9. PRICE

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

10. PRICE REVISION

Price revision does not apply to this tender procedure.

11. 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.

12. 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.

13. PROTOCOL ON THE 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.

14. PAYMENT ARRANGEMENTS

Payments under the Contract shall be carried out subject to prior approval of the Services by ENISA within 30 days after an invoice is submitted to ENISA. 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.

15. CONTRACTUAL DETAILS

Multiple Framework Service Contracts will be proposed to the successful tenderers. Selection of a candidate and / or signature of each Framework Service Contract imposes no obligation on ENISA to order services.

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

The tender will conclude, valid as of the date of signature, with a one-year Framework Service contract, tacitly renewable on a yearly basis for a maximum of four years, not exceeding in any case the legal duration of the Agency, presently 13/03/2012.

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

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

Execution of the Framework Contracts will be performed via Specific Contracts following the 'Re-opening of Competition' procedure

16. PROVISION OF SERVICES - Re-opening of Competition

At the conclusion of this tender procedure, at least 2 and up to 4 contractors will be awarded multiple framework contracts. These contractors will then be eligible to bid for specific future projects based on the 'Re-opening of Competition' procedure which is explained below:

- ENISA launches a 'Request for Offers' (informal tender procedure) on a specific subject matter to each of the contractors awarded a framework contract. The offer shall only consist of a technical offer and will not require any administrative paperwork or proof of economic stability to be re-submitted.

- The Contractors respond typically within 10 - 14 working days with a detailed technical offer. This offer will contain all aspects regarding:
 - Technical content relevant to the specific subject matter
 - Experts offered (*they should be from the pool of experts already offered but an alternative can be offered in exceptional circumstances which are well documented*)
 - A project plan
 - Proposed duration of consultancy in Man-days
 - Cost
- ENISA will evaluate all offers received by the closing date for reception of offers. A Specific Contract will be awarded to the best offer in terms of the following award criteria:

Quality:

- Compliance with the technical description: 50%
- Quality of the proposal to provide the requested services: 50%

Price:

Number of man-days and price per man-day required to complete the project (*can be different to prices given in original tender*)

$$\mathbf{PB} = (\text{Man-days} \times \text{Man-day price})$$

The Quality/Price ratio will be set at 70/30.

For each Specific Contract the contractor will designate a Project Manager. The Project Manager will be responsible for overall management of the assignment, the timely completion of the activities and the quality and timely delivery of technical reports.

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 your tender no later than **20th August 2010** 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 **20th August 2010** 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.

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

Postal Address		Express Courier & Hand Delivery
European Network and Information Security Agency (ENISA) For the attention of: The Procurement Officer PO Box 1309 71001 Heraklion Greece	or	European Network and Information Security Agency (ENISA) For the attention of Procurement Section 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 using the double envelope system, 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 marked as follows:

OPEN CALL FOR TENDER NO. ENISA P/15/10/TCD
“Provision of operational consultancy services in the field of network and information security”
NOT TO BE OPENED BY THE MESSENGER/COURIER SERVICE
NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE 31st AUG 2010 TENDERED BY THE FIRM: <PLEASE INSERT NAME OF THE TENDERER/COMPANY>

The **inner envelope** should be marked as follows:

OPEN CALL FOR TENDER NO. ENISA P/15/10/TCD
“Provision of operational consultancy services in the field of network and information security”
NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE 31st AUG 2010 TENDERED BY THE FIRM: <PLEASE INSERT NAME OF THE TENDERER/COMPANY>

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, a company the following administrative information and documents must be provided (see administrative identification form attached as Annex I:

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 his banker.

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

Consortia, may submit a tender on condition that it complies with the rules of competition. The 'Consortium Form' (Annex VII) must be completed and submitted with your offer.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. Such a grouping (or consortia) must specify the company or person heading the project (the leader) and must also submit a copy of the document authorising this company or person to submit a tender. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (*Articles 2 and 3 below*). Concerning the selection criteria "technical and professional capacity", the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

The participation of an ineligible person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

1.5 Subcontracting

In well justified cases and subject to approval by ENISA, a contractor may subcontract parts of the services. The 'Sub-contractors Form' (Annex VIII) must be completed and submitted with your offer.

Contractors must state in their offers what parts of the work, if any, they intend to subcontract, and to what extent (% of the total contract value), specifying the names, addresses and legal status of the subcontractors.

The sub-contractor must not sub-contract further.

Sub-contractors must satisfy the eligibility criteria applicable to the award of the contract. If the identity of the intended sub-contractor(s) is already known at the time of submitting the tender, all sub-contractors must provide the required evidence for the exclusion and selection criteria.

If the identity of the sub-contractor is not known at the time of submitting the tender, the tenderer who is awarded the contract will have to seek ENISA's prior written authorisation before entering into a sub-contract.

Where no sub-contractor is given, the work will be assumed to be carried out directly by the bidder.

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 Total fixed price

A total fixed price expressed in Euro must be included in the Tender. The contract prices shall be firm and not subject to revision.

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 **31st August 2010 at 10:00am** at ENISA Building, Science and Technology Park of Crete, GR - 70013 Heraklion, Greece.

A maximum 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.

2. GROUNDS FOR EXCLUSION OF TENDERERS

2.1 Reasons for Exclusion

Pursuant to Article 29 of Council Directive 92/50/EC relating to Public Service Contracts and to Article 93 of the Financial Regulation, ENISA will exclude Tenderers from participation in the 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;

- a. 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;
- b. 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 sub-article 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. 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.

3.1 Professional Information

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

3.3 Technical and professional capacity

Evidence of the technical and professional capacity of the tenderers shall be furnished on the basis of the following documents:

- Evidence (e.g. CVs of experts proposed, previous projects in the various fields, references from customers, etc.) of expertise and knowledge in the specific domains mentioned in Part 2; Article 2 'Areas of Expertise':
- Report presenting the company and describing its activities
- Technical knowledge and experience in the relevant areas.
- Management capability (including, but not limited to, project management in a European context and quality assurance).

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.	Technical compliance	Compliance with the technical descriptions (Part 2 of this document)	25/100
2.	Quality and accuracy of content and structure	Quality of the proposal and accuracy of the description to provide the requested services	20/100
3.	Consultancy Team	Quality of the proposed experts, relevance to the various areas of expertise required.	35/100
4.	Methodology	Demonstrated methodology and project management capabilities	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 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 **70%** in relation to the price.

4.2 Price of the Offer

Tenders must state a 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.

The Financial Offer form (Annex IV) contains four (4) boxes which shall be completed with a monetary amount by the tenderer.

The total sum of all four price boxes: **PB = (P1 + P2 + P3 + P4)** will then be used in the price formula as shown below

Please note: If any price box is left blank by the tenderer then the Financial Offer will be considered to be invalid and will be eliminated from further evaluation.

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

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 (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 = Weighted price points
TWP = Total weighted points score

5 (a) Criteria for awarding of specific contracts after 're-opening of competition'

It is anticipated that for the subsequent 'Request for Offers' following the re-opening of competition leading to the award of specific contracts, a simplified version of the quality/price ratio will be employed as follows:

Quality:

- Compliance with the technical description: 50%
- Quality of the proposal to provide the requested services: 50%

Price:

Number of man-days and price per man-day required to complete the project (*can be different to prices given in original tender*)

PB = (Man-days x Man-day price)

and

PP = **(PC / PB) x 100**

Where:

PP = Weighted price points

PC = Cheapest bid price received

PB = Bid price being evaluated

The specific contracts following the re-opening of competition will be awarded to the tender that offers the best value for money on the basis of the quality and the price using the ratio between the **quality criteria (70%) and the price (30%)**:

5. PAYMENT AND STANDARD CONTRACT

Payments under the Framework 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"

6. 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 220 days from the notification of the award.

7. LOTS

This Tender is not divided into Lots.

8. VARIANTS

In the absence of any such indication in the terms of reference your tender should not deviate from the services requested.

9. SCOPE FOR ADDITIONAL SERVICES

ENISA may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding. Any extension of the contract would be subject to satisfactory performance by the Contractor.

10. 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.

11. 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.

12. DRAFT CONTRACT

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

13. SPECIFIC INFORMATION

13.1 Timetable

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

Title: **“Provision of operational consultancy services in the field of network and information security”**

ENISA P/15/10/TCD

Summary timetable comments

Launch of tender - Contract notice to the Official Journal of the European Union (OJEU)	29 June 2010	Date sent to the OJEU
Deadline for request of information from ENISA	16th August 2010	
Last date on which clarifications are issued by ENISA	17th August 2010	
Deadline for submission of offers	20th August 2010	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	31st August 2010	At 10:00 CET +1
Date for evaluation of offers	31st August 2010	At 11:00 CET +1
Notification of award to the selected candidate	mid September 2010	Estimated
Contract signature	end September 2010	Estimated
Commencement date of activities	TBA	Estimated
Completion date of activities	TBA	Estimated

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. Legal Entity Form¹ (*Annex I*) dated and signed
3. Financial Identification Form² (*Annex II*) dated and signed
4. Declaration on Honour on exclusion criteria (*Annex III*) dated and signed
5. Financial Offer (*Annex IV*) dated and signed
6. Supporting documentation showing previous related experience
as well as financial information and proof of registration
7. Declaration by Authorised Representative (*Annex VI*) dated and signed
8. Consortium form (*Annex VII*) dated and signed - if applicable
9. Sub-Contractors form (*Annex VIII*) dated and signed – if applicable

****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.***

¹ If you have provided a Legal Entity form to ENISA within the previous 6 months maximum and no details have changed in the meantime, then you may provide a photocopy of this previous form.

² If you have provided a Financial Identification form to ENISA within the previous 6 months maximum and no details have changed in the meantime, then you may provide a photocopy of this previous form.

ANNEX I

Legal Entity Form

The specific form, for either a;

- 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

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

It is obligatory to attach the following documents to the Legal Entity Form:

1. A copy of any official document (e.g. official gazette, register of companies etc) showing the contractor's name, address and the registration number given to it by the national authorities
2. A copy of the VAT registration document if applicable and if the VAT number does not appear on the official document referred to above

ANNEX II

FINANCIAL IDENTIFICATION FORM

- SPECIMEN FOR THE TENDERER -

(to be completed by the Tenderer and his financial institution)

The Tenderer's attention is drawn to the fact that this document is a **specimen**, 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

	FINANCIAL IDENTIFICATION
PRIVACY STATEMENT	http://ec.europa.eu/budget/execution/ftiers_fr.htm
ACCOUNT NAME	
ACCOUNT NAME ⁽¹⁾	<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"/>
CONTACT	
CONTACT	<input type="text"/>
TELEPHONE	<input type="text"/>
FAX	<input type="text"/>
E - MAIL	<input type="text"/>
BANK	
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 ⁽²⁾	<input type="text"/>
REMARKS:	<input type="text"/>
BANK STAMP + SIGNATURE OF BANK REPRESENTATIVE (Both Obligatory) ⁽³⁾	DATE + SIGNATURE ACCOUNT HOLDER : (Obligatory)
<input type="text"/>	DATE <input type="text"/>
<small>⁽¹⁾ The name or title under which the account has been opened and not the name of the authorized agent ⁽²⁾ If the IBAN Code (International Bank account number) is applied in the country where your bank is situated ⁽³⁾ It is preferable to attach a copy of recent bank statement, in which event the stamp of the bank and the signature of the bank's representative are not required. The signature of the account-holder is obligatory in all cases.</small>	

ANNEX III

DECLARATION OF HONOUR WITH RESPECT TO THE EXCLUSION CRITERIA AND ABSENCE OF CONFLICT OF INTEREST

The undersigned: (Please print name)

in his/her own name (if the economic operator is a natural person)

or

representing (if the economic operator is a legal entity)

Official name of the company/organisation:

.....

Official legal form:

Official address in full:

.....

.....

VAT (Tax) registration number:

.....

Declares that the company or organisation that he/she represents:

- (a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata;
- (c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- (d) has 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 it is established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

- (e) has not 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;
- (f) has not been declared to be in serious breach of contract for failure to comply with his contractual obligations subsequent to another procurement procedure or grant award procedure financed by the Community budget.

In addition, the undersigned declares on his honour:

- (g) that on the date of submission of the tender, the company or organisation he represents and the staff proposed for this tender are not subject to a conflict of interests in the context of this invitation to tender; he undertakes to inform the ENISA Agency without delay of any change in this situation which might occur after the date of submission of the tender;
- (h) that the information provided to the ENISA Agency within the context of this invitation to tender is accurate, truthful and complete.

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false

.....
Full name

.....
Signature

.....
Date

ANNEX IV

FINANCIAL OFFER:

**“Provision of operational consultancy services
in the field of network and information security”**

ENISA P/15/10/TCD

	Consultancy Service fees	
	HALF ‘man-day’ (4 hours)	FULL ‘man-day’ (8 hours)
Senior Expert	€ P1	€ P2
Junior Expert	€ P3	€ P4

Please provide your prices for each blank box as shown above. **You must fill in all four (4) price boxes.** Failure to complete all price boxes will result in your financial offer being declared invalid.

Print name:

(of the Tenderer or authorised representative)

Signature:

Date:

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 nd 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

Consortium form

Name of tenderer:

Form of the Consortium: (Please cross the relevant box)

Permanent: Legally established: Specifically for this tender:

	Name(s)	Address
Leader of the Consortium <i>(person authorised to conclude contract)</i>		
Partner 1*		
Partner 2*		

* add additional lines for partners if required. **Note that a subcontractor is not considered to be a partner.**

We confirm, as a partner in the consortium, that all partners are jointly and severally liable by law for the performance of the contract, that the leader is authorised to bind, and receive instructions for and on behalf of, each partner, that the performance of the contract, including payments, is the responsibility of the leader, and that all partners in the consortium are bound to remain in the consortia for the entire period of the contract's performance.

Signature: <i>Leader of consortium</i>	
Date:	
Signature: <i>Partner 1</i>	
Date:	
Signature: <i>Partner 2...etc</i>	
Date:	

ANNEX VIII

Sub-contractors form

	Name(s)	Address
Tenderer (person authorised to sign contract)		
Sub-contractor 1*		
Sub-contractor 2*		

* add additional lines for subcontractors if required.

As subcontractors for this tender, we confirm that we are willing to perform the tasks as specified in the tender documentation.

Signature: <i>Tenderer</i>	
Date:	
Signature: <i>Subcontractor 1</i>	
Date:	
Signature: <i>Subcontractor 2</i>	
Date:	