



## **OPEN CALL FOR TENDERS**

### ***Tender Specifications***

# **“Security and Resilience of electronic communications networks and services”**

## **ENISA D-COD-13-T31**

**LOT 1** - Methodologies for the identification of Critical information infrastructure assets and services

**LOT 2** - Recommendations to address electronic communications dependencies on ICT products and services

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# PART 1 INTRODUCTION TO ENISA

## 1. CONTEXT

### 1.1 Introduction

The European Union Agency for Network and Information Security was established by the European Parliament and the Council Regulation (EU) No 526/2013 of 21 May 2013 (OJ L 165/41, 18.06.2013) in order to assist the Union in ensuring a high and effective level of network and information security. The Agency shall contribute to the development of a culture of network and information security for the benefit of the citizens, consumers, enterprises and public sector organisations of the European Union.

### 1.2 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. As described in ENISA regulation, one of the objectives of the agency is to assist the Union institutions, bodies, offices and agencies in developing policies in network and information security, so, including building expertise related to availability, authenticity, integrity and confidentiality of stored or transmitted data and the related services offered by or accessible via those networks and systems. For instance, ENISA is expected to support the EC by providing a list of protective (cryptographic) measures in the context of the recently published Commission Regulation No 611/2013 on the measures applicable to the notification of personal data breaches under Directive 2002/58/EC on privacy and electronic communications.

### 1.3 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.

## 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 SPECIFICATION

### A. SCOPE OF THIS TENDER

Within the framework of this Open tender procedure, ENISA would like to find suitably qualified contractors to provide the services as stipulated in the technical specifications outlined below. The tender has been split into 2 standalone projects defined as LOTS.

A tenderer may bid for **one or both LOTS**. The two projects are outlined below:

LOT No	Subject of the tender	Maximum budget
LOT 1	Methodologies for the identification of Critical information infrastructure assets and services	€ 50,000.00
LOT 2	Recommendations to address electronic communications dependencies on ICT products and services	€ 50,000.00

#### **Please Note:**

If bidding for more than one LOT, the tenderer is required to provide *completely separate technical bids* for each LOT.

If a tenderer decides to bid for more than one LOT, then the *administrative documentation* required to be provided (as outlined in PART 3 - Section 3: SELECTION CRITERIA and Annexes) *only needs to be provided once*.

## **1. LOT 1: Methodologies for the identification of Critical information infrastructure assets and services.**

### **1.1 GENERAL DESCRIPTION OF THE REQUIRED SERVICES**

#### **1.1.1 Background**

Electronic public communication networks<sup>1</sup> are a critical component of the life of millions of European citizen. These networks represent the fabric of the future information society and provide the means for the single digital market. To ensure security and resilience Member States need to cooperate more everyday on cross border interdependencies while at the same time secure and enhance resilience of the infrastructure of the electronic data communication networks within their borders<sup>2</sup>. In addition some part of the electronic data communication networks are vital for Critical Infrastructures and in order to proper assess the criticality of specific assets and services, MS should be able to adopt a common methodology for the identification of Critical Information Infrastructures.

The goal of the 2013 "Understanding the importance of Internet Infrastructure in Europe"<sup>3</sup> report was to help Members States (MS) understand the importance of the Internet infrastructure within their borders with particular attention to critical assets and cross border interdependencies. The goal was to assess the significance of specific components and also provide an initial overview of all possible interdependencies with Critical Infrastructures (CIs) that should be further investigating within a national Critical Information Infrastructure Protection (CIIP) assessment<sup>4</sup>.

One of the main problems emerged from the study was the effort to clearly identify what assets were belonging to Critical Infrastructures. It became clear that further research in the field was needed and required to be integrated with physical infrastructure components in order to provide a holistic overview of the system. During the discussion with operators, it was also underlined that if providers of critical services (energy, transport, health, e-government, etc.) consider some connectivity relationships as critical, they should require for these interconnections higher levels of security and resilience.

#### **1.1.2 Goal of the Study**

The goal of 2014 study is follow up the work of the 2013 "Guidelines for enhancing the resilience of data communication networks" and based on the outcomes, develop a methodology that would help Member State to identify Critical Information infrastructure assets and services, foster cross border cooperation on these matters and help providers of critical services to procure appropriate security and resilient communication networks and services.

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<sup>1</sup> Public communications networks as defined in 2009 reform of the EU's legislative framework for electronic communication: "Means an electronic communications network used wholly or mainly for the provision of electronic communications services available to the public which support the transfer of information between network termination points"

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:337:0037:01:EN:HTML>

<sup>2</sup> Art 13a - Security and integrity - 2009 reform of the EU's legislative framework for electronic communication

<sup>3</sup> ENISA (2013), "Understanding the importance of Internet Infrastructure in Europe - Guidelines for enhancing the resilience of data communication networks" – to be released

<sup>4</sup> European Parliament resolution of 12 June 2012 on Critical Information Infrastructure Protection – Achievements and Next steps: towards Global Cyber-security

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0237&language=EN&ring=A7-2012-0167>

More specifically the objectives of this study are:

- Identify a methodology for the identification of Critical Information infrastructure assets and services
- Develop a categorization of critical assets and services in electronic data communication networks which can be used by MS at national and cross border level
- Develop guidelines and recommendations for
  - vulnerability assessment of interdependencies between physical and logical infrastructure
  - requirements for high availability interconnections for critical services via public communications networks to be used during procurement by operators of critical services
  - cross border cooperation on the security and resilience of public communication networks and infrastructures

## **1.2 TASKS**

### **1.2.1 TASK 1: Stock taking**

The tenderer should provide an overview of:

- MS efforts and initiatives in the area of infrastructure security and resilience including identification of public and private stakeholders being responsible for managing these initiatives
- frameworks for categorization of assets in electronic data communication networks, with special focus to CII
- research on vulnerability assessment and critical interdependencies between physical and logical infrastructure
- legal and procurement aspects in EU MS for infrastructure security and resilience of public communications networks
- SLAs and procurement requirements for critical services using public communications networks

The tenderer should conduct an online survey among identified stakeholders and follow up interviews with:

- 10 different network operators from at least seven different EU member states to examine the current procurement options they offer for critical services and the approaches regarding infrastructure security and resilience
- 7 different providers of critical services from at least seven different EU member states to investigate the SLAs and procurement requirements for their critical services and methodology they use to identify CII and CIs assets

- 10 NRAs from EU MS to examine the current state of categorization of assets in electronic data communication networks with special focus to CI and CII and cross border interdependencies and how they deal with infrastructure security and resilience
- 5 cyber security agencies regarding the current state of infrastructure security and resilience

This task results in a deliverable (D1).

### **1.2.2 TASK 2: Analysis**

The tenderer should analyse the collected information, the existing schemes and the identified issues. The tenderer should provide an overview of methodologies with links to material and a brief summary for:

- identification of critical assets and services in public communication networks
- SLAs and procurement requirements for critical services
- vulnerability assessment of interdependencies between physical and logical infrastructure

The tenderer should identify good practises that have been taken in existing countries and describe them in a generic way regarding

- requirements for high availability interconnections for critical services
- cross border cooperation on the security and resilience of public communication networks and infrastructures

The tenderer should (for each one of the approaches) describe the full range of good practises that need to be taken for constructing the framework and for each one, organizational constrains, benefits and challenges.

This task results in a deliverable (D2).

### **1.2.3 TASK 3: Recommendations**

The tenderer should propose a methodology for the identification of Critical Information infrastructure assets and services and the categorization of assets.

The tenderer should also draft recommendations for

- vulnerability assessment of interdependencies between physical and logical infrastructure
- requirements for high availability interconnections for critical services
- cross border cooperation on the security and resilience of public communication networks and infrastructures

The tenderer should prepare the final draft of a report containing the output of Tasks 1, 2 and 3.

The final draft should be discussed in a validation workshop with pertinent stakeholders. The workshop will be organized by ENISA in a European capital. The tendered is expected to be present and take minutes. The costs of this business trip should be included in the total offer.



The tenderer should take into account the input and comments from all stakeholders involved. ENISA will distribute the draft report for validation and initiate a discussion on the merits of it. The tenderer should collect the comments and implement them.

This task should result in a deliverable (D3)

#### **1.2.4 TASK (on-going) Project management**

The contractor should implement an appropriate and efficient project management method.

The contractor is expected to submit to the agency, prior to the Kick Off meeting, detailed planning (e.g. a Gantt chart). These will be reviewed by ENISA.

The planning should address:

- Scheduling of tasks and activities within tasks
- Milestones and critical activities
- Assignment of experts and person days to tasks and activities
- Identification of possible risks and suggestions to mitigate them
- Quality assurance and peer review measures to ensure high quality results

The contractor is expected to send two-weekly progress reports using the ENISA template to the ENISA project manager about the project and to schedule bi-weekly videoconference meetings about the progress. The progress reports should include (in bullets) what has been done the previous two weeks, the status, what is planned for the next two weeks, the risks and suggested solutions and finally, points to take decisions upon.

After every meeting (progress meetings, or project meetings), the contractor should take minutes and send them to the ENISA project manager using the ENISA template.

#### **1.3 EXPECTED SKILLS**

The performance of the above mentioned activities requires professionals that have broad experience with related tasks, and at least:

- Excellent understanding of electronic data communication networks.
- Experience in infrastructure security and resilience and critical infrastructures
- Excellent understanding of policy and regulatory issues related to the resilience of public communications networks and services at national and/or pan European level including activities related to Critical Information Infrastructure Protection (CIIP)
- Excellent analytical skills
- Excellent project management skills including quality assurance
- Excellent communication skills in English, both oral and in writing

## 1.4 DURATION AND DEADLINES

The duration of this work is foreseen from March 2014 until October 2014.

- Kick of meeting – no later than 14<sup>th</sup> of March 2014
- Deliveries of D1– no later than 30<sup>th</sup> of May 2014
- Deliveries of D2– no later than 27<sup>th</sup> of June 2014
- Deliveries of D3– no later than 25<sup>th</sup> of July 2014
- Validation workshop - no later than 7<sup>th</sup> of September 2014
- Final delivery - no later than 26<sup>th</sup> of September 2014.

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

## 1.5 LIST OF DELIVERABLES

The contractor is expected to deliver four part deliverables and one final deliverable.

- **Deliverable 1 (D1):** A report on the results of the desktop research and interviews from Task 1, including interview outlines
- **Deliverable 2 (D2):** A report on the results of the analysis from Task 2.
- **Deliverable 3 (D3):** The methodology, categorization and guidelines and the final draft of the report containing also the output of task 1 and 2
- **FINAL DELIVERABLE (FD):** The full report including integrated versions of deliverable 1 to 3. In addition, this deliverable includes a slide show with summary and key points of the overall analysis.

English is the language to be used for all the documents produced. The layout of the final report should be based on the templates provided by ENISA. The final report is expected to be proofread by a native English speaker. ENISA may edit the full report and publish it.

## 1.6 PLACE OF EXECUTION OF THE ACTIVITIES AND COMMUNICATIONS

The execution of the activities will take place at the Contractor's premises. The Contractor is required to be present at ENISA premises for the kick-off meeting and virtually present for all necessary meetings and for collecting all relevant information to conduct the analysis. For this purpose network based collaborative tools (i.e. videoconferencing) will be used.

ENISA expects that the contractor will perform, in the context of this study, the following business trip:

- Kick-off meeting: either at the contractor premises, at ENISA's premises or in a place jointly decided by ENISA and the contractor;

It should be mentioned that the costs of this business trip should be included in the total offer. ENISA will not additionally reimburse the contractor for taking part in these meetings.

## 1.7 TENDER RESULT AND ESTIMATED CONTRACT VALUE

The result of the evaluation of tenders will be the awarding of a Service Contract. The total estimated budget cannot exceed **50,000.00 Euros (fifty thousand Euros)**<sup>5</sup> covering all tasks executed and including all costs (e.g. travelling expenses of the contractor).

## 1.8 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 Specifications. An Offer shall include a description of the operational means and procedures to be implemented to perform the Contract, supported where appropriate by related documents.

An Offer shall cover the following aspects:

- Skills and experience of the expected contactor
  - The Tenderer will have to present its compliance with the expected skills as described in the relevant section.
  - The Tenderer will have to present its understanding of the topic.
  - Examples of previous related works, a list of all related projects and activities that the contractor has undertaken in the past.
- Description of the deliverables
  - The proposed initial structure and initial titles and contents of the deliverables listed in the section “List of deliverables”.
  - The approach and methodology used to perform the tasks and ensure the quality of the deliverables.
- The prospective contractor is expected to provide insights in the methodology (approach) chosen in order to reach the objectives of the project described above in article “Objectives and tasks”. In particular:
  - Details need to be provided how the stakeholder opinions and needs would be collected (what stakeholder groups involved, means by which the input will be gathered)
- Management of provision of services
  - Project Management: a close description of the project management method used including quality assurance is required. Breakdown of tasks; milestones definition; assignment of experts to tasks and person days to tasks should be presented in a Gantt chart, included in the offer
  - At the kick off meeting, the project plans will be confirmed as final

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<sup>5</sup> Please note that following implementation of the contract with the successful contractor and depending on the further needs of the contracting authority specifically in the field of endeavour the subject of this contract, the maximum amount contracted may be increased by up to 50% - subject to budget availability.

- The prospective contactor must also identify possible risks to the project and propose mitigation measures
- In addition the tenderer is expected to highlight / explain
  - Availability and ability of the tenderer to respond: prompt availability of resources is required within the specified delivery timeframes. Additionally, any ancillary or support resources, such as a network of associates to support the scope of this Call for Tenders must be clearly stated
- Short CV's of the experts that will be allocated in the project focussing on their experience and expertise on the areas covered by the study.
- If applicable, the contractor should also provide justification for subcontracting.

## **2. LOT 2 - Recommendations to address electronic communications dependencies on ICT products and services**

### **2.1 GENERAL DESCRIPTION OF THE REQUIRED SERVICES**

#### **2.1.1 Background**

The reform of the EU legal framework for electronic communications, which was adopted in 2009 and came into effect in May 2011, adds Article 13a to the Framework directive. Article 13a addresses security and integrity of public electronic communication networks and services. The legislation concerns National Regulatory Authorities (NRAs) and providers of public electronic communication networks and services (providers).

Among other things, article 13a states:

- Providers of public electronic communication networks and services should take measures to guarantee security and integrity of their networks.
- Providers must report to competent national authorities about significant breaches of security or integrity that have had a significant impact on the operation of networks or services.
- National regulatory authorities should notify ENISA and national authorities abroad when necessary, for example in case of incidents with cross-border impact.
- Annually, national regulatory authorities should submit a summary report to ENISA and the European Commission (EC) about the incidents.

ENISA started a working group with NRAs from all the Member States, to implement Article 13a and to address security and resilience of electronic communications in general.

For the second time in the EU, in spring 2013, national reports about security incidents were provided to ENISA and the European Commission, under Article 13a of the Framework Directive (2009/140/EC). ENISA analysed the incidents on an aggregated level and published a report, "[Annual Incident Reports 2012](#)". In this report, ENISA provides an analysis of the 79 received incident reports, dealing with severe disruptions in electronic communication networks or services in the EU. The diagrams below show some of the data about for 2012 incidents:

From the major incidents occurring in 2012 we can among other things draw the following conclusions:

- For most incident reports the root cause was "System failures" (75 % of the incidents). This was the most common root cause category also for each of the four services (fixed and mobile telephony and fixed and mobile Internet). In the category "System failures", hardware failures were the most common cause, followed by software bugs. The assets most often affected by system failures were switches (e.g. routers and local exchange points) and home location registers.
- Overall, switches and home location registers were the network components or assets most affected by incidents.

Based on the data from the 2012 incidents, and based on discussions with providers and NRAs, we suspect that it is not always easy for providers to set the right security requirements when buying ICT services and/or products. We provide one example, in italics.

*Example: In summer 2012 an HLR in the UK had some bugs/flaws, causing severe outages. The HLR is being used by other providers across the EU. In fact, later, other regulators received incident reports about similar issues.*

*ENISA asked whether or not NRAs should use a channel for communicating about such issues, if they occur. Most of the NRAs replied however that this kind of information sharing is handled between the vendor and the customers (telecom providers in this case).*

*However, when ENISA asked experts from providers about these issues, many remarked there is a lack of information from vendors about flaws/bugs, and that generally speaking it is hard to impose security requirements on ICT products and services.*

### **2.1.2 Scope and Objectives**

ENISA wants to address electronic communications dependencies on ICT products and services to address the issues above. Procurement of ICT products and services, as well as outsourcing, will play an increasingly important role in supporting the core processes of the providers: providing the electronic communication networks and services.

In this tender ENISA aims to find a contractor which will help to:

- understand the existing dependencies on ICT services and products, supporting the core processes;
- understand the most common types of ICT services and products being procured or outsourced;
- understand the security requirements of SLAs governing the outsourced services and products;
- understand how providers currently set and impose security requirements on ICT services and products they procure or outsource from third parties;
- understand the issues or problems providers are experiencing regarding the procurement or outsourcing of ICT services and products. The focus here is on issues related to security and resilience of the electronic communication networks and services provided;
- understand which existing material is already available to help providers with these issues;
- develop guidelines for providers, which allow them to better deal with security requirements in the procurement or outsourcing of ICT services and products.

## **2.2 TASKS**

We have identified a number of tasks the contractor should perform to reach the above-mentioned objectives. We describe the tasks in detail below.

Note that we welcome alternative proposals for tasks, provided the contractor explains clearly the reason for proposing an alternative approach.

### 2.2.1 TASK 1: Stock taking

The contractor shall perform a desk-top study of existing literature and initiatives relevant to the scope and objectives of this topic; see section 2.1.2. The desk-top study regards material which is publicly available. This study should result in an internal deliverable listing sources, initiatives, websites, et cetera, with a brief description of the material and a link to the relevant information.

The contractor shall

- conduct a survey with relevant experts from a range of providers of public electronic communications networks and services across the EU<sup>6</sup>. The contractor should participate in developing survey questions to the providers and should collect the answers from the surveys and make a slide deck of the significant findings;
- hold (telephonic) interviews with experts from the electronic communications sector, vendors, and relevant associations (such as ETSI, ETIS, ETNO, ITU, etc.), where relevant. The contractor should conduct at least 10 interviews. The contractor should actively engage the experts in arranging and scheduling the interviews and appointments with interviewees. ENISA might partake in the interviews in listening mode.

This task will result in two deliverables:

- D1: A slide deck which summarizes the results of Task 1,
- D2: An internal working document which includes all the output from Task 1 including a full reference list of relevant public material, survey results and interview minutes

### 2.2.2 TASK 2: Analysis

In this task the contractor shall use the information obtained in Task 1, to analyse existing issues and list possible solutions (per issue). This task will result in one deliverable:

- D3: a slide deck listing relevant issues and possible solutions, based on the output of Task 1, which will be discussed further with ENISA and potentially other parties (such as regulators and providers).

### 2.2.3 TASK 3: Short Paper and Guideline

Based on tasks 1 and 2 the contractor shall address relevant issues by producing two deliverables:

D4: a Short Paper of maximum 30 pages summarising the highlights from Tasks 1 & 2 and including general recommendations for providers and vendors based on the highlights, on what actions/measures to take to reduce public electronic communications network and service disruptions caused by failures in ICT products and services.

D5: a Guideline<sup>7</sup> of maximum 30 pages for providers purchasing and outsourcing ICT products and services for their core business processes (the provision of public electronic communications

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<sup>6</sup> ENISA will provide the platform for conducting the online survey. The contractor should take into account the technical capabilities of that platform.

<sup>7</sup> Like a "Buyers guide".

networks and services), allowing them to better deal with security requirements in the procurement or outsourcing of ICT services and products. The Guideline should:

- focus on ICT services and products which directly support the provision of electronic communications networks and services.
- be vendor/product neutral.
- be concise and to the point. To allow this, it might be necessary to split the Guideline in different parts which address different types of ICT products and services.
- be directly related to the Article 13a guideline on security measures. In particular it should be seen as a tool to implement the security objective regarding third party services and products.
- be practical and concise, and provide experts who are involved with purchasing ICT products and/or services with a cheat sheet to use during the procurement phase.
- include a brief but complete executive summary which clearly explains the role, and scope of the Guideline to C-level management (CISOs, CIOs, CEOs, etc.).

#### **2.2.4 TASK (on-going): Project management**

This task is relevant to all tasks described above (Tasks 1, 2 and 3). The main objective of this task is to define and implement appropriate management mechanisms, sound planning and resource allocation according to proven expertise and prior knowledge of the subject.

The contractor is expected to submit to the Agency, prior to the Kick Off meeting, a detailed planning including a Gantt chart and related documentation. These will be negotiated with ENISA and be confirmed as a final project plan.

The planning should address

- Scheduling of tasks and activities within tasks,
- Milestones and critical activities,
- Assignment of person days to tasks and activities
- Identification of possible risks and suggestions to mitigate them
- Quality assurance and peer review measures to ensure high quality results

The contractor is expected to send bi-weekly progress reports (in bullets) to the ENISA project manager about the project and to schedule bi-weekly tele-meetings about the status. The progress reports should include what has been done the previous two weeks, the status, what is planned for the next two weeks, risks and suggested solutions and finally, points to take decisions upon.

After every status meeting, the contractor should take minutes and send them to the ENISA project manager.



## 2.3 EXPECTED SKILLS

The performance of the above mentioned activities requires professionals that have broad experience with related tasks, and at least:

- Professional experience in the area of electronic communications and information technology.
- Professional experience from working with procurement of ICT products, ICT services, and ICT outsourcing.
- Excellent understanding of the electronic communications sector.
- Excellent analytical skills.
- Excellent project management skills including quality assurance.
- Excellent communication skills in English, both oral and in writing.

## 2.4 DURATION AND DEADLINES

The duration of this work is foreseen from March until October 2014.

- Kick of meeting – no later than 10th March 2014
- Deliverable D1, D2 and D3 shall be ready 15 May 2014. Deliverable D1 and D3 will be used in workshops in May (with NRAs and providers).
- A final draft version of D4 and D5 shall be ready June 30, 2014. D4 and D5 will be circulated among experts from NRAs as well as providers and ICT vendors.
- After summer the contractor shall be available until Oct 31, 2014, to provide support during the discussions with the providers and NRAs and be available for calls, discussions on specific topics/issues related to the Short Paper and Guideline (and act as a sparring partner and advisor for ENISA in the period after summer when D4 and D5 is finalized for publication).
- The contract ends October 31, 2014.

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

## 2.5 DELIVERABLES

The contractor is expected to deliver the following to ENISA:

- **D1:** A slide deck which summarizes the results of Task 1,
- **D2:** An internal working document which includes all the output from Task 1 including a full reference list of relevant public material, survey results and interview minutes
- **D3:** a slide deck listing relevant issues and possible solutions, based on the output of Task 1, which will be discussed further with ENISA and potentially other parties (such as regulators and providers).
- **D4:** a Short Paper of maximum 30 pages summarising the highlights from Tasks 1 & 2 and including general recommendations for providers and vendors based on the highlights, on

what actions/measures to take to reduce public electronic communications network and service disruptions caused by failures in ICT products and services.

- **D5:** a Guideline<sup>8</sup> of maximum 30 pages for providers purchasing and outsourcing ICT products and services for their core business processes (the provision of public electronic communications networks and services), allowing them to better deal with security requirements in the procurement or outsourcing of ICT services and products.

We expect, given the planning, that the contractor will need to work on all deliverables in parallel.

English is the language to be used for all the documents produced. The layout of the documents (slides, reports and Guideline) should be based on the templates provided by ENISA. The Short Paper and Guideline are expected to be proofread by a native English speaker.

ENISA may edit the Short Paper and Guideline and intends to publish them as an ENISA deliverable – and use the slide decks for workshops, meetings, conferences, et cetera.

## **2.6 PLACE OF EXECUTION OF THE ACTIVITIES AND COMMUNICATIONS**

The execution of the activities will take place at the Contractor's premises. The Contractor is required to be virtually present for for the kick- off meeting and all necessary meetings and for collecting all relevant information to conduct the analysis. For this purpose network based collaborative tools (i.e. video and tele conferencing) will be used.

## **2.7 TENDER RESULT AND ESTIMATED CONTRACT VALUE**

The result of the evaluation of tenders will be the awarding of a Service Contract. The total estimated budget cannot exceed **50,000.00 Euros (fifty thousand Euros)**<sup>9</sup> covering all tasks executed and including all costs (e.g. travelling expenses of the contractor).

## **2.8 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 Specifications. An Offer shall include a description of the operational means and procedures to be implemented to perform the Contract, supported where appropriate by related documents.

An Offer shall cover the following aspects as a minimum:

- Skills and experience of the expected contractor
  - The Tenderer will have to present its compliance with the expected skills as described in the relevant section.
  - The Tenderer will have to present its understanding of the topic.
  - Examples of previous related works, a list of all related projects and activities that the contractor has undertaken in the past.

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<sup>8</sup> Like a "Buyers guide".

<sup>9</sup> Please note that following implementation of the contract with the successful contractor and depending on the further needs of the contracting authority specifically in the field of endeavour the subject of this contract, the maximum amount contracted may be increased by up to 50% - subject to budget availability.

- Description of the deliverables
  - The proposed initial structure and initial titles and contents of the deliverables listed in the section “Deliverables”.
  - The approach and methodology used to perform the tasks and ensure the quality of the deliverables.
- The prospective contractor is expected to provide insights in the methodology (approach) chosen in order to reach the objectives of the project described above in article “Objectives and tasks”. In particular:
  - Details need to be provided how the stakeholder opinions and needs would be collected (what stakeholder groups involved, means by which the input will be gathered)
- Management of provision of services
  - Project Management: a close description of the project management method used including quality assurance is required. A project plan with breakdown of tasks; milestones definition; assignment of experts to tasks and person days to tasks should be presented in a Gantt chart, included in the offer
  - At the kick off meeting, the project plan will be confirmed as final
  - The prospective contractor must also identify possible risks to the project and propose mitigation measures
- In addition the tenderer is expected to highlight / explain
  - Availability and ability of the tenderer to respond: prompt availability of resources is required within the specified delivery timeframes. Additionally, any ancillary or support resources, such as a network of associates to support the scope of this Call for Tenders must be clearly stated
- Short CV’s of the experts that will be allocated in the project focussing on their experience and expertise on the areas covered by the study.
- If applicable, the contractor should also provide justification for subcontracting.

## The following specifications are common to BOTH LOTS:

### 3. CONTENT AND PRESENTATION OF THE PRICE OFFER

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

### 4. PRICE

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

### 5. PRICE REVISION

Prices submitted in response to this Tender shall be fixed and not subject to revision.

### 6. 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.

### 7. 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.

### 8. PROTOCOL ON PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

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

### 9. 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.

### 10. CONTRACTUAL DETAILS

A model of the Service Contract is proposed to the successful candidate(s) - 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 TENDER SPECIFICATION

## 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 **30<sup>th</sup> January 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 **30<sup>th</sup> January 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 (inner and outer), 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:

OPEN CALL FOR TENDER NO. <b>ENISA F-COD-13-T31</b>
<b>“Security and resilience of electronic communication networks and services”</b> (LOT 1 and/or LOT 2)
NOT TO BE OPENED BY THE MESSENGER/COURIER SERVICE
NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE <b>11<sup>th</sup> FEB 2014</b> TENDERED BY: <YOUR COMPANY NAME>

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

OPEN CALL FOR TENDER NO. <b>ENISA F-COD-13-T31</b>
<b>“Security and resilience of electronic communication networks and services”</b> (LOT 1 and/or LOT 2)
NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE <b>11<sup>th</sup> FEB 2014</b> TENDERED BY: <YOUR COMPANY NAME>

## 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 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.

Tenderers submitting joint bids shall describe how their cooperation will be organised in order to perform the tasks specified in the Technical Specifications or Terms of Reference.

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 selection criteria for economic and financial capacity will be assessed in relation to each economic operator individually. However, economic and financial criteria that shall be achieved above a certain minimum threshold (as specified in the selection criteria mentioned below) will be assessed in relation to the consortium or group of companies as a whole.

#### **1.5 Subcontracting**

Any intention to subcontract part of the contract must be clearly stated by the tenderer in their technical offer and by completing Annex VIII 'Subcontractors form'. Tenderers must indicate the maximum percentage of the contract they intend to subcontract and the identity of those subcontractors they intend to work with whose intended share of the contract is above 10% of the total contract amount, and clearly state the nature of their links to those subcontractors.

Offers involving subcontracting will be assessed as follows:

- The exclusion criteria (see article 2.1 below) of all identified subcontractors whose intended share of the contract is above 10% will be assessed. The 'Declaration of Honour with respect to the Exclusion Criteria and Absence of Conflict of Interest' included as Annex III, duly signed and dated, stating that the subcontractor is not in one of the exclusion situations, must be provided by each identified subcontractor.



- Where the tenderer relies on the economic, financial, technical and professional capacity of the identified subcontractor(s) to meet the selection criteria, subcontractors shall be treated as if they were partners in a consortium or a group of companies for the purposes of the evaluation of the selection criteria, and therefore, they shall provide proof of economic, financial, technical and professional capacity as well (see articles 3.1 to 3.3 below).

The sub-contractor must not sub-contract further.

If the identity of the subcontractor 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 subcontractor 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 for each LOT 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 **11<sup>th</sup> February 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.

## **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:

- a) 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
- b) Are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- c) They have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- d) They have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- e) 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;
- f) 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;
- g) 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. 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 the country of establishment.

#### **3.2 Financial and Economic Capacity**

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

- a) Copy of the financial statements (balance sheets and profit and loss accounts) for the last two (2) financial years for which accounts have been closed, where publication of the accounts is required under the company law of the country in which the economic operator is established. In case of a consortium, each consortium member shall present their financial statements.

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

- b) A statement of the average turnover of the last two (2) financial years for which accounts have been closed.
- 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 some exceptional reason which the Contracting Authority considers justified, the tenderer is unable to provide the documentary evidence requested above, he may prove his economic

and financial capacity by any other means which the Contracting Authority considers appropriate, but only following a request for clarification before the tender expiry date.

### 3.3 Technical and professional capacity

#### The following applies to LOTS 1 and 2 identically:

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

- A curriculum vita of the Tenderer, as well as of all members of the Tenderer's team, has to be included, in which the Tenderer shall refer to the skills and experience required (in line with Part 2 – Art 1.3 for LOT 1, Art 2.3 for LOT 2 - Expected Skills):
- Their technical knowledge and experience in the relevant technical areas (including references to projects similar to the one proposed by this tender);
- Their management capability (including, but not limited to, project management in a European context and quality assurance).

### 4. AWARD CRITERIA

#### The following award criteria apply to LOTS 1 and 2 identically:

#### 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>Technical compliance</b>	Compliance with the technical descriptions (part 2 of this document)	25/100
2.	<b>Quality and accuracy of content and structure</b>	Quality of the proposal and accuracy of the description to provide the requested services	30/100
3.	<b>Project Team</b>	Composition of project team (ratio senior/juniors), relevant experience of the team, work flows and review cycles of the output, direct involvement of senior staff, and distribution of tasks amongst experts; quality reviews of deliverables	25/100
4.	<b>Methodology</b>	Selected methodology and project management	20/100
<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 **70%** in relation to the price.

### 4.2 Price of the Offer

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

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

Offers exceeding the maximum price set in Part 2; Article 1.7 for LOT 1; Article 2.7 for LOT 2 will be excluded. The cheapest offer will receive the maximum points and the rest of the candidate's offers will be awarded points in relation to the best offer as follows

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

Where;

- PP** = Weighted price points
- PC** = Cheapest bid price received
- PB** = Bid price being evaluated

### 5. AWARD OF THE CONTRACT

The contract for each Lot 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

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 220 days from the notification of the award.

## 8. LOTS

This Tender is divided into two Lots.

- **LOT 1** - *Methodologies for the identification of Critical information infrastructure assets and services*
- **LOT 2** - *Recommendations to address electronic communications dependencies on ICT products and services*

## 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 Service Contract will be proposed to the selected candidate for each LOT. 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: **“Security and resilience of electronic communication networks and services”**

**ENISA D-COD-13-T31**

#### Summary timetable comments

Launch of tender - Contract notice to the Official Journal of the European Union (OJEU)	<b>10 December 2013</b>	
Deadline for request of information from ENISA	24 January 2014	
Last date on which clarifications are issued by ENISA	27 January 2014	
Deadline for submission of offers	<b>30 January 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>11 February 2014</b>	At 10:00 Greek time
Date for evaluation of offers	<b>11 February 2014</b>	At 11:00 Greek time
Notification of award to the selected candidate and 10 day standstill period commences	late February 2014	Estimated
Contract signature	Early March 2014	Estimated
Commencement date of activities	As per tender	Estimated
Completion date of activities	As per tender	Estimated

# 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](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

- SAMPLE 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 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)



### FINANCIAL IDENTIFICATION

PRIVACY STATEMENT

[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)

#### ACCOUNT NAME

ACCOUNT NAME

ADDRESS

TOWN/CITY

POSTCODE

COUNTRY

*The name or title under which the account has been opened and not the name of the account holder*

CONTACT

TELEPHONE

FAX

E-MAIL

#### BANK

BANK NAME

BRA NCH ADDRESS

TOWN/CITY

POSTCODE

COUNTRY

ACCOUNT NUMBER

IBAN

*if the IBAN Code (International Bank Account Number) is applied in the country where your bank is situated*

REMARKS:

BANK STAMP + SIGNATURE OF BANK REPRESENTATIVE

(Both obligatory)

DATE + SIGNATURE OF ACCOUNT HOLDER

(Both 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>10</sup> over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

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

<sup>10</sup> This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

- 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>11</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

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<sup>11</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:

# “Security and resilience of electronic communication networks and services”

## ENISA D-COD-13-T31

Please provide your financial lump sum offer for **LOT 1 and/or LOT 2**

<b>LOT Description:</b>	Number of 'Person days' required for completion of project.	<b>Your OFFER</b>
<b>LOT 1 - Methodologies for the identification of Critical information infrastructure assets and services.</b>  <i>Please provide your lump sum price for the total deliverables.</i>	P/Days	€
<b>LOT 2 - Recommendations to address electronic communications dependencies on ICT products and services</b>  <i>Please provide your lump sum price for the total deliverables.</i>	P/Days	€

<b>Print name:</b> <i>(of the Tenderer or authorised representative)</i>	<b>Signature:</b>	<b>Date:</b>
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## **ANNEX V**

### **Model 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 Consortium form

Name of tenderer:

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

Permanent:  Legally established:  Specifically for this tender:

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

\* 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.

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

## ANNEX VIII Sub-contractors form

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

\* 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.

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



# ANNEX IX 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 (for each LOT you bid for)**
- 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>12</sup> (*Annex I*) *signed and dated*
- 6 **Financial Identification Form**<sup>13</sup> (*Annex II*) *signed and dated*
- 7 **Declaration on Honour on exclusion criteria** (*Annex III*) *signed and dated*
- 8 **Financial Offer** (*Annex IV*) *signed and dated*
- 9 **Declaration by Authorised Representative** (*Annex VI*) *signed and dated*
- 10 **Consortium form** (*Annex VII*) *signed and dated - if applicable*
- 11 **Sub-Contractors form** (*Annex VIII*) *signed and dated - 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.***

**Print name:**

**Signature:**

**Date:**

*(of the Tenderer or authorised representative)*

<sup>12</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>13</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.