



## **OPEN CALL FOR TENDERS**

*Concluding with:*  
**Multiple Framework contracts with ‘re-opening of competition’**

**“Supporting the CERT community”**

**ENISA F-COD-13-T22**

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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 TERMS OF REFERENCE

### 1. SCOPE OF THIS TENDER

The purpose of this Call for Tenders is to provide support for the ENISA operational activities, more precisely in the area of CERT (Computer Emergency Response Team) cooperation and support, throughout the years 2014 - 2016. ENISA carries out around 7 operational projects per year in this area.

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 support for ENISA's CERT support programme. The successful bidders should be able to demonstrate significant experience and skills in this area, with emphasis on the aspects dealt with in the annual ENISA work programme<sup>1</sup> in the area of CERT support. (Additional consideration should be given, where applicable, to the various other aspects of ENISA activities.)

Subject of the tender	Maximum budget
Supporting the CERT community	<b>An estimated budget of €1,000,000.00</b> over the maximum possible period of 3 years

### 2. EXPLANATION OF 'REOPENING OF COMPETITION'

Framework contracts (FWC) will be concluded with minimum 2 and maximum 4 successful tenderers as a result of the present Open tender procedure.

During the implementation period of the FWC, for each individual project, the successful framework contractors will be invited to submit an offer. When submitting an offer for a specific contract, the framework contractor will respect the maximum prices on which basis it won the framework contract. The framework contractor may however decide to offer reduced prices for any particular specific contract. The contracting authority will choose the offer with best value for money for the project on the basis of the technical quality of the offer and the price of the services, and will conclude a specific contract with that framework contractor.

This 'reopening of competition' procedure will be conducted separately and independently for each project leading to a specific contract, thus ensuring that each framework contractor has an equal opportunity on each occasion to be selected as the best offer based on their technical offer.

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<sup>1</sup> <http://www.enisa.europa.eu/publications/programmes-reports>

### **3. PROJECTS PLANNED FOR 2014**

Without this being binding on ENISA, it is envisaged that the following projects based on the 2014 Work Programme in the area of CERT Support, will immediately be launched early in 2014 to the successful framework contractors:

- Good practice on exchange of actionable operational information
- Maintain and update CERT training material
- Assessment of 8 years of ENISA work in the area of CERT (plus outlook)
- Train-the-trainers handbook

An estimation of the budget available for these projects for 2014 is € 300,000.00

It is anticipated that a similar annual budget will be available for CERT related projects in 2015 and 2016.

### **4. AREAS OF EXPERTISE**

ENISA currently undertakes CERT support activities in the following three main areas:

- a) Discussion, definition and maintenance of a set of baseline capabilities for national and governmental CERTs
- b) CERT capability building, by providing suitable CERT trainings in the form of training material and active provision of those trainings
- c) Support the cooperation of CERTs with bodies and entities of law enforcement in order to improve the fight against cybercrime

and in addition:

- Other activities that aim at supporting policy making in the field of CERT
- Other activities that aim at building up and enhancing the capabilities of CERTs

It is envisaged that the provided services will cover at least the areas mentioned above as well as their sub-sectors as addressed by ENISA. The ENISA Work Programme<sup>2</sup> gives an indication of the possible other areas.

In the framework of this Call for Tenders it is expected that the successful tenderers will deliver to ENISA such services as: good practice guides related to the delivery of CERT services, CERT training material for specific topics and scenarios, reports, analyses, surveys, studies, recommendations, updates to existing documents, etc.

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<sup>2</sup> <http://www.enisa.europa.eu/publications/programmes-reports>

## **5. DESCRIPTION OF TASKS & SERVICES TO BE PROVIDED**

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

- Collect, process and present good practice related to CERT services;
- Generating CERT training material Identify trends, opinions and established practice in specific areas of CERT services and cooperation;
- Update existing material like good practice guides and CERT training material;
- Perform desktop research in the areas of expertise mentioned above;
- Assess the impact of technologies, policies and regulations;
- Conduct surveys in the areas mentioned above. 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 good practices and operational requirements to address perceived shortcomings/gaps in above mentioned areas;
- Validate findings, results, good practices and recommendations with stakeholders (mainly the CERT community and others where appropriate);
- 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;
- Present effectively achieved results by using presentation techniques (proofread paper documents, on-line documents, slides, demonstrators, graphs, videos, etc.);
- Compile collection of relevant contacts;
- Organise (expert group) meetings;
- Analyse information gathered during an (expert group) meeting;

The list of tasks above 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 with ENISA representatives for kick off as well as interim progress meetings.

## **6. 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 project. The pool shall comprise experts of both 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.

## 6.1 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 tasks described in article 5 above, e.g. CERT training or service provision, legal aspects of incident response, etc.;
- 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

## 6.2 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 tasks described in article 5 above, e.g. CERT training or service provision, legal aspects of incident response, 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

## 7. 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 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.
- Any other documents and information that will enable its offer to be assessed in terms of quality and of compliance with the Technical Specification. (See Annex IX for the Documents Check list)

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

## 8. 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 reimbursable costs 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 business trips 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 trip. *Per diems* cover accommodation, meals, local travel at the place of the meeting 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](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.

## **9. TENDER RESULT AND ESTIMATED CONTRACT VALUE**

The estimated overall maximum contract value without this being binding for ENISA cannot exceed **one million Euro (€ 1,000,000.00)** over a maximum possible period of 3 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 the needs of the contracting authority and budget availability, the maximum amount stated above can be increased by up to 50%).*

## **10. DATA PROTECTION**

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

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

1. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data;
2. Regulation (EC) No. 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
3. Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

## **11. 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.

## **12. PRICE REVISION**

Price revision does not apply to this tender procedure.

## **13. 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.

## **14. 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.

## **15. 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.

## **16. 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.

## **17. CONTRACTUAL DETAILS**

A Framework Service Contract will be proposed to the successful candidates. Selection of candidates and / or signature of the Framework Service Contract imposes no obligation on ENISA to order services.

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

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

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 fully 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

## **18. 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 person-days and price per person-day required to complete the project (*can be lower but NOT higher than prices given in original tender*)

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

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.

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

## PART 3 TENDER SPECIFICATIONS

### 1. FORMAL REQUIREMENTS

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

You are invited to tender for this project and requested to submit (despatch) your tender no later than **6<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 **6<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 70013 Heraklion Greece

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

## 1.2 Presentation of the Offer and Packaging

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

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

<p>OPEN CALL FOR TENDER NO.      <b>ENISA F-COD-13-T22</b></p> <p><b>“Supporting the CERT Community”</b></p> <p>NOT TO BE OPENED BY THE MESSENGER/COURIER SERVICE</p> <p>NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE <b>16<sup>th</sup> JAN 2014</b></p> <p>TENDERED BY: &lt;YOUR COMPANY NAME&gt;</p>
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The **inner envelope** should be addressed as follows:

<p>OPEN CALL FOR TENDER NO.      <b>ENISA F-COD-13-T22</b></p> <p><b>“Supporting the CERT Community”</b></p> <p>NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE <b>16th JAN 2014</b></p> <p>TENDERED BY: &lt;YOUR COMPANY NAME&gt;</p>
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## 1.3 Identification of the Tenderer

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

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

### a) For private entities:

- A legible copy of the instrument of incorporation or constitution, and a copy of the statutes, if they are contained in a separate instrument, or a copy of the notices of such constitution or incorporation published in the national or other official journal, if the legislation which applies to the Tenderer requires such publication.

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

**b) For Individuals:**

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

**c) For Public Entities:**

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

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

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

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

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

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

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

Consortia, 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.

#### **1.4 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).

#### **1.5 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.

#### **1.6 Language**

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

#### **1.7 Opening of the Tenders**

The public opening of received tenders will take place on **16<sup>th</sup> January 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. The **minimum annual average turnover** of the tenderer shall be of **50,000.00 EUR**. In case of a consortium, the annual average turnover for each of the partners shall be presented. The sum of the annual average turnovers of each partner will be taken into account to reach the annual average turnover of 80,000.00 EUR.

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 criteria and evidence

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

##### a) Criteria relating to tenderers

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

- The tenderer must prove experience in the field of Network Information Security (NIS) with relation to CERTs with at least 2 projects delivered in these fields in the last three years with a minimum value for each project of € 30,000.00.

- The tenderer must prove experience of working in the English language with at least 3 projects delivered in the last three years showing the necessary language coverage.
- The tenderer must prove capacity to draft reports in English
- The tenderer must prove experience of working in EU countries with at least 2 projects delivered in the last three years.
- The tenderer must prove experience in one or more of the following as deemed relevant to the area of expertise the subject of this tender; survey techniques, data collection, statistical analyses and drafting reports and recommendations.

**b) Criteria relating to the team delivering the service:**

The team delivering the service should include, as a minimum, the following profiles:

**Junior Expert profiles**

As per minimum requirements listed in Part 2 Article 6.1 on page 8

**Senior Expert profiles**

As per minimum requirements listed in Part 2 Article 6.2 on page 8

**c) Evidence:**

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

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

## 4. AWARD CRITERIA

### 4.1 Quality of the Offer

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

No	Qualitative award criteria		Weighting (max. points)
1.	<b>Rationale, Organisation and Methodology</b>	Understanding of Terms of Reference, approach, completeness, clarity, methodology, processes, list of activities	35/100
2.	<b>Relevant experience</b>	Operational knowledge of the EU landscape related to CERTs and NIS	35/100
3.	<b>Quality control measures</b>	This criterion will assess the quality control system applied to the service foreseen in this Terms of Reference concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team.	30/100
<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

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

**PS = (P1 + P2)** will then be used in the price formula as shown below

**PJ = (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 following sub-weightings shall be applied to the above prices:

Senior Experts price	70 %
Junior Experts price	30 %

$$PP = (A/ PS \times 0,70) + (C/ PJ \times 0,30)$$

where

**A** - is the best price of all bidders for person/day rates for Senior Expert

**PS** - is the price for a single bidder for person/day rates for Senior Expert

**C** - is the best price of all bidders for person/day rates for Junior Expert

**PJ** - is the price for a single bidder for person/day rates for Junior Expert

#### 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** = 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 not divided into Lots.

## **9. ADDITIONAL PROVISIONS**

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

## **10. NO OBLIGATION TO AWARD THE CONTRACT**

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

## **11. DRAFT CONTRACT**

A Framework Service Contract will be proposed to the selected candidates. 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 is as follows:

Title: **“Supporting the CERT Community”**

**ENISA F-COD-13-T22**

#### Summary timetable comments

Launch of tender - Contract notice to the Official Journal of the European Union (OJEU)	<b>8<sup>th</sup> November 2013</b>	
Deadline for request of information from ENISA	1 <sup>st</sup> January 2014	
Last date on which clarifications are issued by ENISA	3 <sup>rd</sup> January 2014	
Deadline for submission of offers	<b>6<sup>th</sup> 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	16 <sup>th</sup> January 2014	At 10:00 Greek time
Date for evaluation of offers	16 <sup>th</sup> January 2014	At 11:00 Greek time
Notification of award to the selected candidate + 10 day standstill period commences	Mid/late Jan 2014	Estimated
Contract signature	late Jan/ early Feb 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;

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

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

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

## ANNEX II

### **FINANCIAL IDENTIFICATION FORM**

**- SPECIMEN FOR THE TENDERER -**

(to be completed by the Tenderer)

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

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



#### 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	<input type="text"/>	
ADDRESS	<input type="text"/>	
TOWN/CITY	POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>	

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

CONTACT	<input type="text"/>	
TELEPHONE	FAX	<input type="text"/>
E-MAIL	<input type="text"/>	

##### **BANK**

BANK NAME	<input type="text"/>	
BRA NCH ADDRESS	<input type="text"/>	
TOWN/CITY	POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>	
ACCOUNT NUMBER	<input type="text"/>	
IBAN	<input type="text"/>	

*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  
(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>3</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>3</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>4</sup> if any of the declarations or information provided prove to be false.

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

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

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

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

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

.....  
Full name

.....  
Signature

.....  
Date

<sup>4</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:**  
**Supporting the CERT community**  
**F-COD-13-T22**

Consultancy Service fees		
	HALF 'person-day' (4 hours)	FULL 'person-day' (8 hours)
<b>Senior Expert</b>	€ <span style="float: right;">P1</span>	€ <span style="float: right;">P2</span>
<b>Junior Expert</b>	€ <span style="float: right;">P3</span>	€ <span style="float: right;">P4</span>

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.

*I the tenderer declare that this Financial Offer form has been completed without leaving any box blank.*

**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):**

<b>NAME OF LEGAL REPRESENTATIVE</b>	
<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	
<b>NAME OF 2<sup>nd</sup> LEGAL REPRESENTATIVE (if applicable)</b>	
<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**
- 2 **Professional information** (see Part 3 – Article 3.1)
- 3 **Proof of financial and economic capacity** (see Part 3 – Article 3.2)
- 4 **Proof of technical and professional capacity** (see Part 3 – Article 3.3)
- 5 **Legal Entity Form**<sup>5</sup> (Annex I) signed and dated
- 6 **Financial Identification Form**<sup>6</sup> (Annex II) signed and dated
- 7 **Declaration on Honour on exclusion criteria** (Annex III) signed and dated
- 8 **Financial Offer** (Annex IV) 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>5</sup> If you have provided a Legal Entity form to ENISA within the previous 12 months maximum and no details have changed in the meantime, then you may provide a photocopy of this previous form.

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