



## **OPEN CALL FOR TENDERS**

### ***Tender Specifications***

*for the provision of:*

**“The state of cybersecurity vulnerabilities in 2018 report”**

**ENISA D-COD-19-T15**

- Part 1**      **Introduction to ENISA**
- Part 2**      **Terms of Reference**
- Part 3**      **Tender Specifications**

- Annex I      Legal Entity & Financial ID Forms
- Annex II      Declaration on honour on exclusion criteria and selection criteria
- Annex III      Financial Offer form
- Annex IV      Draft Service contract
- Annex V      Power of Attorney for Consortium Form
- Annex VI      Sub-Contractors Form
- Annex VII      eSubmission\_Quick reference guide for the Economic Operators



*Offers via e-Submission portal **ONLY***

## CONTENTS

<b>PART 1 INTRODUCTION TO ENISA</b> .....	<b>3</b>
<b>1. Background on ENISA</b> .....	<b>3</b>
1.1 Introduction .....	3
1.2 Scope.....	3
1.3 Objectives .....	3
<b>2. Additional Information</b> .....	<b>3</b>
<b>PART 2 TERMS OF REFERENCE</b> .....	<b>4</b>
<b>I. SCOPE OF THIS TENDER</b> .....	<b>4</b>
<b>II. e-Submission application guide</b> .....	<b>5</b>
<b>1. GENERAL DESCRIPTION OF THE REQUIRED SERVICES</b> .....	<b>8</b>
1.1 Background Information .....	8
1.2 Scope.....	8
1.3 Context of this effort .....	8
<b>2. DESCRIPTION OF TASKS &amp; SERVICES TO BE PROVIDED</b> .....	<b>9</b>
2.1 Task 1 - Working group creation .....	9
2.2 Task 2 - Data collection.....	9
2.3 Task 3 - Data processing .....	10
2.4 Task 4 - Data analysis and interpretation of the results .....	10
2.5 Task 5 - Preparation of the final report .....	11
2.6 Task (on-going) - Project management .....	11
<b>3. EXPECTED SKILLS</b> .....	<b>12</b>
<b>4. DURATION AND DEADLINES</b> .....	<b>13</b>
<b>5. LIST OF DELIVERABLES</b> .....	<b>13</b>
<b>6. PLACE OF EXECUTION OF THE ACTIVITIES AND COMMUNICATIONS</b> .....	<b>14</b>
<b>7. CONTENT AND PRESENTATION OF THE TECHNICAL OFFER</b> .....	<b>14</b>
<b>8. CONTENT AND PRESENTATION OF THE FINANCIAL OFFER</b> .....	<b>15</b>
<b>9. TENDER RESULT AND ESTIMATED CONTRACT VALUE</b> .....	<b>15</b>
<b>10. DATA PROTECTION AND TRANSPARENCY</b> .....	<b>15</b>
<b>11. MARKING OF SUBMITTED DOCUMENTS</b> .....	<b>16</b>
<b>12. PRICE</b> .....	<b>16</b>
<b>13. PRICE REVISION</b> .....	<b>16</b>
<b>14. COSTS INVOLVED IN PREPARING AND SUBMITTING A TENDER</b> .....	<b>16</b>
<b>15. PERIOD OF VALIDITY OF THE TENDER</b> .....	<b>16</b>
<b>16. PROTOCOL ON PRIVILEGES &amp; IMMUNITIES OF THE EUROPEAN COMMUNITIES</b> .....	<b>16</b>
<b>17. PAYMENT ARRANGEMENTS</b> .....	<b>16</b>
<b>18. CONTRACTUAL DETAILS</b> .....	<b>16</b>
<b>PART 3 TENDER SPECIFICATIONS</b> .....	<b>17</b>
<b>1. INFORMATION ON TENDERING</b> .....	<b>17</b>
<b>2. STRUCTURE AND CONTENT OF THE TENDER</b> .....	<b>18</b>
<b>3. ASSESSMENT AND AWARD OF THE CONTRACT</b> .....	<b>22</b>
3.1 EXCLUSION CRITERIA.....	22
3.2 SELECTION CRITERIA .....	22
3.3 AWARD CRITERIA .....	24
<b>4. TENDER OPENING</b> .....	<b>26</b>
<b>5. OTHER CONDITIONS</b> .....	<b>26</b>
<b>6. SPECIFIC INFORMATION</b> .....	<b>27</b>
6.1 Timetable .....	27

# PART 1 INTRODUCTION TO ENISA

## 1. Background on ENISA

### 1.1 Introduction

E-communication infrastructures and online services are essential factors, both directly and indirectly, in economic and societal development. They play a vital role for society and have in themselves become ubiquitous utilities in the same way as electricity or water supplies and also constitute vital factors in the delivery of electricity, water and other critical services. Communications networks function as social and innovation catalysts, multiplying the impact of technology and shaping consumer behaviours, business models, industries, as well as citizenship and political participation. Their disruption has the potential to cause considerable physical, social and economic damage, underlining the importance of measures to increase protection and resilience aimed at ensuring continuity of critical services. The security of electronic infrastructures and services, in particular their integrity, availability and confidentiality, faces continuously expanding challenges which relate, inter alia, to the individual components of the communications infrastructure and the software controlling those components, the infrastructure overall and the services provided through that infrastructure. This is of increasing concern to society not least because of the possibility of problems due to system complexity, malfunctions, systemic failures, accidents, mistakes and attacks that may have consequences for the electronic and physical infrastructure, which delivers services critical to the well-being of European citizens.

### 1.2 Scope

The European Union Agency for Network and Information Security (ENISA, hereinafter ‘the Agency’) was established in order to undertake the tasks assigned to it for the purpose of contributing to a high level of network and information security within the Union and in order to raise awareness of network and information security and to develop and promote a culture, of network and information security in society for the benefit of citizens, consumers, enterprises and public sector organisations in the Union, thus contributing to the establishment and proper functioning of the internal market.<sup>1</sup>

### 1.3 Objectives

The Agency’s objectives are as follows:

- The Agency shall develop and maintain a high level of expertise.
- The Agency shall assist the Union institutions, bodies, offices and agencies in developing policies in network and information security.
- The Agency shall assist the Union institutions, bodies, offices and agencies and the Member States in implementing the policies necessary to meet the legal and regulatory requirements of network and information security under existing and future legal acts of the Union, thus contributing to the proper functioning of the internal market.
- The Agency shall assist the Union and the Member States in enhancing and strengthening their capability and preparedness to prevent, detect and respond to network and information security problems and incidents.
- The Agency shall use its expertise to stimulate broad cooperation between actors from the public and private sectors.

## 2. Additional Information

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

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<sup>1</sup> Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004.

## PART 2 TERMS OF REFERENCE

### I. SCOPE OF THIS TENDER

Within the framework of this Open tender procedure, ENISA would like to find a suitably qualified contractor to provide the services as stipulated in the Terms of Reference outlined below.

Subject of the tender	Maximum budget
<b>The state of cybersecurity vulnerabilities in 2018 report</b>	<b>€90.000,00 (ninety thousand euro)</b>

**PLEASE NOTE:** This tender procedure is limited to tenderers which are legally incorporated in a member state of the European Union/EEA, or which have an incorporated subsidiary in one of the EU/EEA member states. (The Agreement on Government Procurement (GPA) does not apply to EU Regulatory Agencies.)

**IMPORTANT!**

**Provisions relating to BREXIT**

*For British candidates or tenderers:*

*Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations.*

*In case such access is not provided by legal provisions in force candidates or tenderers from the UK could be rejected from the procurement procedure.*

<p><b>Method of submitting tenders:</b></p> 	<p><b><i>e-Submission portal</i></b></p> <p><i>Courier or postal service</i></p> <p><i>By hand</i></p> <p><i>By email</i></p>	<p><b>YES</b></p> <p>NO</p> <p>NO</p> <p>NO</p>
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## II. e-Submission application guide

You must submit your tender electronically via the e-Submission application available from the e-Tendering website before the time limit for receipt of tenders.

The e-Submission application allows economic operators to respond to calls for tenders by preparing their tenders electronically in a structured and secured way, and submitting their tenders electronically. The e-Tendering is the starting point for launching the e-Submission application.

**Make sure you submit your tender on time: you are advised to start completing your tender early. To avoid any complications with regard to late receipt/non receipt of tenders within the deadline, please ensure that you submit your tender at least several hours before the deadline. A tender received after the deadline indicated in the procurement documents will be rejected.**

### 1. How to Submit your Tender in e-Submission

You can access the e-Submission application via the corresponding call for tender in TED e-Tendering. To have access to e-Submission, you will need to "Subscribe to call for tenders" on TED e-Tendering first. To subscribe, you will need to login with your an [EU Login](#)<sup>2</sup>. In case you don't have an EU Login, you can [create an account](#) anytime. For more information see the [EU login help](#). After logging in with your EU Login password, the e-Tendering page for the specific tender will then display a button 'submit your tender' from which you will be able to access the e-Submission application.

#### 1(a) Information to be filled in

In the e-Submission application, fill in and upload all necessary fields and documents as appropriate. All tenders must be clear, complete and consistent with all the requirements laid down in Part 2 of this document, including:

- **Signed declaration on Honour(s).** The tenderer, and all members of a joint tender, including subcontractors – if applicable – must upload the signed and dated declaration on honour(s) using the template provided in annex to this document,
- **Exclusion criteria.** If requested in Part 2 Section 3.1 of this document, the tenderer and all members of a joint tender including subcontractors – if applicable – must provide the documentary evidence for exclusion criteria,
- **Selection criteria.** If requested in Part 2 Section 3.2 of this document, the tenderer and all members of a joint tender including subcontractors – if applicable –, must provide the documentary evidence for selection criteria
- **Technical tender.** It must address all the requirements laid down in the Terms of Reference or Technical Specification,
- **Financial tender** The complete financial tender, including the breakdown of the price as provided in the Tender Specifications,

For detailed instructions on how to submit your tender, see Annex VII - 'Quick Reference Guide for Economic Operators', where you will find:

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<sup>2</sup> Previously called European Commission authentication system (ECAS)

- Technical requirements for using e-Submission,
- Step-by-step guide to help you submit your tender,
- A link to the test environment for submitting call for tenders,
- Important advice and information,
- How to get technical support

***Please make sure all required documents and evidence are submitted with your tender.***

### **1(b) Documents to be signed and dated while creating your Tender**

The following documents must be signed and dated during the creation of your tender in e-Submission:

- **Declaration on honour(s).** The tenderer, and all members of a joint tender, including subcontractors must sign and date this declaration. The declaration on honour must be converted to PDF format and then signed by an authorised representative of each member with advanced electronic signature based on qualified certificates, or by hand.
- **Tender Report.** This report is generated by e-Submission while you are completing your tender and it contains the list of documents that you submit. The sole tenderer's or leader's authorised representative(s) must sign the report.

The documents must be signed using any of the following 2 methods:

- Electronically signed, in this case you must sign with *an advanced electronic signature based on qualified certificates*.
- Hand signature, in this case, you must print the documents and the authorised representative must hand-sign and then scan the documents so they can be uploaded into the system.

In case of a joint tender, the leader must collect all the original declarations signed by hand by the members of the group and keep them on file together with the Tender Report, if the latter was also signed by hand. The Contracting Authority reserves the right to request these hand-signed originals to be sent via postal service/courier to the address shown in point 5 below. The successful tenderer will in any case be formally requested to provide these originals as well as other documentary evidence required before signature of contract.

### **2. Re-submission or alternative tender**

After submitting a tender, but within the time limit for receipt of tenders, you may still submit a new version of your tender. You must formally notify by that the previous tender is withdrawn. You are also entitled to send several tenders to one call for tenders.

The notification must be sent to address indicated in 'section 5. Contact the Contracting Authority' (below), stating the reference to the call for tenders and the Tender ID you wish to withdraw.

**If you submit a new Tender you must include ALL your Tender documents AGAIN, including the Qualification and Tender documents.**

### **3. Withdrawal of tenders**

If after submitting a tender, you wish to completely withdraw your tender, you must formally notify that you wish to withdraw your submitted Tender(s). This notification must be signed by the same authorised legal representative(s) who previously signed the tender(s) in question.

The notification must be sent to address indicated in the section 'section 5. Contact the Contracting Authority' (below), stating the reference to the call for tenders and the Tender ID(s) you wish to withdraw.

#### 4. Deadline for receipt of tenders

The tender (including all documents) must be fully uploaded and received before the deadline for receipt of tenders, as indicated in the invitation to tender.

**Please note that you are responsible to ensure that your full tender reaches the destination in due time.** In case of problems with the submission of the electronic tender, we recommend that you call the 'helpdesk' in reasonable time before the time limit for receipt. The time it takes to submit the tender and upload all your documents may vary considerably depending on the number of concurrent submissions by other economic operators, the size of your tender and the type of internet service you are using.

If the contracting authority detects technical faults in the functioning of the electronic equipment used for submitting and receiving tenders due to which it is impossible to electronically submit and receive tenders, you will be informed of the extension of the time limit by the contracting authority at the e-Tendering link for this particular tender.

#### 5. Contact the Contracting Authority

- When requested, original hand signed documentation must be sent by postal service/courier, to the following address:

*[Insert tender title and reference]*

ENISA

For the attention of the Procurement Officer

1 Vasilissis Sofias Street,

Maroussi 15124,

Greece

- Notifications for re-submission or withdrawal of tenders must be sent to:

[procurement@enisa.europa.eu](mailto:procurement@enisa.europa.eu)

When communicating state the reference to the call for tenders and if applicable the Tender ID.

#### 6. Get Technical help

In order to get technical help please consult the [Quick Reference Guide for Economic Operators](#) or directly contact us by consulting the footer section on e-Submission application.

#### 7. TEST environment for e-Submission application

In order to familiarise yourself with the system and to test whether your workstation configuration is working correctly with our environment, you are invited to access the **test environment**.

<https://webgate.ec.europa.eu/esubmission/index.jsp?CFTUUID=TEST01CFT201706>

# 1. GENERAL DESCRIPTION OF THE REQUIRED SERVICES

## 1.1 Background Information

In the past years, we have noticed a spike in large-scale data breaches with tremendous impact on both organizations and individuals. Organized crime also shifted their focus onto information systems and this fact has led to big losses in the financial sector and other vertical sectors.

Many of these events were facilitated by the existing software vulnerabilities or bugs. These vulnerabilities were either inherited or introduced in the development process.

In 2019, ENISA is focusing on improving the risk assessment and vulnerability management processes by providing a comprehensive analysis on the past year (2018) vulnerability advisories. The GDPR regulation introduces the notion of liability for companies who are impacted by data breaches, hence the need for a proactive approach when dealing with vulnerabilities.

This study will provide a comprehensive analysis of the 2018 vulnerability advisories, including stats related to their scores and other relevant information.

### Objectives

The objectives of this work are to increase awareness and help public/private organizations to prioritize their risk assessment & patching processes and promote SDLC<sup>3</sup> principles in product development.

## 1.2 Scope

The scope of this study is limited to analysing only the 2018 vulnerability advisories. All the observations and potential gaps identified will be done only in the context of the past year advisories.

## 1.3 Context of this effort

With this tender ENISA aims at procuring services in order to support the activities under Output 1.2.4 part of the “ENISA programming document 2019-2021”<sup>4</sup>

It is expected that the prospective contractor will take into consideration the previous ENISA studies on the topic of Vulnerability disclosure<sup>5</sup> and Economics of vulnerability disclosure<sup>6</sup>.

ENISA expects the tenderer to collect information about vulnerabilities advisories of the year 2018 from open sources of information (e.g. national vulnerability databases), analyse & interpret the data, present the findings using intuitive visualizations.

All the raw data used in drafting the report must be transferred to ENISA. This will allow ENISA to reproduce the findings and re-use the data for its own purposes.

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<sup>3</sup> [https://en.wikipedia.org/wiki/Systems\\_development\\_life\\_cycle](https://en.wikipedia.org/wiki/Systems_development_life_cycle)

<sup>4</sup> <https://www.enisa.europa.eu/publications/corporate-documents/enisa-programming-document-2019-2021>

<sup>5</sup> <https://www.enisa.europa.eu/publications/vulnerability-disclosure>

<sup>6</sup> <https://www.enisa.europa.eu/publications/economics-of-vulnerability-disclosure>

In a last phase, an analysis should be made of the gathered data and conclusions and trending developments should be identified together with ENISA project team.

All results together with supporting material must be delivered to ENISA before the end of the project. The final deliverables should use the standard ENISA document templates, which will be provided to the successful Contractor after the kick-off of the project. In addition, final deliverables should be written and proofread by the Contractor following the European Commission English Style Guide<sup>7</sup> or any other style guide document that ENISA will provide to the successful Contractor.

It is expected that the tenderers will demonstrate clearly in their offer that they dispose of sufficient experts that can conduct such a research and have strong analytical skills in order to perform a high quality analysis of the gathered data. There is also the need for a (senior) profile with good project management skills, excellent presentation skills and fluent in English.

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

The Contractor should execute the following tasks and produce the accompanying deliverables.

ENISA requires the potential tenderer to include a project plan and a description of the methods proposed to achieve these expected results. The detailed list of the tasks expected to be performed by the Contractor is given in the next sections

### **2.1 Task 1 - Working group creation**

The prospective contractor must establish a working group with subject matter experts on vulnerability disclosure. The working group will contribute to the study by providing input, reviewing the content and provide additional research perspectives. The establishment of the working group will be done in cooperation with ENISA and the contractor needs to propose in their offer potential relevant candidates.

### **2.2 Task 2 - Data collection**

Relevant papers and articles related to vulnerability advisories analysis must be identified and reviewed by the contractor with support from ENISA. (E.g., such papers can be referenced by the contractor in the proposal).

In the next step, the prospective contractor must collect relevant vulnerability advisories associated with the 2018 year from open sources of information such as National Institute of Standards and Technologies, National Vulnerability Database<sup>8</sup>, CVE Details<sup>9</sup>. In general the data provided by the aforementioned sources contains information such as: Common Vulnerability and Exposure (CVE)<sup>10</sup> number, vendor information, software product information using Common Platform Enumeration (CPE)<sup>11</sup>, Common Vulnerability Scoring System (CVSS)<sup>12</sup> score (the severity of the vulnerability), Common Weakness Enumeration (CWE)<sup>13</sup> which is the weakness behind the vulnerability, the

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<sup>7</sup> [https://ec.europa.eu/info/sites/info/files/styleguide\\_english\\_dgt\\_en.pdf](https://ec.europa.eu/info/sites/info/files/styleguide_english_dgt_en.pdf)

<sup>8</sup> <https://nvd.nist.gov/>

<sup>9</sup> <https://www.cvedetails.com>

<sup>10</sup> <http://cve.mitre.org/>

<sup>11</sup> <https://cpe.mitre.org/>

<sup>12</sup> <https://www.first.org/cvss/>

<sup>13</sup> <https://cwe.mitre.org/>

assigning CVE Numbering Authorities the so called CNAs. The prospective contractor can propose additional source of information relevant to the activity.

### 2.3 Task 3 - Data processing

Following the data collection activity from previous task, the prospective contractor must:

- Interpret and extract relevant information or research questions from the aforementioned reports and articles.
- Collect information regarding the vulnerability advisories afferent to the past year.
- Clean and adapt the data accordingly so that it can be further analysed using dedicated data analysis tools (e.g. Excel, PowerBi, R, Python, Tableau). NIST NVD provides the information in many machine-readable formats such as JSON, XML. The collected data must be properly cleaned (e.g. remove ambiguous, missing or duplicated entries etc.). As outcomes of this task, it is important that the processed data is tidy, meaning: each row represents an observation, and each column represents a variable. Moreover, each column and row must be named intuitively for easier interpretation in the analysis. Once the data has been processed, it is ready for the next task.

### 2.4 Task 4 - Data analysis and interpretation of the results

It is expected that the prospective contractor will create sectorial groups of vendors such as IoT, ICS-SCADA<sup>14</sup>, Healthcare etc. In a similar manner a dedicated category for Open Source projects must be created. This will further help into generating relevant sectorial statistics. Additional input can be collected from the established working group.

The data collected (both articles/papers and raw data) and processed at the previous steps must undergo an exploratory data analysis in order to observe potential trends and correlations.

Using metrics such as (mean, median, top N) as initial points for analysis the prospective contractor can take into consideration the following research questions:

- The mean/median CVSS score in 2018
- The distribution of high CVSS scores in 2018.
- CWEs (Common weakness enumerations) with regards to High Score CVSS
- The top 10 identified weaknesses (e.g. CWEs) per product / or per/ CNA
- The top vulnerabilities encountered in IoT vendors, Healthcare, or ICS/SCADA vendors.
- Main vulnerabilities related to Web products vs. other kinds of native software etc.
- Vulnerabilities encountered in OpenSource projects.
- Breaches or events attributed directly from known vulnerabilities.
- How many high score vulnerabilities have also a known exploit or PoC available.
- Other angles of viewing the data can be suggested by the prospective contractor in their offer.

All the research questions must be validated with the working group.

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<sup>14</sup> <https://dragos.com/wp-content/uploads/yir-ics-vulnerabilities-2018.pdf>

## 2.5 Task 5 - Preparation of the final report

Based on the data collected at previous steps

The compiled final report must include:

- Introductory part defining the scope, context, and objectives.
- The necessary definitions used in the context of vulnerability disclosure, e.g. standards such as CVE, CVSS, CWE, CPE must be included in the report.
- The outcomes of the referenced tasks must be presented using data visualization technique (e.g. bar charts, line charts, donut charts, tree maps, and/or other techniques for data visualization excluding pie charts.).
- Relevant trends or observations.
- Potential gaps in the current way vulnerability advisories are defined (e.g. scoring calculation).

The data analysis activity from the previous task must be also detailed in the form of Jupyter Notebooks<sup>15</sup> together with the accompanying proof of concept code snippets and handed over to ENISA

## 2.6 Task (on-going) - Project management

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.

As part of this task, the prospective Contractor should also provide justification for any subcontracting, interaction process with ENISA staff and experts, and provide regular management reporting. This will ensure the punctual delivery of good quality results of this project on budget.

The tender **must** include detailed Gantt Charts and accompanying documentation of the project with sufficient details (see list below). At the kick-off meeting, these will be negotiated with ENISA and be confirmed as final.

The Gantt charts and related documentation should include:

- Scheduling of all tasks and activities within the tasks.
- Identification of 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.
- Detailed information on the expertise of the Contractors on the tasks and topics of this tender, including references to previous, relevant projects.
- Detailed CVs of experts proposed to be involved in all the tasks of the project.
- Detailed justification for subcontracting, if applicable, tasks or parts of them. In that case, ENISA requires additional information on the:
  - Tasks undertaken by the sub-Contractor.
  - Expertise of the Contractor and its experts.

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<sup>15</sup> <https://jupyter.org/>

- Resources allocated to him/her.
- Co-ordination mechanisms among the prime and the sub-Contractors.
- Risk management method in case of delayed and/or low quality delivery of sub-Contractor's outcomes.
- Official statement of overall responsibility for the whole project and its results by the prime Contractor.

Based on the Gantt chart, the Contractor is expected to deliver the following documents regularly:

- Brief **weekly bullet progress report** on current activities (as they defined in the Gantt chart) information on the progress achieved, next steps, possible risks affecting project, and risk mitigation measures
- **Early warning reports, at any time**, if emerging risks threaten key milestones of the project and when the Agency needs to either be informed or take a decision
- **Interview notes** (if applicable) with the subjects of questionnaires.
- **Minutes** from meetings and **conference calls** (in principle **every two weeks**, exact intervals to be agreed upon) with ENISA staff on the progress of the project and its tasks

In addition, and on demand, the Contractor should be able to provide ENISA with a draft or snapshot of the results produced so far for the deliverables.

At least the following communication with the Contractor is expected:

- A kick-off meeting. The suggested format is a videoconference or Skype meeting.
- Regular video or teleconferences on the progress achieved (in **principle every two weeks**, exact intervals to be agreed upon).
- A final video or teleconference meeting that shall also be used to prepare the workshop that will take place in the ENISA offices in Athens.

### 3. EXPECTED SKILLS

For the performance of the above-mentioned activities, the tenderer in the submitted proposal should demonstrate the following skills and experience:

- Data mining & statistics together with specific tools and techniques (Ex. Python , R, PowerBi, Tableau, Excel).
- Strong data collection, analysis and synthesis skills.
- At least one expert with excellent project management skills including quality assurance and risk management and experience in realising international projects, including a backup in case of unavailability of this expert during the course of the project.
- Excellent knowledge of data collection and validation methods including the ability to produce clear and understandable reports.
- Experience in setting up and leading thematic expert groups.
- At least one profile with very good presentation skills, including a backup in case of unavailability of this expert during the course of the project.
- For the last profiles, excellent oral and written language skills in English are expected.

- For the other profiles, good written language skills in English are expected.

#### 4. DURATION AND DEADLINES

The duration of the work is foreseen from **June 2019 until 2<sup>nd</sup> December 2019**.

The deliverables are expected to be finalised and provided to ENISA as follows:

The tender can include revised proposals that respect the deadline above (aka earlier delivery of some deliverables). Any changes will have to be negotiated and agreed by ENISA in the kick-off meeting.

<b>Task</b>	<b>Indicative time window of execution</b>	<b>Milestone</b>
<b>Task 1 &amp; 2</b>	June 2019 – July 2019	Delivery of <b>D1</b>
<b>Task 3</b>	July 2019 - September 2019	Delivery of <b>D2</b>
<b>Task 4</b>	September 2019 – November 2019	Delivery of <b>D3</b>
<b>Task 5</b>	November 2019 – 2 <sup>nd</sup> December 2019	Delivery of <b>D4</b>

ENISA expects that the Contractor will deliver a project plan indicating the execution of these activities.

#### 5. LIST OF DELIVERABLES

The following deliverables are expected:

- **D1** Interim report containing the proposed initial structure of the document and relevant materials.
- **D2** Interim report outlining the data structure of the collected data, together with the first input from working group.
- **D3** Draft report including the proposed stats, metrics and visualizations
- **D4** Final report including conclusions and all the materials and information from the previous steps together with conclusions agreed within the working group.

English is the language to be used for all the documents (interim and final reports, project management reports etc.) produced.

These deliverables should use the standard ENISA document templates, which will be provided to the successful Contractor after the kick-off of the project. In addition, final deliverables should be written and proofread by the Contractor following the European Commission English Style Guide or any other style guide document that ENISA will provide to the successful Contractor

## 6. PLACE OF EXECUTION OF THE ACTIVITIES AND COMMUNICATIONS

The execution of the activities will take place at the Contractor's premises. Network based collaborative tools (i.e. videoconferencing) will be used as working methods.

At least the following communication with the Contractor is expected.

- A kick-off meeting. This will be a videoconference or Skype meeting.
- Regular videoconferences or Skype meetings on the progress achieved (in **principle every two weeks**, exact intervals to be agreed upon).
- A final videoconference or Skype meeting that shall be arranged for the presentation of the final draft.

It should be mentioned that the Contractor's costs for potential business trips – if needed - should be included in the total offer. ENISA will not additionally reimburse the Contractor for taking part in these meetings. In order to save project resources, the information exchange will be performed mainly via electronic means, such as e-mail, web and phone conferencing

## 7. CONTENT AND PRESENTATION OF THE TECHNICAL OFFER

The Tenderer shall enclose with the **Technical Offer** all documents and information that will enable its offers to be assessed in terms of quality and of compliance with the Specifications. An Offer shall include a description of the operational means and procedures to be implemented to perform the Contract, supported where appropriate by related documents.

An offer must address each of the following elements as A MINIMUM in order to be considered to be a valid and conforming offer:

- Description of the skills of the prospective contractor
  - The Tenderer will have to present its compliance with the expected skills as described in the relevant section.
- Description of the deliverables
  - The deliverables must be presented as requested in the articles titled "Tasks to be performed" and "Deliverables"
  - The approach and method to perform the tasks and ensure the quality of the deliverables (stakeholders involved, reasoning behind, interesting use cases to study, reasoning why etc.).
  - Examples of previous related works
  - A full list of all related projects and activities that the contractor has undertaken in the past.
- The prospective contractor is expected to provide insights in the methodology (approach) chosen in order to reach the objectives of the project described above. **Description should be short, concise and specifically tailored to Tasks and Deliverables of the Tender.**
- Management of provision of services
  - Project Management: a close description of the project management method used including quality assurance and risk management 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

- The prospective contactor must also identify possible risks to the project and propose mitigation measures
- Interact with ENISA staff and external experts, and provide regular management reporting. This will ensure the punctual delivery of good quality results of this project and on budget
- 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 to the project focussing on their experience and expertise in the areas covered by the study.
- If applicable, the contractor should also provide justification for subcontracting

In addition to the above the tenderer must provide the information concerning subcontracting as requested in Part 3; article 1.4.

## **8. CONTENT AND PRESENTATION OF THE FINANCIAL OFFER**

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

## **9. 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 **€90.000,00 (ninety thousand Euro)** covering all tasks executed and including all costs.

## **10. DATA PROTECTION AND TRANSPARENCY**

While personal data mainly includes professional contact data, specific conditions may apply depending on the context and the type of personal data collected.

Regarding personal data, the EU data protection applicable on the Agency and its Contractors includes the following instruments:

- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001.

Particular attention needs to be paid to transparency conditions that are applicable in the Agency, as they emanate from the following instrument:

- 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. MARKING OF SUBMITTED DOCUMENTS**

The tenderer SHOULD NOT mark tender documents (for e.g. the header or footer) with any of the following words: RESTRICTED, CONFIDENTIAL, SECRET or TOP SECRET. If the tenderer considers that such markings are required, a prior approval from the ENISA Procurement Officer should be attained BEFORE sending the tender documents. The tenderer should be aware that the information sent to ENISA for procurement purposes is handled in accordance with the governing rules for EU Public Procurement and the EU Financial Regulation framework.

## **12. 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.

## **13. PRICE REVISION**

Price revision does not apply to this tender procedure.

## **14. 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.

## **15. 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.

## **16. PROTOCOL ON PRIVILEGES & 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.

## **17. PAYMENT ARRANGEMENTS**

Payments under the Contract shall be carried out within 60 days of submission of an invoice accompanying the final report or deliverable based on the conditions set out in the draft contract. 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.

## **18. CONTRACTUAL DETAILS**

A model of the Service Contract is proposed to the successful candidate - see Annex IV.

## PART 3 TENDER SPECIFICATIONS

### 1. INFORMATION ON TENDERING

#### 1.1 Contractual conditions

In drawing up their offer, the tenderer should bear in mind the provisions of the draft contract (Annex IV) attached to this invitation to tender particularly those on payments, performance of the contract, confidentiality, and checks and audits. Submission of a tender by a potential contractor implies acceptance of this contract and all of the terms and conditions contained therein. Any limitation, amendment or denial of the terms of contract will lead to automatic exclusion from the procurement procedure.

It is strongly recommended that you have this draft contract checked and passed by your legal representative before committing to submitting an offer.

Before the contract is signed, the Agency may decide to abandon the procurement procedure or cancel the award procedure without the tenderers being entitled to claim any compensation.

#### 1.2 Joint Tenders (if applicable)

A joint tender is a situation where a tender is submitted by a 'group' of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded. However, the Agency will require the grouping:

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

In addition, the composition and constitution of the grouping, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Agency, which can be withheld at its discretion.

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

- a **Legal Entities form** and a **Power of Attorney of each consortium partner**, must be filled in, signed by (an) authorised representative(s), scanned and uploaded in the corresponding section.
- a **Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest** must be filled in, signed by (an) authorised representative(s), scanned and uploaded in the corresponding section.

Hand written or electronic signature of the consortium leader who submits the tender is not required, since the signature of the **e-Submission 'Tender Preparation Report'** implies that all included documents are signed by this party.

### 1.3 Liability of members of a group

Partners in a joint offer assume **joint and several liability** towards the Agency for the performance of the contract as a whole.

Statements, saying for instance:

- That one of the partners of the joint offer will be responsible<sup>16</sup> for only one part of the contract and another one for the rest, or
- That more than one contract should be signed if the joint offer is successful

are thus incompatible with the principle of joint and several liability. The Agency will disregard any such statement contained in a joint offer, and reserves the right to reject such offers without further evaluation, because they do not comply with the tendering specifications.

### 1.4 Subcontracting

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

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

Tenderers must ensure that Article II.7 of the contract (Annex IV) can be applied to subcontractors.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract.

Tenderers are required to identify all subcontractors.

During contract execution, any change of a subcontractor identified in the tender will be subject to prior written approval of the Contracting Authority.

## 2. STRUCTURE AND CONTENT OF THE TENDER

### 2.1 General

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

Tenders must be written in a clear and concise manner, with continuous page numbering. Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications/terms of reference.

### 2.2 Structure of the tender

Based on the **e-Submission** environment, all tenders must provide information and supporting documentation in three sections:

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<sup>16</sup> not to be confused with distribution of tasks among the members of the grouping

- 1) Company identification - data and documentation
- 2) Qualification - data and documentation;
- 3) Tender offer - data and documentation.

## 2.3 Qualification data

### a) Identification of the Tenderer

The tenderer must fill in all required fields in the qualification section. In case of a joint tender the consortium name has to be provided and an identification of every party in the consortium needs to be added.

The following information should also be provided:

#### (i) Legal Entities

In order to prove their legal capacity and their status, all tenderers and identified subcontractors must provide a Legal Entity Form with its supporting evidence. The Legal Entity Form needs to be signed by participating parties that are not signing the '*Tender Preparation Report*'.

However, the subcontractor(s) shall not be required to fill in or provide those documents when the services represent less than 20% of the overall contract value.

The Legal Entity Form can be generated via the e-Submission application. Alternatively, a standard template in each EU language is available at:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

Tenderers must provide the following information if it has not been included with the Legal Entity Form:

- For **legal persons**, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation, which applies to the legal entity concerned, requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For **natural persons**, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

#### (ii) Financial identification

The tenderer (or the single point of contact in case of joint tender) must provide a Financial Identification Form and supporting documents. Only one form per offer should be submitted (no form is needed for subcontractors and other joint tenderers). The form is available at:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm)

**Remark:** Tenderers that are already registered in the Agency's accounting system (i.e. they have already been direct contractors in the past) must provide the filled in form but are not obliged to provide the supporting evidence.

The form needs to be printed, filled in and then scanned and uploaded in the Qualification section. In case of a joint tender, it has to be uploaded in the "**Documents**" section of the Consortium Leader.

**(iii) Power of Attorney**

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

**(iv) Lots interested in (only in case the tender has multiple lots)**

The tenderer must indicate for which lots the tender is applicable, by ticking the relevant boxes in the section: "**Interested in the following lots**".

**b) Information regarding exclusion and selection criteria:**

The tenderer is requested to submit the following documents:

1. Declaration by the Tenderer relating to the exclusion criteria (see 3.1 below)

The filled-in Declaration form.

In case of a joint tender, each member of the consortium has to submit a declaration under the respective party name (see template in Annex II)

2. Documents certifying economic and financial capacity (see 3.2.2 below)

In case of a joint tender, each member of the consortium has to submit the documents under the respective party name.

3. Proof of technical and professional capacity (see 3.2.3 below)

In case of a joint tender, each member of the consortium has to submit the documents under the respective party name.

If any of the above documents are associated with a specific Lot, please indicate for which Lot it is applicable inside the document AND in the Description field of the attachment (*only in case the tender has multiple lots*).

**2.4 Tender data**

**a) Technical proposal**

The technical section is of great importance in the assessment of the bids, the award of the contract and the future execution of any resulting contract.

The technical offer must cover all aspects and tasks required in the technical specification and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded based on non-conformity with the tender specifications, and will not be evaluated.

The technical tender needs to be uploaded in the relevant section:

The tenderer selects the "Technical Tender" document from the dropdown box ("Financial Tender or Technical Tender"). The e-Submission application allows attachment of as many documents as necessary.

## b) Financial proposal

All tenders must contain a financial proposal, to be submitted **using the form attached as Annex III.**

The tenderer's attention is drawn to the following points:

- Prices must be quoted in **euros**, including the countries that are not in the euro-zone. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.
- **Prices must be fixed amounts.**
- **Estimated travel and daily subsistence allowance expenses must be indicated separately.**  
*(only if applicable to this procedure)*

This estimate should be based on Articles I.5 and II.22 of the draft framework contract (Annex IV). This estimate will comprise all foreseen travel and will constitute the maximum amount of travel and daily subsistence allowance expenses to be paid for all tasks.

- **Prices must be quoted free of all duties**, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.
- Prices shall be fixed and not subject to revision during the performance of the contract.

The total price needs to be encoded in the e-Submission application. The completed Financial Offer form, **MUST ALSO** be uploaded in the relevant section:

The tenderer selects the "Financial Tender" document from the dropdown box ("Financial Tender or Technical Tender"). The e-Submission application allows attachment of as many documents as necessary.

### 3. ASSESSMENT AND AWARD OF THE CONTRACT

The assessment will be based on each tenderer's bid. All the information will be assessed in the light of the criteria set out in these specifications. The procedure for the award of the contract, which will concern only admissible bids, will be carried out in three successive stages.

The aim of each of these stages is:

- 1) to check on the basis of the **exclusion criteria**, whether tenderers can take part in the tendering procedure;
- 2) to check on the basis of the **selection criteria**, the technical and professional capacity and economic and financial capacity of each tenderer;
- 3) to assess on the basis of the **award criteria** each bid which has passed the exclusion and selection stages.

Only tenders meeting the requirements of one step will pass on to the next step

#### 3.1 EXCLUSION CRITERIA

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

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

The 'declaration on honour' has to be duly signed by parties that are not signing the Tender Preparation Report in *e-Submission*.

The successful tenderer shall be asked to provide the actual documents mentioned as supporting evidence in Annex II before signature of the contract and within a deadline given by the contracting authority. This requirement applies to all members of the consortium in case of joint tender.

#### **Remark:**

A tenderer may be waived of the obligation to submit the documentary evidence mentioned above if such evidence has already been submitted for the purposes of another procurement procedure launched by ENISA, provided that the documents are not more than one-year-old starting from their issuing date and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure, specifying the reference of the call for tender for which the documents have been provided, and confirm that no changes in their situation has occurred.

#### 3.2 SELECTION CRITERIA

The following criteria will be used to select the Tenderers for further evaluation. If the Tender is proposed by a consortium, these criteria must be fulfilled by each partner (unless otherwise stated).

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

### 3.2.1 Professional Information

The Tenderer must provide evidence of enrolment (declaration or certificates) in one of the professional or trade registers related to the subject of this tender, in the country of its establishment.

### 3.2.2 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/grouping, 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 **30,000.00 EUR**. In case of a consortium/grouping, the annual average turnover for each of the partners shall be presented. The sum of the annual average turnovers of each partner will be taken into account to reach the annual average turnover of 30,000.00 EUR.
- (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 formal request for clarification before the tender expiry date.

### 3.2.3 Technical and professional capacity criteria and evidence

These criteria relate to the Tenderer's (and if applicable) partner's/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

These criteria relate to the Tenderer's (and if applicable) partner's/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 detailed description of the resources (hardware & software) to be made available for this contract, subject to the contractual clause on subcontracting;

## b) Evidence:

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

- 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 experts who will provide the services for this tender (CVs), including the management staff. Each CV provided should indicate their intended function in the delivery of the service.
- Details of the structure of the organisation
- Quality control and assurance methodology;

## 3.3 AWARD CRITERIA

### 3.3.1 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 based on the award criteria.

No	Qualitative award criteria		Weighting (max. points)
1.	<b>Technical compliance and capacity</b>	Compliance with the technical descriptions (Part 2 of this document). Suitability of the company for the activities covered by the contract.	30/100
2.	<b>Quality and accuracy of content and structure</b>	Quality of the proposal and accuracy of the description to provide the requested services	25/100
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>

Tenderers shall elaborate in the technical offer on all points addressed in the technical specifications, bearing also in mind the above indicated award criteria, in order to score as many points against the

quality award criteria as possible. The mere repetition of mandatory requirements set out in the technical specifications, without going into detail or without giving any benefit in the technical offer, will only result in a very low score.

### 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 quality award criteria 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 award 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.

### 3.3.2 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; Section 9 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

### 3.3.3 Award of the contract

The contract will be awarded to the offer that is the most cost effective (offers the best value for money) which obtains the highest number of points after the final evaluation, based on 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 reason, the Contracting Authority reserves the right to award the contract to other tenderers as per the ranking order established following the evaluation procedure.

#### **4. TENDER OPENING**

The public opening of received tenders will take place on **12<sup>th</sup> April 2019 at 11:00 EEST Eastern European Summer Time (Greek local time)** at ENISA Athens office, 1 Vasilissis Sofias Street, Maroussi 151 24 Attiki, 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, by email to [procurement@enisa.europa.eu](mailto:procurement@enisa.europa.eu) **at least 3 working days** prior to the opening session.

#### **5. OTHER CONDITIONS**

##### **5.1 Validity**

Period of validity of the Tender: 90 days from the closing date stated in Invitation to Tender. The successful Tenderer must maintain its Offer for a further 120 days from the notification of the award.

##### **5.2 Lots**

This Tender is not divided into Lots.

##### **5.3 Additional Provisions**

- Changes to tenders will be accepted only if they are received on or before the final date and time 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 the property of ENISA and will be regarded as confidential.

##### **5.4 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 whose Tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

## 6. SPECIFIC INFORMATION

### 6.1 Timetable

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

Title: “**The state of cybersecurity vulnerabilities in 2018 report**”

#### ENISA D-COD-19-T15

#### Summary timetable comments

Launch of tender:  Contract notice to the Official Journal of the European Union (OJEU)  Uploaded to e-Tendering website  Uploaded to ENISA website	5 <sup>th</sup> March 2019	
Deadline for request of information to ENISA	4 <sup>th</sup> April 2019	
Last date on which clarifications are issued by ENISA	5 <sup>th</sup> April 2019	
Deadline for <b>electronic reception</b> of offers via <b>e-Submission</b>	<b>11<sup>th</sup> April 2019</b>	<b>18:00 CEST</b> Central European Summer time
Opening of offers	12 <sup>th</sup> April 2019	<b>11:00 EEST</b> Eastern European Summer Time ( <b>Greek local</b> )
Date for evaluation of offers	TBA	TBA
Notification of award to the selected candidate	early May 2019	Estimated
Contract signature	mid/late-May 2019	Estimated