



TENDER SPECIFICATIONS

Open Invitation to Tender

No. CEPOL/PR/OP/2015/002

Feasibility study and provision of technical expertise and support in drawing up the tender documentation for e-Net 3.0

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SECTION A – INTRODUCTION

A.1. SUMMARY

Contracting authority	The European Police College (hereafter referred to as CEPOL).
Purpose	The purpose of this procurement procedure is to conclude a service contract for the provision of a feasibility study and for the provision of external expertise and support in drawing up the tender documentation for the next generation of the external electronic network (“e-Net”) of the European Police College and its partner organisations.
Lots	This procurement procedure is not divided into lots.
Volume of the contract	The indicative volume of this contract is €60,000 (excluding VAT)
Type of contracts	CEPOL wishes to conclude a direct service contract with the successful tenderer.
Duration of contract	The duration for the execution of all the tasks is not expected to exceed 6 months
Main place of performance of services	The services will be delivered mainly from the contractor’s premises.
Variants	Not permitted.
Joint offers	Permitted.
Subcontracting	Permitted. However, any intention to sub-contract must be clearly announced in the offer.

A.2. WHAT IS CEPOL?

The European Police College (CEPOL) is the European agency tasked with organising training for senior police officers in Member States of the European Union. CEPOL brings together senior police officers across Europe to encourage cross-border cooperation in the fight against crime and maintenance of public security and law and order.

CEPOL began operating as an EU agency on 1 January 2006 (Council Decision 2005/681/JHA of 17 September 2005). CEPOL has an annual budget of approximately eight million euro funded by the European Communities. CEPOL's activities — courses, seminars, conferences and meetings — are mainly implemented in and by Member States, by the national police training colleges.

The current seat of the Agency is Budapest, Hungary.

CEPOL organises between 70–100 courses, seminars and conferences per year on key topics relevant to police forces in Europe, as well as carrying out specialised projects such as the CEPOL exchange programme for senior officers.

CEPOL's e-learning products and services include the online support to the above mentioned courses, seminars and conferences. In addition CEPOL hosts 24 online modules on selected topics, implementing a growing number of webinars (62 in 2015) with maintaining a related resource platform with a database of recorded webinars, as well as hosting multiple platforms for communities of practice. All of these products and services are available on the electronic network (e-Net) accessible via login and password only.

CEPOL also focuses on developing common curricula to harmonise training programmes, combating cross-border crime through specialist training; disseminating good practice and research findings; providing training for trainers; providing training for police authorities in candidate countries; and providing the electronic network (e-Net) for sharing knowledge and best practice.

A.3. WHAT IS PROCUREMENT?

Procurement covers public contracts as well as procurement procedures. Public contracts are defined as purchases by a public authority of services, goods or works. A procurement procedure is the structured way that leads to the award of a public contract.

The purpose is:

- (i) to guarantee the widest possible participation of economic operators,
- (ii) to ensure the transparency of operations, and
- (iii) to obtain the desired quality of services, supplies and works at the best possible price.

Offers submitted in the context of a procurement procedure are referred to as "tenders".

An economic operator who has submitted a tender is referred to as "tenderer".

An economic operator who has been awarded the contract is referred to as "contractor".

CEPOL procurement is governed by the Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council 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 and Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

A.4. CONFIDENTIALITY & PUBLIC ACCESS TO DOCUMENTS

In the general implementation of its activities and for the processing of tendering procedures in particular, CEPOL observes the following rules:

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 and 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, and;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

A.5 PARTICIPATION IN THE PROCUREMENT PROCEDURE

This procurement procedure is open to any natural or legal person wishing to bid for the assignment and established in any of the European Union Member States, Norway, Iceland, Liechtenstein or Switzerland.

In addition, tenderers must not be in any situation of exclusion under the exclusion criteria (see section indicated in section B.6.1. of these tender specifications) and must have the legal capacity to allow them to participate in this tender procedure (see section indicated in section B.6.2.1. of these tender specifications).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or CEPOL during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his tender and may result in administrative penalties.

A.6. CAN A CONSORTIUM SUBMIT A TENDER? IS SUBCONTRACTING ALLOWED?

Consortia of economic operators are authorised to submit tenders (joint offers) in compliance with the terms and conditions specified in Section E.1.

The tenderer may subcontract the tasks specified in Section B.1 (Technical specifications) to other economic operators in compliance with the terms and conditions for subcontracting specified in Section E.2.

SECTION B – SPECIFIC INFORMATION ON THIS PROCUREMENT PROCEDURE

N.B. This section describes in detail the goods and/or services that CEPOL wishes to acquire. It also provides information on the contract that will be signed following the conclusion of the procurement procedure and provides instructions and guidance to the economic operators willing to submit tenders about the content and nature of the tender they have to submit. Furthermore, it describes in detail how the tenderers and the tenders will be assessed by CEPOL against the exclusion, selection and award criteria and how the successful tenderer(s) will be identified.

The technical specifications will serve as the contractor's mandate during the contract execution and the entire tender specifications will become an integral part of the contract that will be concluded following the award.

B.1. TECHNICAL SPECIFICATIONS

B.1.1. OBJECTIVE OF THIS INVITATION TO TENDER

The purpose of this invitation to tender is to conclude with the successful tenderer a direct service contract for the provision of a feasibility study and for the provision of external expertise and support in drawing up the tender documentation for the next generation of the external electronic network of the European Police College and its partner organisations.

The external electronic network of the European Police College will be further referred to in these tender specifications as follows:

- The current generation will be referred to as “e-Net” or “current e-Net”;
- The next generation of will be referred to as “e-Net 3.0”

The contractor shall provide a general vision and detailed feasibility study for the e-Net 3.0 and subsequently shall draw up the tender documentation, which shall take into account all the required functionalities (current and advanced future ones), with a particular emphasis on data security and enhanced usability on the users' as well as administrators' side, and which shall have a realistic chance of achieving a positive response from the market in the future call for tenders for the e-Net 3.0 development, implementation, hosting, maintenance and support within the available budget.

B.1.2. BACKGROUND INFORMATION

What is e-Net?

In respect to the fulfilment of CEPOL's strategic goals to a) function as a European law enforcement education platform on the highest level of international excellence and b) to be developed into a European law enforcement knowledge base, the agency thrives to support the provision of necessary learning materials to its target groups (mainly senior police officers and police educators of European Union Member States). CEPOL's training and learning activities are supported through an electronic network portal, the CEPOL e-Net. Police officers and training experts can get a password-secured account for the extranet side of the portal, granted by the



official National Contact Points for the European Police College, providing access to specific learning, training and information services.

As of April 2015 there are approximately 14,500 registered users from the CEPOL community with access to some or all of the services of CEPOL e-Net. The average growth rate has been ca. 2,500 new users per annum. The e-Net is a major part of the learning environment provided by the agency and it is seen as important to facilitate access to knowledge material on relevant topics.

The CEPOL e-Net's chief purpose is to support, facilitate and encourage communication, exchange and cooperation between the agency and its partners in European Member States and agency partners and other stakeholders within the European and international law enforcement community. Dissemination and exchange of knowledge, connecting experts and trainers with adult learners and professional audiences as well as the provision of distance learning facilities, are key functional elements of the system.

The current version of the CEPOL e-Net features a single sign-on mechanism to provide access to the following core functionalities:

- User management interface for central and decentralised administration;
- Learning management system Moodle (cooperation and learning platform & repository of files for residential courses, exchange programme, e-learning SCORM modules, webinar resources and communities of practice);
- e-Library (repository for digital documents and files with advanced search mechanism);
- Document management system for governance and internal cooperation;
- Portal for access to external content subscription;
- Intranet forum;
- Content management system for non-public material (TYPO3).

The set-up of this sub-system oriented e-Net was initially designed in 2007 and has last been reviewed and updated in 2012.

Hosting, maintenance and support of the current version of e-Net is provided to CEPOL by a consortium formed by Managing Innovation Strategies and Sarenet under the terms of a framework service contract concluded between CEPOL and the consortium in November 2012. This contract also covers the hosting, maintenance and support of the CEPOL public website. This contract will expire in November 2016, however under its terms and conditions the e-Net and CEPOL public website can be hosted, maintained and supported until May 2017.

In addition to the current e-Net systems, CEPOL has initiated separate online products and services which have become key to the delivery of CEPOL's Annual Programme:

- Authoring tool (bespoke content management and communication tool for development and hosting of communication elements of the CEPOL online learning modules, currently under <https://authoring.cepol.europa.eu/>);
- Surveys (based on LimeSurvey, currently under <https://surveys.cepol.europa.eu/>);
- Webinars (based on CITRIX gototraining and gotowebinar);
- Online meetings (based on CITRIX gotomeeting).

Though these products and services are delivered online, they are currently not considered part of the CEPOL e-Net.



The CEPOL e-Net provides online learning and training services separately from the CEPOL public website. Anything related to the CEPOL public website falls outside the scope of this procurement.

Given the upcoming new legal mandate of CEPOL (expected to come into force by 1 January 2016) and the new requirements in terms of functionalities and user expectations in regard to usability and data security, CEPOL will issue a call for tenders in 2016 for the development, implementation, hosting, maintenance and support of the next generation of e-Net, with the aim to replace the current contract for hosting maintenance and support of e-Net, whilst ensuring business continuity. As a prerequisite for the above mentioned call for tenders, a feasibility study for the next generation of e-Net and provision of technical expertise and support for the drawing up of the tender documents is needed.

B.1.3. DESCRIPTION OF THE SERVICES REQUIRED

This contract has two objectives, as described below.

Objective 1. Feasibility study for the functional and technical features of e-Net 3.0.

On the basis of functional needs identified by CEPOL, its target audiences and stakeholders, the contractor shall establish the requirements for e-Net 3.0. Technical solutions available on the market today shall be identified. At least two feasible solutions shall be presented to CEPOL.

The contractor shall produce feasible scenarios for e-Net 3.0 solutions which shall include the following elements:

- technical feasibility;
- operational feasibility;
- human resources feasibility and
- financial feasibility.

A needs assessment shall be conducted. For this assessment of functional and technical needs, up to two (2) dedicated meetings for surveys and interviews shall be organised at the CEPOL headquarters in Budapest. Contractor shall be responsible for the moderation of these meeting(s) which are primarily held with e-Net managers as representatives of Member States and partner organisations, CEPOL staff from the operational department, the CEPOL officers for [a] e-learning, [b] knowledge management and [c] ICT, and CEPOL management. These meeting(s) shall be organised in close cooperation with CEPOL and the first three-day meeting is foreseen to take place within the first month after contract signature. A meeting with CEPOL Communications staff shall be held to establish requirements for CEPOL's e-Net 3.0 look and feel. In case supplementary meetings are required, these shall be held online, facilitated by CEPOL's online meeting tools or solutions provided by the contractor. Given the geographical spread of CEPOL's target audience and stake holders, surveys for data collection are to be held online. The contractor may use CEPOL's online survey tool (LimeSurvey) for this purpose for which access to the survey tool shall be provided by CEPOL. If the contractor plans on using a different online survey tool, CEPOL requires access to the collected data in order to be able to assist in the data interpretation and analyses and acquire all proprietary rights to the collected data and any data derived from, created

from etc. based on the collected data. The assessment of CEPOL 's current e-Net is considered to be a starting point for the initial understanding of e-Net in relation to the needs from the CEPOL.

The contractor shall research and report how bodies comparable to CEPOL apply online contemporary solutions for communication, training, cooperation and knowledge management, with particular emphasis on data security, ease of use, administration, maintenance and support.

In the feasibility study the contractor shall include pros and cons for open source, proprietary or mix of these solutions. Each solution shall be one integrated and coherent overall e-Net solution for all functionalities.

Expected results for objective 1

1. List of identified functional and technical needs and requirements for e-Net 3.0;
2. Presentation of exemplary contemporary graphical interfaces meeting the functional and technical needs listed under point 1. above;
3. Presentation of at least two (2) feasible solutions, including clear explanation of pros and cons in terms of functional, technical, organisational and financial assumptions and consequences;

Objective 2. Provision of technical expertise and support in drawing up the tender documentation for the future call for tenders for the e-Net 3.0 development, implementation, hosting, maintenance and support

Under this objective, the contractor shall provide technical expertise and support to CEPOL in drawing up the tender documentation which will be used in a subsequent call for tenders (further referred to as "Call for Tenders for e-Net 3.0 implementation") in 2016, aiming at selecting the contractor for the development, implementation, hosting, maintenance and support of e-Net 3.0, selected by CEPOL based on the feasible solution (delivered under Objective 1). As a result of Call for Tenders for e-Net 3.0 implementation, CEPOL will conclude a framework service contract (further referred to as "e-Net 3.0 framework contract") with the successful tenderer of that procurement procedure.

In order to avoid confusion between the intended meaning of the terms "tenderer", "successful tenderer", "contractor" applicable to economic operators participating in this call for tender (i.e. CEPOL/PR/OP/2015/020), as opposed to those participating in the Call for Tenders for e-Net 3.0 implementation, the following terminology shall be used in these tender specifications:

- The offers that might be received in the Call for Tenders for e-Net 3.0 implementation will be referred to as e-Net 3.0 offers;
- the tenderers that will participate in Call for Tenders for e-Net 3.0 will be referred to as "e-Net 3.0 tenderers";
- the successful tenderer that will be selected as a result of Call for Tenders for e-Net 3.0 will be referred to as "e-Net 3.0 successful tenderer";
- the contractor that will develop, implement, host, maintain and support the e-Net 3.0 (same as the e-Net 3.0 successful tenderer) will be referred to as "e-Net 3.0 contractor".

Description of tasks to be performed under Objective 2

The contractor shall perform the following tasks:

Task 1. Drawing up the technical specifications for the Call for Tenders for e-Net 3.0 implementation.

Task 2. Drawing up the Service Level Agreement (SLA).

Task 3. Drawing up the technical proposal form.

Task 4. Defining the pricing model of the e-Net 3.0 framework contract and the structure of the price list and drawing up the financial proposal form.

Task 5. Drawing up the criteria for assessing the capacity of the e-Net 3.0 tenderers to execute the contract, i.e. the selection criteria.

Task 6. Drawing up the criteria for assessing the quality of the offers submitted by e-Net 3.0 tenderers, i.e. the award criteria.

Task 7. Drawing up the price evaluation scenario for the comparison of the financial proposals.

Task 8. Estimation of the value of the e-Net 3.0 framework contract.

Task 9. Analysis of CEPOL model framework service contract and provision of proposals for improvement.

The detailed requirements for each task are described below.

Task 1. Drawing up the technical specifications for the Call for Tenders for e-Net 3.0 implementation

The technical specifications must comply with the following general requirements:

- they must define in a clear, precise and comprehensive manner the services to be acquired by CEPOL;
- they must afford equal access to all e-Net 3.0 tenderers and must not have the effect of creating unjustified obstacles to competitive tendering;
- they may not refer, except in duly justified cases – where this justification in a brief form is provided in the tender specifications - to a specific make or source, or to a particular process, or to trade marks, patents or types, or to a specific origin or production which would have the effect of favoring or eliminating certain products or operators. Otherwise the phrase “or equivalent” shall be added to such references;

The technical specifications shall include the following elements:

- a full and comprehensive description of the starting-point: the state of play, information, knowledge and skills already possessed by CEPOL;
- full and appropriate information with the regards to the current contract for e-Net hosting, maintenance and support;
- a clear, precise and comprehensive description of the services to be provided by the e-Net 3.0 contractor, including:
 - o The list of functional requirements for all elements of e-Net 3.0 for the identified different types of users;
 - o The detailed description for each of the listed functional requirements;

- The list of minimum (mandatory) requirements compliance matrix;
- Requirements for physical environment, hardware, connectivity, capacity management and security for the hosting solution;
- Requirements for support and maintenance;
- Summary of the most important Service Level requirements (detailed and complete requirements to be defined in the SLA, see Task 2);
- Requirements concerning the time schedule;
- The requirements for the migration of current e-Net to e-Net 3.0;
- The necessary phasing-in, phasing-out and handover requirements;
- Requirements for reporting;
- Requirements for invoicing
- Requirements for intellectual property rights.

Task 2. Drawing up the Service Level Agreement (SLA)

The contractor shall draw up a SLA, which will specify as a minimum the responsibilities of both CEPOL and the e-Net 3.0 contractor, the quality levels of the services, the delivery times, as well as the consequences for non-compliance with the quality levels and delivery times. The SLA will be an integral part of the e-Net 3.0 framework contract and as such it shall not conflict with the special and general conditions of the contract, but shall rather complement them. The SLA shall ensure the delivery of the best quality of services to CEPOL, whilst at the same time setting achievable and realistic quality levels and metrics acceptable across the business sector in question.

Task 3. Drawing up the technical proposal form

The contractor shall draw up the technical proposal form, which will define the content and the structure of the e-Net 3.0 tenderer's response and will facilitate the technical evaluation of the e-Net 3.0 offers.

Task 4. Defining the pricing model of the e-Net 3.0 framework contract and the structure of the price list and drawing up the financial proposal form

The contractor shall identify the most suitable pricing model of the e-Net 3.0 framework contract which shall be reflected in a comprehensive price list. Since, after launching of the Call for Tenders for e-Net 3.0 implementation, it will not be possible to add any new price elements, the price list shall be as comprehensive and exhaustive as possible.

At this stage CEPOL envisages that the following price elements could be included:

- One-off cost of the development and implementation of e-Net 3.0;
- Recurring monthly, quarterly or yearly cost for hosting, maintaining and supporting the e-Net 3.0;
- Price per man-hour or man-day for the provision of additional IT services (once the e-Net 3.0 is implemented) by different profiles of specialists (e.g. Project manager, database developer, web designer, user interface designer, system engineer, etc.).

The contractor should propose other price elements not listed above, if justified.

Task 5. Drawing up the criteria for assessing the capacity of the e-Net 3.0 tenderers to execute the contract, i.e. the selection criteria

The purpose of the selection criteria is to determine whether an e-Net 3.0 tenderer has the capacity necessary to implement the contract. A selection criterion consists of three elements: (i) the criterion, (ii) the minimum level or minimum requirement and (iii) the relevant supporting documents.

The selection criteria to be used are set out in Article 146 RAP¹. Articles 147 and 148 RAP indicate the appropriate supporting documents and provide additional clarification on these criteria. There are many possible selection criteria and documents that can be chosen as evidence of fulfilling those criteria. The contractor shall propose and justify which criteria are appropriate for the Call for Tenders for e-Net 3.0 Implementation. A minimum required capacity level must be set.

All selection criteria must be clear, non-discriminatory and proportionate to the e-Net 3.0 framework contract.

The information requested and the minimum capacity levels demanded should be appropriate and proportionate to the subject of the procurement and the legitimate interests of economic operators must be respected, especially as regards protection of companies' technical and business secrets.

Task 6. Drawing up the criteria for assessing the quality of the e-Net 3.0 offers submitted by e-Net 3.0 tenderers, i.e. the award criteria

These criteria will be used to evaluate the technical parts of the e-Net 3.0 offers. The award criteria must be clear, complete, and related to the technical specifications and expected content of the e-Net 3.0 offers (see Task 3).

They should include the maximum number of points (maximum score) to be awarded for each of them.

In general all elements requested from e-Net 3.0 tenderers in their e-Net 3.0 offers should be evaluated and weighted according to the needs of CEPOL. The criteria should encourage tenderers to elaborate further on the CEPOL requirements and/or propose better solutions; in other words, the criteria shall emphasise the need for added value from the e-Net 3.0 tenderer.

The award criteria shall not be confused with the selection criteria (Task 5) and there should be a clear distinction between these two sets of criteria.

Task 7. Drawing up the price evaluation scenario for the comparison of the financial proposals

Since the prices in the Call for Tenders for e-Net 3.0 Implementation will be quoted as unit prices or price lists, a price evaluation scenario needs to be developed in order to ensure comparability. This shall be done by indicating a realistic scenario for using the framework contract. Quantities of resources corresponding to the unit prices will be specified in the scenario, without this implying any commitment on the part of CEPOL as regards the actual volume of work.

¹ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union

Task 8. Estimation of the value of the e-Net 3.0 framework contract

Based on the volumes specified in the scenario provided in Task 7, as well as on the applicable market rates and CEPOL's past expenditure, the contractor shall estimate the maximum value of the e-Net 3.0 framework contract over its maximum possible duration of 4 years.

Task 9. Analysis of CEPOL model framework service contract and provision of proposals for improvement

The contractor shall analyse the CEPOL model framework contract against the service provision models and practices applicable in the business sector in question (i.e. development, implementation, hosting, maintenance and support of electronic platforms and extranets). Following the analysis, the contractor shall provide proposals for improvements of the model framework contract in order to adapt it to the business sector and make it more attractive to the potential e-Net 3.0 tenderers.

Such changes shall be formulated as additional articles to the special conditions of the contract mainly. If the proposed changes are concerning the general conditions, these shall be formulated as clarifications or derogations in the special conditions section of the model framework contract.

CEPOL will provide the following document templates to be used by the contractor for the performance of the above tasks:

- Tender specifications template (to be used for tasks 1, 5, 6 and 7);
- Technical proposal form template (to be used for task 3);
- Financial proposal form template (to be used with task 4);
- Model Framework Service Contract template (to be used 9).

CEPOL does not have a template for task 2 and task 8.

All the deliverables for the above tasks shall be provided by the contractor in MS Word format.

CEPOL will provide feedback and comments to the draft deliverables, which shall be taken into account when producing the final deliverables to be presented at the final meeting at the CEPOL premises in Budapest.

REPORTS, DELIVERABLES AND DELIVERY TIMEFRAME

The below timeframe is based on CEPOL's expectation that the all the tasks will be executed and the final deliverables provided by the contractor within 6 months from the date of signature of the contract. The tenders offering a shorter delivery time will receive more points in the technical evaluation of tenders (please see section B.7.1).

IMPORTANT: Any tender offering a delivery time of more than 8 months will be rejected.

1. Initial Report

Within 5 working days of the online kick-off meeting (to be organised within a week from the date of signature of the contract), and based on the inputs provided by CEPOL during such meeting, the contractor shall submit an initial report describing in detail the concrete implementation of the methodology to be followed and the practical approach for the performance of the study, including the meeting/survey programme of the CEPOL target audience,



stakeholders and its staff & management, types of questions that shall be submitted, type of data to be gathered, analysis methodology, etc.

This report will have to be validated by CEPOL that may request changes.

2. Feasibility study report

No later than two and a half months from contract signature, the contractor shall submit the feasibility study report to the Agency. This report shall present conclusions from the needs analysis, market research, the exemplary graphical interfaces to address the identified functional and technical needs, and the presentation of at least two (2) feasible solutions for CEPOL's next generation e-Net. The feasibility study report shall cover the technical feasibility, operational feasibility, human resources feasibility, and budgetary & economic feasibility.

The feasibility study report shall be presented to CEPOL.

CEPOL will have 20 working days to comment on the feasibility study report and identify the feasible solution for which the technical specifications shall be produced. The final version of the feasibility report shall incorporate all comments, corrections and recommendations from the Agency and shall be submitted **no later than four months from the date of signature of the contract**.

3. Deliverables under the Objective 2

The deliverables shall be based on the feasible solution chosen by CEPOL. The draft deliverables shall be submitted **within five months of contract signature**.

CEPOL will have ten working days to comment on the draft deliverables based on which the contractor shall have ten working days in which to submit additional information and updates as the final version of the report. The final version of the report shall incorporate all comments, corrections and recommendations from CEPOL and shall be submitted **within six months of the contract signature**.

WORKING LANGUAGE

Working language of CEPOL is English - therefore all communication and all reports and deliverables shall be in English

MEETINGS AND PLANNING SCHEDULE

1. Project Meetings at CEPOL

A series of project meetings shall be held between CEPOL and the contractor to monitor the progress of the study and any identified issues. In total, three project meetings are planned. Please note that the contractor shall start the project work immediately after signing the contract independently of the date of the kick-off meeting:

a. Kick-off Meeting

A first general / kick-off project meeting shall be held as soon as possible and **within one week of contract signature**;

- b. Presentation of feasibility study outcomes
Before submission of the feasibility study report the draft report shall be presented to CEPOL in order to hold any necessary discussions and receive some initial feedback / input;
- c. Final Meeting - the deliverables under Objective 2 shall be presented to CEPOL in a final presentation at CEPOL premises in Budapest.

2. Progress online meetings

The contractor shall organise a biweekly online meeting with CEPOL in order to provide a progress / status report on the project.

3. Meeting with target audience representatives, CEPOL and stakeholders at CEPOL

In order to meet with / interview e-Net managers as representatives from the Member States, as well as stakeholders and staff of CEPOL up to two meetings are foreseen. A first three-day meeting shall be scheduled within 1 month of contract signature.

*Important note: Travel costs for the above mentioned meetings / activities, accommodation and any other costs related thereto shall be at the sole expense of the contractor and shall be fully included in the price presented in the financial offer (please see Annex III)

B.1.4. VARIANTS

Variants are alternatives to any technical or financial aspects, or to any contractual conditions described in invitation to tenders.

Variants are not permitted in this invitation to tender.

CEPOL will disregard any variants described in an offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the tendering specifications.

B.1.5. DIVISION INTO LOTS

This procurement procedure is not divided into lots. The tenderer must be able to provide all services requested.

B.2. CONTRACT

B.2.1. TYPE OF CONTRACT

CEPOL wishes to conclude with the successful tenderer a direct service contract for the provision of the services specified in the Section B.1 of the Tender Specifications.

B.2.2. MODEL CONTRACT AND ACCEPTANCE OF THE TERMS AND CONDITIONS

A model contract is attached to these Tender Specifications as **Annex I**.

In particular, the model contract indicates the method and the conditions for payments to the contractor.

The resulting contract with the successful tenderer will be based on this model contract.

Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender and in the model contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

CEPOL reserves the right to decline without further comment any tender that does not accept its model contract.

B.2.3. CONTRACT PRICES AND PRICE REVISION

The price for the provision of the services shall be as indicated in the tenderer's financial proposal.

Fixed prices

Once the contract has entered into force, the prices indicated in the financial proposal of the successful tenderer shall be fixed and shall not be subject to revision for the contract duration.

B.2.4. DURATION OF THE CONTRACT

The expected duration of the execution of the tasks is 6 months, but shall not exceed 8 months².

B.2.5. VOLUME OF THE CONTRACT

The indicative volume of this contract is €60,000 (excluding VAT).

B.2.6 PAYMENT

The payment periods and formalities are described in Article I.4 of the attached model contract (see Annex I).

² This duration is based on the expectation of CEPOL that all tasks can be executed and all deliverables provided by the contractor within 6 months from the date of signature of the framework contract. Please also see Section B.1.3, sub-section "Reports, deliverables and delivery timeframe". The duration specified in the signed contract will be adapted in line with the offer of the successful tenderer.

B.2.7. CONTRACT IMPLEMENTATION TIMETABLE

CEPOL expects to sign the contract between end of August and middle of September 2015.

Please see sub-section “Reports, deliverables and delivery timeframe” in section B.1.3. of these tender specifications for a detailed implementation schedule.

B.3. THE CONTENT OF THE TECHNICAL PROPOSAL

The technical proposal must be consistent with the Technical Specifications (see Section B.1). In preparing the technical proposal the tenderers should bear in mind the award criteria against which it will be evaluated (see Section B.7).

The tenderers must use the **Technical Proposal Form (see Annex II)** in preparing their technical proposals.

The technical proposal shall be structured in the following way:

1. Rationale and strategy

Description of the proposed approach and methodology to be applied to the project, with specific attention to the feasibility study, its underlying needs assessment and the development of the tender documentation for e-Net 3.0. Description of the means to be used to meet the objectives described in the technical specifications and assessment of the main issues, limitations and risks of the assignment, as well as the proposed mitigation measures.

2. Work organisation and project plan

Description of how the work shall be organised (including milestones), as well as description of:

- a. key contributions of e-Net target audience, stakeholders and CEPOL staff & management, and;
- b. if applicable, any key contributions from each of the consortium members and/or sub-contractors.

3. Project team structure and involvement of key personnel

Description of the project team composition and the involvement of the proposed key experts (roles, responsibilities and interactions) who execute the planned activities. Particular attention shall be given to the key analysis and investigations of the feasibility study and the resulting production of the technical specifications for the next generation of the CEPOL e-Net.

4. Delivery time

The tenderers shall state the maximum duration for the execution of all tasks and provision of all deliverables, shall provide a detailed timetable and shall describe how they intend to meet the deadlines. The stated maximum duration will become binding on the successful tenderer / contractor.

B.4. THE CONTENT OF THE FINANCIAL PROPOSAL

The tenderers must use the **Financial Proposal Form (see Annex III)** in preparing their financial proposals.

Each page of the financial proposal must be signed by an authorised representative of the tenderer.

NOTES FOR THE FINANCIAL PROPOSAL

- The quoted lump sum price must be inclusive of all costs directly or indirectly related to the performance of the contract, which may be sustained by the tenderer (e.g. cost of administration, contract management costs, travel and accommodation costs, etc.).
- The price must be quoted in Euro (EUR)
- All prices must be free of all duties, taxes and other charges (including VAT), as CEPOL is, as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to a refund for indirect tax incurred such as value added tax (VAT), pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union. Tenderers must therefore give prices which are exclusive of any taxes and duties. Where applicable, any amount of VAT must be indicated separately.

N.B. The financial proposal shall be completely unambiguous. Your tender shall be disqualified, if it contains any statements preventing an accurate and complete comparison of the tenders (such as "To be discussed", "Conditional to", "Depending on X" etc.)

B.5. ASSESSMENT OF TENDERERS AND TENDERS

The assessments of tenderers and tenders will be conducted in accordance with the procedures described in **Section D**.

For joint tenders and for tenders envisaging subcontracting, **Section E** will apply.

B.6. ASSESSMENT OF TENDERERS: ELIGIBILITY AND CAPACITY

B.6.1. ELIGIBILITY OF THE TENDERER: EXCLUSION CRITERIA

Tenderers shall be excluded from participation in this 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 are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

- b) they or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the EIB and international organisations;
- d) they are not in compliance with their 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;
- e) they or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests;
- f) they are subject to an administrative penalty referred to in Article 109(1) of the Financial Regulation (Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council 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).

In addition, the contract shall not be awarded to tenderers who, during the procurement procedure for that contract:

- are subject to a conflict of interests;
- are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply that information;
- find themselves in one of the situations of exclusion, referred to in Article 106(1) of the Financial Regulation (Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council 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), for the procurement procedure.

Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or CEPOL during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties.

Evidence to be provided:

The tenderers shall provide - in original - a declaration on honour drawn up according to the template found in **Annex IV**, dated and duly signed by the legal representative of the tenderer.

B.6.2. CAPACITY OF THE TENDERER: SELECTION CRITERIA

The tenderer must have the overall capabilities (technical / professional, economic / financial, legal) to perform the contract. If one of the selection criteria listed below is not positive, your tender may not be further evaluated.

As proof of the tenderer's capacity, as specified in this section, except for the cases where original documents are requested, copies of original certificates/documents issued by an official authority in the country of origin or provenance may be accepted.

B.6.2.1. ECONOMIC AND FINANCIAL CAPACITY

a) Economic and financial capacity - Selection criteria:

The tenderer must prove that they are in a stable financial position and they have the financial capacity to provide the required services. Furthermore, the tenderer's average yearly turnover for each of the last three financial years for which accounts have been closed should be at least 200,000 EUR per year.

Evidence to be provided:

- copies of audited³ financial statements (balance sheets & profit and loss account) for the last three financial years for which accounts have been closed, or equivalent documentation (e.g. where company law in the country in which the tenderer is established does not require the publication of the balance sheet);
- the tenderers may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to CEPOL that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. CEPOL may require that the tenderer and the entities referred above are jointly liable for the execution of the contract.
- If, for any valid reason, the tenderer is unable to provide the documents requested by the contracting authority, he may prove his economic and financial standing by any other document which the contracting authority considers appropriate.

B.6.2.2. TECHNICAL AND PROFESSIONAL CAPACITY

Selection criteria:

- a) The tenderer must have a minimum experience of at least 2 years (gained in the last 5 years) in providing similar services as those required in these Tender Specifications and their professional capacity should be appropriate to the required services.

Evidence to be provided:

³ If the tenderer is not required to have their financial statements audited, the provided financial statements shall be certified by the signature of the tenderer's accounting officer.

- Brief history of the economic operator, including length of time in business, overall size and description of activities relating to services of the type required in these tender specifications.
- b) The tenderer must have a suitable organisational and staffing structure available for the activities covered by the contract (including all consortia members and/or any proposed subcontractors).

Evidence to be provided:

- A presentation of the structure of the organisation (including all consortia members and/or any subcontractors and the number of staff involved, explaining the suitability of the tenderer's organisation and of the staff directly involved in the performance of the contract).
- c) The tenderer must demonstrate that they have the knowledge, expertise and experience in conducting feasibility studies and in providing expertise and support for the development of tender documents for online platforms for communication, cooperation, learning, training, knowledge management, etc. similar to the CEPOL e-Net.

Evidence to be provided:

- A presentation of at least 1 contract of comparable scope (i.e. size, several stakeholders, objectives, tasks, complexity etc.) successfully implemented on an international level in the past 5 years, covering similar types of services as those requested in these tender specifications (i.e. feasibility studies and providing expertise in developing tender/procurement documents). The tenderer is requested to specify the following in regard each contract:
 - *Customer name and address;*
 - *Contact name and telephone number;*
 - *Contract value;*
 - *Contract reference and description of services provided;*
 - *Name(s) of sub-contractors and/or consortium members and their roles, if applicable.*

N.B. CEPOL may contact any of the above companies for a reference. Your permission to do so will be assumed unless you state any objections.

- d) The tenderer must have a competent and experienced project team for the performance of the contract. All staff involved in the execution of the contract should possess an adequate educational background and expertise relevant to the services covered by this contract and the tasks that they shall perform, as well as a good working level of English language competency. The tenderer must nominate a suitable project team leader having experience in managing at least 1 other comparable project in a team leader role and a very good working level of English language competency.

Evidence to be provided:

- An overview of the project team;
- CVs of the member of the project team and of the team leader (preferably using the EU CV format available at: <http://europass.cedefop.europa.eu/en/home>), covering

education and training, organisational, technical and work experience including any relevant supporting documentation i.e. accreditations, certificates etc., as well as the English language competency.

B.6.2.3. AUTHORISATION TO PERFORM THE CONTRACT UNDER NATIONAL LAW

Selection criteria:

The tenderer must prove that he is authorised to perform the contract under national law.

Evidence to be provided:

A certificate of registration in the relevant trade or professional registers in the country of establishment/incorporation. If the tenderer is not required or allowed to register in such a register for reasons related to its statute or legal status, CEPOL shall accept, as satisfactory evidence, a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

B.7. ASSESMENT OF THE TENDERS: EVALUATION OF THE AWARD CRITERIA

Once the tenderer has demonstrated the eligibility and appropriate capacity to perform the contract on the grounds of the exclusion and selection criteria, the tender will be assessed on the basis of the award criteria.

B.7.1 TECHNICAL EVALUATION

Tenders will be first checked for compliance with the minimum (mandatory) requirements mentioned in the Section B.1. Only tenders which meet the minimum requirements will be considered for further technical evaluation against specific criteria.

The technical evaluation will be carried out by establishing an overall technical score for each tender, which takes into account the individual scores for the following specific criteria:

#	Criterion	Maximum obtainable points
1	<p>Rational and strategy</p> <p>Proposed approach and strategy for the project addressing the objectives in the technical specifications.</p> <p>Evaluation of the difficulties, limitations and risks (including conflict of interest) as well as the proposed mitigations by the tenderer.</p>	25

#	Criterion	Maximum obtainable points
2	<p>Work organisation and project plan</p> <p>Description of activities and planning / coordination of tasks – quality and relevance of project plan (sequence, duration, related inputs and outputs, timing of major milestones) for the execution of the contract.</p> <p>Description of key contributions from the e-Net target audience, stakeholders and CEPOL staff & management, as well as, if applicable, the key contributions from each of the consortium members and/or sub-contractors including how the work will be organised and managed amongst all contributors.</p>	35
3	<p>Project team structure and involvement of key personnel</p> <p>Description of the involvement of the proposed experts (tasks / roles and responsibilities) to cover the main project activities.</p> <p>Relevance and effectiveness of the team composition in relation to the services to be delivered.</p> <p>Availability assurance of key personnel.</p>	25
4	<p>Delivery time (maximum duration for the execution of all tasks and provision of all deliverables)</p> <ul style="list-style-type: none"> - A delivery time of up to 4 months will score 15 points - A delivery time of up to 5 months will score 12 points - A delivery time of up to 6 months will score 10 points - A delivery time of up to 7 months will score 5 points - A delivery time of up to 8 months will score 0 points 	15
TOTAL		100

Points will be allocated according to the following system (except for the Criterion 4: Delivery time):

Points awarded ⁴	Definition
0%	No evidence / total failure: The tender totally fails to address the criterion under examination, or cannot be assessed due to missing evidence.
20%	Very poor: The criterion under examination is addressed in an incomplete and unsatisfactory manner; serious concerns.
40%	Poor: The criterion under examination is partly addressed but with a few major gaps or issues.
60%	Satisfactory: The criterion under examination is generally addressed with only a few minor issues (up to 3 minor issues).

⁴ 100% equals the maximum number of points achievable per question

70%	Fair: The criterion under examination is fully addressed and the tender responds to all requirements of CEPOL with no issues being identified.
80%	Good: The criterion under examination is fully addressed, the tender responds to all requirements of CEPOL and it offers some added value.
90%	Very good: The criterion under examination is fully addressed, the tender responds to all requirements of CEPOL and it offers good added value.
100%	Excellent: The criterion under examination is fully addressed and the tender offers excellent added value.

Total technical score

The total technical score for each tender will be calculated as the sum of the individual scores for the specific criteria.

Thresholds

In order to guarantee for a minimum level of quality, tenders that do not reach a minimum of 70% of the possible overall score for the technical evaluation will be eliminated from further evaluation (i.e. 70 points minimum, out of the overall total of 100 points).

In addition, tenders that do not reach a minimum score of 60% for each criterion of the technical evaluation (except for the Criterion 4: Delivery time) will be considered of insufficient quality and will be eliminated from further evaluation.

B.7.2. FINANCIAL EVALUATION

The financial evaluation will be carried out on the basis of the price indicated in the Financial Proposal.

The tender providing the lowest price will receive a **financial score of 100 points**.

The financial score for the other tenders will be calculated by using the following formula:

Financial score = Lowest price among all tenders /price of the tender being evaluated x 100.

B.7.3. AWARD OF THE CONTRACT

The contract will be awarded to the most economically advantageous tender which will be established by weighing technical quality against price on a **(60/40) basis**.

The final score will be calculated using the following formula:

Final score = Technical score x 60% + Financial score x 40%

The tender obtaining the highest final score will be deemed to be the most economically advantageous tender.

B.8. TIMETABLE

Milestone	Deadline (*)	Notes
Deadline for sending requests for additional clarifications	2 July 2015	The modalities for sending requests for additional clarifications are specified in Section C.5.
Deadline for dispatching tenders	9 July 2015	The modalities for preparing and dispatching tenders are specified in Sections C.1, C.2, C.3. and C.4.
Deadline for registering at the public opening session	14 July 2015	The modalities for attending and registering for the public opening session are specified in Section D.1.
Public opening session	16 July 2015, at 10:00 (Budapest time)	The public opening session will take place at CEPOL's premises,
First meeting of the evaluation committee	Within 1 week following the public opening session	Estimated
Notification of the outcome of the procurement procedure to the successful and unsuccessful tenderers	Within 1 week after the award decision is signed	
Signature of the contract	End of August - mid September 2015	Estimated

SECTION C – INSTRUCTIONS ON HOW TO TENDER

C.1. CONTENTS OF YOUR TENDER

The tenders shall consist of the following three elements:

Envelope A: Administrative documentation

1. A cover letter enclosing the Tender on the official letterhead paper of the Tenderer and signed by an authorised representative of the Tenderer. The cover letter shall contain:
 - The name and the designation of the person who is authorised to sign the contract on behalf of the tenderer;

- The written statement on tenderer's acceptance of the CEPOL's model contract without reservations;
 - The confirmation that the period of validity of the tender is as required in Section C.1.1.
2. Filled in Tenderer's Identification form (see **Annex V**)
 3. Filled in Legal Entity Form (see **Annex VII**)
 4. Filled in Financial Identification Form (see **Annex VIII**)
 5. Information and documentation about the tenderer's eligibility and capacity including:
 - Original Declaration of Honour on Exclusion Criteria (see **Annex IV**) as specified in Section B.6.1.
 - Duly filled in and signed Tender form (see **Annex VI**)
 - Copies of all original certificates and documents on the tenderer's capacity as specified in Section B.6.2. issued by an official authority in the country of origin or provenance of the tenderer.
 - All other evidence documents and the information required for the assessment of the selection criteria as specified in Section B.6.2.
 6. If applicable, information and documentation on members of consortia and subcontractors as specified in Section E.
 7. Checklist of documents which tenderers must submit (see **Annex IX**)

Envelope B: Technical Proposal

Technical proposal duly signed by the tenderer's authorised representative on the front page and initialled on each page, in one original signed copy and one electronic copy on CD, DVD or USB. Please use the Technical Proposal Form (see **Annex II**). For more details on the content of the technical proposal please refer to **section B.3. "THE CONTENT OF THE TECHNICAL PROPOSAL"** of these tender specifications.

Envelope C: Financial Proposal

Financial proposal duly filled in and signed by the tenderer's authorised representative, in one original signed copy and one electronic copy on CD, DVD or USB. Please use the Financial Proposal Form (see **Annex III**). For more details on the content of the technical proposal please refer to **section B.4. "THE CONTENT OF THE FINANCIAL PROPOSAL"** of these tender specifications.

C.1.1. IMPORTANT NOTE

- The tenders shall be submitted strictly in accordance with the conditions set out in these Tender Specifications (including the annexes). If any other conditions are attached to or referred to in the tenderer's tender, the tenderer should declare that such conditions are entirely withdrawn.
- The period of validity of the tender, during which the tenderer may not modify the terms of the tender in any respect, must be at least six months following the deadline for dispatching tenders.



- **CEPOL reserves the right to decline without further comment any proposal that does not accept its model contract.**

C.2. LANGUAGE OF YOUR TENDER

The tenders may be submitted in any of the official languages of the European Union.

Since CEPOL's working language is English, CEPOL would highly appreciate to receive tenders written in English, although this does not constitute a selection or an award criterion and will be ignored for the purpose of assessing the tenders.

C.3. HOW TO PACKAGE YOUR TENDER?

Tenders must be submitted using the double envelope system – i.e. one outer envelope and one inner envelope - in order to guarantee the confidentiality and integrity of data.

Both the **outer and the inner envelopes** must carry the following information:

Tender Ref. No. CEPOL/PR/OP/2015/002

Tender Title: Feasibility study and provision of technical expertise and support in drawing up the tender documentation for e-Net 3.0

TENDER – NOT TO BE OPENED BY CEPOL RECEPTION

Name of the Tenderer: -----

Address of the Tenderer: -----

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape.

The **inner envelope** shall contain three envelopes properly marked, as follows:

- **Envelope A** containing the **Administrative documentation**
- **Envelope B** containing one signed original of the **Technical proposal** and one electronic copy on CD, DVD or USB
- **Envelope C** containing one signed original of the **Financial proposal** and one electronic copy on CD, DVD OR USB

C.4. HOW TO DISPATCH YOUR TENDER?

The tenderer shall dispatch his tender not later than the date and time indicated in Section B.8.

The tenderer may choose to dispatch his tender by registered mail, courier service or hand delivery, to the following address:

European Police College
1066 Budapest
Ó utca 27

HUNGARY

Tenders sent by other means (e.g. by e-mail or fax) or dispatched later than the deadline indicated in Section B.8 will be rejected.

N.B. The tenderer shall note that, in case of tenders dispatched through registered mail or courier service, if the proof of dispatch is duly provided to CEPOL as explained in Section C.4.1.a below, tenders will be accepted even if – due to unexpected delays – they arrive after the date of the opening session.

If no proof of dispatch is provided to CEPOL and the tenders arrive after the opening session takes place, tenders will be rejected.

C.4.1. IMPORTANT NOTE: PROOF OF DISPATCH

C.4.1.a. REGISTERED MAIL AND COURIER SERVICE

The tenderer shall dispatch its tender to the postal or courier service by the deadline indicated in **Section B.8** at the latest.

As a proof of dispatch, date and time of dispatch shall be clearly indicated by the postal or courier service on the outer envelope of the tender.

In addition, the tenderer shall obtain a receipt of delivery issued by the postal or courier service clearly indicating the date and time of dispatch. By the deadline indicated in **Section B.8**, the tenderer must send a copy of this receipt to CEPOL by e-mail (tenders@cepol.europa.eu) or by fax +36 (06) 1 8038032, specifying the title and reference number of this procurement procedure, together with the name, email address and telephone number of the tenderer.

C.4.1.b. HAND DELIVERY

The tenderer shall hand in its tender to the CEPOL official taking delivery by the deadline indicated in **Section B.8** at the latest.

As a proof of dispatch, the tenderer shall obtain a receipt, signed and dated by the CEPOL official taking delivery, clearly indicating the date and time when the CEPOL official took delivery of the tender.

In order to ensure punctual hand delivery, the tenderer is strongly advised to take into account the time needed for security checks when entering the CEPOL premises and for the actual handover of its tender to the CEPOL official in charge of taking delivery.

CEPOL may not be held liable for any delays incurred by the tenderer when in CEPOL's premises; the tenderer alone is responsible for ensuring that its tender is delivered on time.

C.5. CONTACTS BETWEEN CEPOL AND TENDERERS

Contacts between CEPOL and the tenderer may only take place in exceptional circumstances, under the following conditions:

C.5.1. BEFORE THE DEADLINE FOR DISPATCHING TENDERS



C.5.1.1. REQUESTS FOR CLARIFICATIONS

Should the tenderer discover any discrepancies in the Tender Specifications or be in any doubt as to their meaning, the tenderer should notify CEPOL.

The tenderer may also request additional information and/or clarifications on the procurement procedure, the Tender Specifications or the nature of the contract.

Such requests shall be made in writing only; no telephone queries will be accepted.

The requests shall indicate the tender reference number and title, and shall be sent by e-mail, fax or mail to:

European Police College (CEPOL)

1066 Budapest

Ó utca 27

HUNGARY

Fax: +36 (06) 1 8038032

E-mail: tenders@cepol.europa.eu

All queries shall be sent to CEPOL no later than the deadline indicated in **Section B.8**. Tenderers shall note that CEPOL is not bound to reply to requests for additional clarifications made less than 5 working days before the deadline for dispatching tenders.

C.5.1.2. AMENDMENT OF THE TENDER SPECIFICATIONS

At any time prior to the deadline for dispatching tenders, CEPOL may modify the Tender Specifications by amendment.

In order to allow tenderers reasonable time in which to take the amendment into account in preparing their tenders, CEPOL, at its discretion, may extend the deadline for dispatching tenders.

N.B. The information concerning requests for clarifications and/or amendments of the Tender Specifications will be made available electronically on the CEPOL web site (<http://www.cepol.europa.eu/index.php?id=calls-for-tender>) no later than 6 days before the deadline for dispatching tenders.

CEPOL web site will be updated regularly. It is the tenderer's responsibility to check for updates and modifications during the tendering period.

Clarifications and/or amendments will be regarded as an integral part of the Tender Specifications.

C.5.2. AFTER THE DEADLINE FOR DISPATCHING TENDERS

If, after the deadline for dispatching tenders, a clarification is needed by CEPOL or if obvious clerical errors in the tender need to be corrected, CEPOL may contact the tenderer, although such contacts may not lead to any alterations of the terms of the submitted tender.

SECTION D – HOW WILL TENDERS BE EVALUATED?

D.1. PUBLIC OPENING SESSION

Tenders are opened by an opening committee, whose members are appointed by CEPOL on a personal basis under guarantee of impartiality and confidentiality.

D.1.1. FORMAL OPENING REQUIREMENTS

The main aim of the opening session is to check whether the tenders received are compliant with the following formal requirements:

1. the tender was not dispatched later than the dispatch deadline indicated in **Section B.8**,
2. the inner envelope containing the tender is sealed as specified in **Section C.3**, in order to guarantee the confidentiality and integrity of data,
3. the tender contains information and documentation indicated in **Section C.1**,
4. the Technical and Financial proposals are signed on the front page and initialled on each page, as indicated in **Section C.1**,
5. the tender is submitted in the number of copies required in **Section C.3**.

If tenders are not compliant with requirements no. 1 and 2, they will be rejected.

D.1.2. MODALITIES TO ATTEND THE PUBLIC OPENING SESSION

The public opening session will take place at CEPOL's premises on the date and time indicated **Section B.8**.

One representative per tenderer is allowed to attend the opening session as an observer.

Should a tenderer wish to be present, it shall inform CEPOL of the name of its representative by email (tenders@cepol.europa.eu) or by fax (+36 (06) 1 8038032), not later than the date and time indicated in **Section B.8**.

D.2. TENDER EVALUATION SESSION

Tenders complying with the formal opening requirements checked during the opening session are evaluated in four stages by an evaluation committee, whose members are appointed by CEPOL on a personal basis under guarantee of impartiality and confidentiality.

- (i) The evaluation committee first checks the eligibility of the tenderer to participate in the procurement procedure as defined in **Section B.6.1**.
- (ii) The evaluation committee then checks the capacity of the tenderer to perform the contract against the selection criteria as defined in **Section B.6.2**. If one of the relevant criteria is not positive, its tender may not be further evaluated.

- (iii) The evaluation committee checks if all the minimum requirements listed in **Section B.1** are met. The tenders that do not meet all the minimum requirements shall be rejected.
- (iv) Afterwards, the evaluation committee evaluates the technical and financial proposals against the award criteria and identifies the offer presenting the best value for money as explained in **Section B.7**.

In case of joint offers submitted by consortia and in case of subcontracting, the exclusion, selection and award criteria are assessed in compliance with the terms and conditions specified in **Section E**.

N.B. The evaluation procedure is confidential. The deliberations of the evaluation committee are held in closed session and its recommendations are collective. The members of the evaluation committee are bound to confidentiality.

SECTION E – JOINT OFFERS SUBMITTED BY CONSORTIA AND SUBCONTRACTING: TERMS AND CONDITIONS

Companies can consider two ways of collaborating in a tender: either as joint partners in the tender or through subcontracting. Unless stated otherwise in the contract notice and/or the tendering specifications, both **joint tenders** and **subcontracting** are allowed in response to a call for tenders issued by CEPOL. Tenders may even combine both approaches.

In any case, the file must specify very clearly whether each economic operator involved in the tender is acting as a partner in a joint tender or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others). Please fill in the relevant information in the **Tender Form (see Annex VII)** for this purpose.

The implications of these two modes of collaboration are radically different. So that you can understand them both fully, they are outlined below.

E.1. JOINT OFFERS SUBMITTED BY CONSORTIA

E.1.1. INTRODUCTION

Groups of economic operators (consortia) are authorised to submit tenders (joint offers). In this case, each member of the consortium shall fulfil the requirements and accept the terms and conditions set out in the Invitation to Tender, the Tender Specifications, the Model Contract as well as all the relevant annexes.

The members of the consortium shall designate one member as Consortium Leader with full authority to bind the consortium and each of its members. The Consortium Leader shall act as a single point of contact with CEPOL in connection with the present procurement procedure.

CEPOL may not demand that consortia must have a given legal form in order to be allowed to submit a tender. However, the consortium selected may be required to adopt a given legal form

after it has been awarded the contract and before the contract is signed, if this change is necessary to the proper performance of the contract.

E.1.2. DOCUMENTATION / INFORMATION TO BE PROVIDED

Each member of the consortium must provide the following documentation:

- Documentation related to its eligibility to tender, as specified in **Section B.6.1**;
- Documentation related to the economic and financial capacity of the tenderer and documentation related to its legal capacity as specified in **Section B.6.2.1**;

Documentation related to its technical and professional capacity, as specified in **Section B.6.2.2**, shall relate to the whole consortium

E.1.3. EVALUATION

Joint offers submitted by consortia will be assessed as follows:

- The exclusion criteria (**Section B.6.1**) and the selection criteria for the legal capacity (**Section B.6.2.1**) will be assessed in relation to each member of the consortium individually;
- The selection criteria for the economic and financial capacity (**Section B.6.2.1**) will be assessed as follows:
 - For criteria set as minimum viability standards on financial and economic standing (e.g. by means of appropriate statements from banks or balance sheets), an individual evaluation will be made;
 - For criteria that are deemed to be achieved above a certain level (e.g. overall turnover or turnover with respect to the specific tender), a consolidated assessment – all members of the consortium together – will be made;
- The selection criteria for the technical and professional capacity (**Section B.6.2.2**) will be assessed in relation to the combined capacities of all members of the consortium, as a whole;
- The technical and financial evaluation of the offers (**Section B.7**) will be carried out in relation to the tender.

Since all members of the consortium are jointly and severally liable towards CEPOL for the performance of the contract, statements included in the joint offer saying, for instance:

- that each member of the consortium will be responsible only for a specific part of the contract, or
- that a separate contract should be signed with each member of the consortium if the joint offer is successful,
- are incompatible with the principle of joint and several liability.

CEPOL will disregard any such statement contained in a joint offer, and it reserves the right to reject such offers without further evaluation, on the grounds that they do not comply with the Tender Specifications.

N.B. If a member of the consortium does not fulfil one of the exclusion or selection criteria, the whole consortium shall be excluded.

E.1.4. CONTRACT IMPLEMENTATION

Once the Contract has entered into force, all members of the consortium shall be jointly and severally liable towards CEPOL for the performance of the Contract, they shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the services.

The Consortium Leader – duly authorised by the other members of the consortium – will be entitled to sign any contractual documents; it shall act as a single point of contact with CEPOL in connection with the services to be provided under the Contract; it shall co-ordinate the provision of the services by the consortium members to CEPOL; it shall guarantee a proper administration of the Contract.

The composition of the consortium and the allocation of tasks among the members of the consortium shall not be altered without prior written information to CEPOL.

E.2. SUBCONTRACTING

E.2.1. INTRODUCTION

The tenderer may subcontract the tasks specified in Section B.1 to other economic operators, as long as the supplies and/or services are provided in accordance with the Tender Specifications and have no impact on the prices proposed in its financial proposal.

E.2.2. DOCUMENTATION / INFORMATION TO BE PROVIDED

The tenderer shall:

- (i) State which tasks it intends to subcontract and clearly indicate the already identified subcontractor(s), their roles, activities and responsibilities;
- (ii) Specify the volume or proportion of the activities likely to be subcontracted;

In addition, if the tenderer intends to subcontract above 50% of the activities specified in Section B.1 to other economic operators, and the subcontractor(s) is/are already identified, the tenderer shall provide the following documentation for each subcontractor:

- Documentation related to the eligibility to tender of the already identified subcontractor(s), as specified in Section B.6.1
- Documentation related to the economic and financial capacity and documentation related to the legal capacity of the subcontractor, as specified in Section B.6.2.1;
- Documentation related to the technical and professional capacity of the subcontractor (documentation to be provided to the extent of the activities that will be subcontracted), as specified in Section B.6.2.2.

E.2.3. EVALUATION

In case of subcontracting, the tender will be assessed as follows:

- (if applicable) the exclusion criteria (Section B.6.1) and the selection criteria for the legal capacity (**Section B.6.2.1**) will be assessed in relation to each proposed subcontractor individually;
- (if applicable) the selection criteria for the economic and financial capacity (Section B.6.2.1) will be assessed as follows:
 - For criteria set as minimum viability standards on financial and economic standing (e.g. by means of appropriate statements from banks or balance sheets), an individual evaluation will be made;
 - For criteria that are deemed to be achieved above a certain level (e.g. overall turnover or turnover with respect to the specific tender), a consolidated assessment – tenderer plus subcontractor(s) – will be made, depending on the extent to which the subcontractor(s) will put their resources at the disposal of the tenderer for the performance of the contract;
- (if applicable) the selection criteria for the technical and professional capacity (Section B.6.2.2) will be assessed in relation to the combined capacities of the tenderer and the subcontractor(s), as a whole, depending on the extent to which the subcontractor(s) will put their resources at the disposal of the tenderer for the performance of the contract;
- The technical and financial evaluation of the offers (Section B.7) will be carried out in relation to the tender.

E.2.4. CONTRACT IMPLEMENTATION

Once the contract has entered into force, the successful tenderer shall retain full liability towards CEPOL for the performance of the contract as a whole. CEPOL will not have any direct legal commitment with the subcontractor(s).

During the execution of the contract, the contractor will need CEPOL's express authorisation to replace a subcontractor with another subcontractor and/or to subcontract tasks for which subcontracting was not envisaged in the original tender, in compliance with the provisions on subcontracting foreseen in the contract.

SECTION F – SIGNATURE OF THE CONTRACT WITH THE SUCCESSFUL TENDERER: PROVISION OF DOCUMENTATION

Eligibility documentation (exclusion criteria)

CEPOL may require the successful tenderer to whom CEPOL intends to award the contract to provide – within a time limit defined by CEPOL and preceding the signature of the contract – specific evidence in order to prove that they are not in a case of exclusion.

The following documentary evidence, confirming the declaration on honour, as referred to in Article 143 (3) of the Rules of Application (Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the

European Parliament and of the Council on the financial rules applicable to the general budget of the Union) is listed below and will be accepted in **original only**:

1. For the situations described in point (a), (b) or (e) of **Section B.6.1** of the Tender Specifications, CEPOL shall accept, as satisfactory evidence, a recent extract from the judicial record 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 (eligibility documents 1);
2. For the situation described in points (a) and (d) of **Section B.6.1** of the Tender Specifications, CEPOL shall accept, as satisfactory evidence, a recent certificate issued by the competent authority of the State concerned (eligibility documents 2).

However, where the eligibility documents 1 and 2 are not issued in the country concerned, CEPOL shall accept, as satisfactory evidence for the situations described in points a) to e) of **Section B.6.1** of the Tender Specifications, a sworn or, failing that, a solemn statement made by the successful tenderer before a judicial or administrative authority, a notary or a qualified professional body in its country of origin or provenance, clearly stating that the requested eligibility documents are not issued in the country concerned and that the successful tenderer is not in one of the above-described situations.

Depending on the national legislation of the country in which the successful tenderer is established, these documents must relate to legal persons and/or natural persons. Where considered necessary by CEPOL, the successful tenderer may be requested to provide that documentary evidence for company directors or any person with powers of representation, decision-making or control in relation to the successful tenderer.

However, CEPOL may decide to waive the obligation of the successful tenderer to submit the documentary evidence if such evidence has already been submitted to CEPOL for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid. In such a case, the successful tenderer shall declare on its honour that the documentary evidence has already been provided to CEPOL in a previous procurement procedure and confirm that no changes in its situation have occurred.

N.B. In case of joint offers submitted by consortia, the above listed documentary evidence shall be provided by each member of the consortium.

In case of subcontracting, the above listed documentary evidence shall be provided on CEPOL's request.

The successful tenderer shall acknowledge that the notification letter sent by CEPOL to inform him that CEPOL intends to award him the contract does not constitute the award of the contract itself. This will not be completed until the contract has been signed by the successful tenderer and CEPOL.

Please note that the signature of the contract between CEPOL and the successful tenderer will be conditional upon provision of the documentary evidence from the successful tenderer.

Capacity documentation (selection criteria)

On CEPOL's request, the successful tenderer shall submit – within a time limit defined by CEPOL and preceding the signature of the contract – the original certificates / documents to CEPOL for conformity check prior to the signature of the contract.



In such case, please note that the signature of the contract between CEPOL and the successful tenderer will be conditional upon provision of the original certificates / documents from the successful tenderer.

LIST OF ANNEXES

Please see attached as separate documents the following annexes to the tender specifications:

ANNEX I – MODEL CONTRACT

ANNEX II – TECHNICAL PROPOSAL FORM

ANNEX III – FINANCIAL PROPOSAL FORM

ANNEX IV – DECLARATION BY THE TENDERER

ANNEX V – IDENTIFICATION OF THE TENDERER

ANNEX VI – TENDER FORM

ANNEX VII – LEGAL ENTITY FORM

ANNEX VIII – FINANCIAL IDENTIFICATION FORM

ANNEX IX – CHECKLIST OF DOCUMENTS WHICH TENDERERS MUST SUBMIT