



TENDER SPECIFICATIONS

Framework contract for the provision of IT consultancy services related to the Eye on Earth platform

Open call for tenders No EEA/SES/10/002

Closing date: 16/09/2010

Prior information notice 2010/S 70-104295 of 10 April 2010

1. Introduction

Since 2008, the European Environment Agency (EEA) deploys the so-called "Eye on Earth" platform. The objective of this initiative is to provide easy and intuitive access to environmental data and information on one hand and to facilitate citizens feedback on these data on the other. At present, Eye on Earth focuses mainly on the 32 EEA member countries, it is however expected that the platform will extend to a global level in the future. The platform is based on cloud technology and builds for a large part on Microsoft Azure technologies. At present, the platform is available in the 26 official EEA languages. With the globalisation of Eye on Earth more languages shall be added as needed.

2. Purpose and context of the contract

The purpose of this call for tender is to establish a framework contract with a company that can provide support to the EEA in further development and maintenance of the platform by providing senior consultants in the following areas:

- Windows Azure SDK
- Silverlight 3 (or a newer version upon release)
- SQL Azure
- DHTML
- C#.Net and ASP.NET
- Development of smart phone applications
- Bing Maps integration
- SMS gateways
- Service oriented architecture
- Microsoft "Codename Dallas" technologies
- Development of Geographical Information Systems

3. Type and volume of the contract

The successful companies will be offered a framework contract with the EEA for a maximum period of up to four years from the date of entry into force. The framework contract will be implemented through specific contracts which alone shall bind the EEA. Annexes to such specific contracts will include detailed descriptions of the services to be purchased and deliverables to be provided. For details, reference is made to the terms and conditions of the draft framework contract and draft specific contract attached as annex 4 to these tender specifications.

The estimated maximum value of the framework contract over a maximum four-year period is 1.600.000 EUR (approximately 400.000 EUR per year).

4. Location of work

Work will be carried out at the contractor's premises (extra-mural) or at the European Environment Agency in Copenhagen (intra-mural) depending on the requirements of the specific contract. Travel to other locations *may* be required on an ad-hoc basis in which case travel and subsistence costs will be paid according to EEA standard rules and rates attached as annex 5 to these tender specifications. The same applies for shorter visits to EEA for consultants otherwise working extramural.

5. Subject of the contract

The list of tasks below covers the main tasks but is not exhaustive. The tasks will be specified in each specific contract. The task will mainly focus on:

- further development of the platform, i.e. adding new functionalities
- maintenance of the platform
- fixing of bugs
- content management
- uptake of new datasets
- implementation of new language versions
- implementation of new software versions
- porting of existing datasets to the platform via "Dallas" technologies

6. Prices

The prices quoted must be fixed and not subject to revision during the first year of duration of the contract.

From the beginning of the second year of duration of the contract, prices may be revised upwards or downwards each year, where such revision is requested by one of the contracting parties by registered letter no later than three months before the anniversary of the date on which it was signed.

The EEA shall purchase on the basis of the prices in force on the date on which specific contracts are signed. Such prices shall not be subject to revision.

This revision shall be determined by the trend in the harmonised consumer price index published by the European Commission on Eurostat web page (Theme 2 - Economy and Finance; Prices; HICP – Harmonized Indices of Consumer Prices; HMIDX – Monthly data (index); GEO – Eurozone; COICOP cp00).

Revision shall be calculated in accordance with the following formula:

$$Pr = Po (0,2 + 0,8 \times (Ir/Io))$$

where:

Pr = revised price;

Po = price in the original tender;

Io = index for the month in which the validity of the tender expires;

Ir = index for the month corresponding to the date of receipt of the letter requesting a revision of prices.

Under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities and the Headquarters Agreement between the EEA and the Government of Denmark of 17 August 1995, the EEA is exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted; the VAT amount must be indicated separately.

The prices tendered must be **all-inclusive** (*inter alia* of administrative and travel costs with the exception specified in section 4 above) and expressed in euro.

The costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.

7. Contractual Terms

In drawing up a bid, tenderers should bear in mind the provisions of the standard framework contract and specific contracts attached to these tender specifications (see Annex 4).

Submitting an offer implies acceptance by the tenderer of all terms and conditions of the draft framework contract and its annexes.

It should also be noted that all software components developed as part of the contracts belong to EEA including the source code.

8. Criteria

8.1 Exclusion Criteria

8.1.1 Tenderers shall be excluded from participation in a procurement procedure if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgment 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;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

The cases referred to in paragraph 8.1.1. (e) above shall be the following:

- (a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests established by the Council Act of 26 July 1995 (OJ/C 316 of 27.11.1995, p. 48);
- (b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, established by Council Act of 26 May 1997 (OJ/C 195 of 25.6.1997, p. 1);
- (c) cases of involvement in a criminal organisation, as defined in Article 2(1) of joint Action 98/733/JHA of the Council (OJ/L 315 of 29.12.1998, p. 1);
- (d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC (OJ/L 166 of 28.6.1991, p. 77).

Exclusion from awarding:

In addition, contracts may not be awarded to tenderers who, during the procurement procedure:

- (a) are subject to a conflict of interest;

Tenderers must declare:

- that they do not have any conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest;
- that they will inform the EEA, without delay, of any situation constituting a conflict of interest or which could give rise to a conflict of interest;
- that they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- that they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept, any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the award of the contract.

The EEA reserves the right to verify the above information.

- (b) are guilty of misrepresentation in supplying the information required by the EEA as a condition of participation in the contract procedure or fail to supply this information;
- (c) find themselves in one of the situations of exclusion, referred to in paragraph 8.1.1 above, for this procurement procedure.

8.1.2 Evidence to be provided by the tenderers

When submitting their bids, tenderers (including subcontractor(s) or any member of a consortium or grouping) must provide a declaration on their honour, duly signed and dated, stating that they are not in any of the situations mentioned under paragraph 8.1.1 above. For that purpose, they shall complete and sign the form attached as annex 1 to these tender specifications.

The tenderer to whom the contract is to be awarded shall provide within 15 days following receipt of the letter informing him of the proposed award of the contract and preceding the signature of the contract, the evidence specified in the last but one paragraph of the form attached as annex 1 to these tender specifications confirming the declaration aforementioned.

8.2 Selection Criteria

a) Legal capacity

Any tenderer is required to prove that he is authorised to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register. To that effect, the tenderer is required to submit an identification sheet (Annex 2) duly filled out and signed, a copy of inscription in trade register and/or a copy of inscription in VAT register, where applicable.

b) Economic and financial capacity

Proof of economic and financial capacity may be furnished by **one or more** of the following documents:

- (a) appropriate statements from banks or evidence of professional risk indemnity insurance;
- (b) the presentation of balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;

- (c) a statement of overall turnover and turnover concerning the supplies or services covered by the contract during the last three financial years.

If, for some exceptional reason, which the EEA considers justified, the tenderer is unable to provide the references requested above, he may prove his economic and financial capacity by any other means which the EEA considers appropriate.

An economic operator 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 the EEA 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.

c) Technical and professional capacity

Evidence of technical and professional capacity should be specified for each of the activities listed in section 5 above and be furnished on the basis of the following documents:

- CVs detailing the educational and professional qualifications of the firm's managerial staff as well as at the minimum three senior consultants who will be responsible for providing the services (having at the minimum three year of relevant professional experience);
- a list and description of similar services offered by the tenderer in the last three years with sums, dates and recipients (public or private);
- a description of the way the quality of the work will be guaranteed and the company's approach to its area of business;
- proven experience with iterative and Agile development methodologies or similar work procedures;
- an indication of the proportion of the contract which the tenderer may intend to subcontract, with a description of the services to be subcontracted and their scope;
- a description of the tenderer's environmental policy.

9. Award Criteria

A framework contract will be awarded to the tender that offers the best value for money taking into account the following criteria:

- Quality of the tender (Technical merit – TM)
- Financial value of the tender (Price – P)

9.1 Technical Merit (TM) (max. 60 / min. 50 points)

Tenders will be evaluated following the award criteria and weights outlined below, producing a total score of maximum 60 points. Only tenders which obtain the required minimum number of points for technical merit, both for each criterion and in total, will be considered for the next stage which involves determining the financial value of the tender (price index) and for the final assessment.

No	Award criteria	Maximum points (60)	Minimum points (50)
1	Understanding of the objectives of the contract, scientific complexities of the work to be carried out as documented in a short presentation (maximum four A4 pages) of representative reference projects undertaken by the tenderer within the areas listed in section 5 above	30	25

No	Award criteria	Maximum points (60)	Minimum points (50)
2	A description of the tenderer's expertise and experience in cloud technology and the technologies listed under section 2 above	30	25

9.2 Price (P) (max. 40 points)

Tenderers are requested to submit a financial offer giving the daily rate in EUR for (1) senior consultant working intramural at the EEA for an extended period of time (50%) and (2) senior consultant working extramural at their premises or elsewhere (50%), the total average of which will be taken into account for the price evaluation. For that purpose, tenderers shall complete the price quotation attached as annex 3 to these tender specifications.

Tenders will score points in function of the following formula: $P = (P_{\min}/P) \times 40$, where:

P_{\min} = the price of the lowest tender received

P = the price of the tender being considered

9.3 Final assessment

A framework contract will be awarded to the tenderer whose tender achieves the highest total score for technical merit and price ($\Sigma TM + P$). Should tenders obtain the same final score and tie for first place, the winning tender will be decided on the basis of the highest score achieved for price.

10. General comments

Tenders should preferably be drafted in English (supporting evidence does not need to be translated), in triplicate (one original and two copies) and must comprise:

- A section giving the technical offer and a section giving the financial offer drawn up in accordance with the price quotation attached as Annex 3 to these tender specifications, each of which must be submitted separately.
- Technical offer(s) shall address all the points included in the selection and the award criteria
- Tenders from consortia of firms or groups of service providers must specify the role, qualifications and experience of each of the members or of the group and contain a letter of intent to form a consortium from each partner. The same requirements apply for subcontracting.
- Declaration on exclusion criteria and documents on selection criteria must be supplied by each member of the consortium of firms or group of service providers submitting a single tender. The same requirements apply for subcontracting.

11. Performance

Once a framework contract has been signed the contractor must be able to offer consultants with the required skills and experience to carry out the work in question within **10 days** after offering the contractor a specific contract.

EEA maintains the right to refuse any consultant if performance is not satisfactory.

Competence in both selection and award criteria must be maintained throughout the contract. Should the contractor fail to remain competitive during the framework contract, another vendor from the tenders may be substituted.

12. Environmental Considerations

The EEA runs a certified environmental management system (EMAS) and aims to minimise the environmental impact of all its activities, including those carried out under contract. The future service provider/s will, therefore, be requested to consider the EEA environmental management guidelines in

the implementation of the contract, in particular those relating to business travel/electronic means of communication, paper and energy consumption. Further information on the EMAS system can be found on the EEA homepage:

<http://www.eea.europa.eu/documents/emas>.

Moreover, it is strongly recommended that tenders are submitted in an environmentally friendly way, e.g., by choosing a simple and clear structure (list of contents and consecutive page numbering), double-sided printing, limiting attachments to what is required in the technical specifications (no additional material) and avoiding plastic folders or binders.

13. Annexes

Annex 1: Declaration on exclusion criteria

Annex 2: Identification sheet

Annex 3: Price quotation

Annex 4: Draft framework service contract and specific contract

Annex 5: Reimbursement of travel expenses

