



Call for tenders EASO/2020/785

Learning Management System (LMS) Helpdesk and Maintenance

Open procedure

Open procurement procedure to conclude a *single framework contract*

TENDER SPECIFICATIONS

Part 1: Administrative specifications

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the European Asylum Support Office (hereinafter referred to as “EASO” or “Contracting authority”) which was established by the Regulation (EU) 439/2010 as an independent and specialised body to strengthen EU countries' practical cooperation on asylum, to support EU countries whose asylum and reception systems are under particular pressure and to enhance the implementation of the Common European Asylum System (CEAS)¹.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is the provision of the EASO's Learning Management System (LMS) Helpdesk and Maintenance Services.

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is not divided into lots.

1.4. Description: what do we want to buy through this call for tenders?

The services that are the subject of this call for tender, including any minimum requirements, are described **services** in detail in the document Tender Specifications – part 2: Technical specifications, hereafter referred to as “*Technical specifications*”.

Variants (alternatives to the model solution described in the Technical Specifications) are not allowed. The *Contracting authority* will disregard any variants described in a tender.

1.5. Place of performance: where will the contract be performed?

The services will be performed at the following locations:

- the contractor's premises;
- occasionally in the EASO premises;
- or possibly other place indicated in the specific request.

The place of contract performance may be more detailed in the Technical Specifications, part 2.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of **a single framework contract**.

A framework contract establishes a mechanism for future repetitive purchases by the Contracting Authority to be awarded in the form of order forms/specific contracts. The signature of a framework

¹ OJ L 132, 29.5.2010, p. 11.

contract does not impose an obligation on the Contracting Authority to conclude order form/specific contracts with a framework contractor.

The framework contract will be concluded with one contractor. Specific contracts shall be awarded on the basis of the terms laid down in the framework contract, refined to reflect the particular circumstances of the specific contract. The details are set out in Article I.4.3 of the draft contract.

In addition to the items listed in the procurement documents, as foreseen by Article 1.2 of the Annex I to the EU Financial Regulation, the *Contracting authority* may request the Contractor to supplement its tender for similar services which were not initially included in the contract. The *Contracting authority* may therefore request the quotation from the Contractor and assess the reasonableness of price quoted by the Contractor based on the normal market prices.

🔑 **Tenderers need to take full account of the provisions of the draft contract** as the latter will define and govern the contractual relationship(s) to be established between the *Contracting authority* and the successful tenderer(s). Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

1.7. Volume and value of the contract: how much do we plan to buy?

The estimated total value for the whole framework contract duration is indicated in Heading II.1.5 of the contract notice.

The "estimated total value" indicated in Heading II.1.5 of the contract notice is a maximum and any tender exceeding it will be rejected.

The volumes given in the financial model in SSF [7] are indicative and used for financial evaluation purposes only. There is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities which the *Contracting authority* will order through specific contracts. In any case the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, shall not be exceeded.

Within three years following the signature of the framework contract resulting from the current call for tenders, the *Contracting authority* may use the negotiated procedure under point 11.1.e of Annex 1 to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union² to procure new services from the contractor up to a maximum of 50 % of the initial *framework contract ceiling*. These services will consist in the repetition of similar services entrusted to the contractor(s). The *Contracting authority* may use this negotiated procedure at its own discretion, for instance subject to the availability of funding or satisfactory performance by the contractor.

1.8. Duration of the contract: how long do we plan to use the contract?

The contract resulting from the award of this call for tenders will be concluded for at most **48 months**. **The details of the initial contract duration and possible renewals are set out in Article I.3 of the draft contract.**

1.9. Ordering process under the Framework Contract

The ordering process under the Framework Contract is set out in **Article I.4 of the draft contract**.

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#) (the Financial Regulation)².

The *Contracting authority* has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender subject to the following limitations.

2.2. Rules on access to procurement: who may submit a tender?

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement³.

Being launched by an EU Agency, this procurement procedure is NOT open to the countries parties to the Agreement on Government Procurement (GPA)⁴.

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

To enable *the Contracting authority* to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the delegation(s) of the authorisation to sign as described in **Section 4.3**.

👉 *For tenderers established in the United Kingdom:*

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the terms of any Withdrawal Agreement. In case such access is not provided by legal provisions in force tenderers from the UK could be rejected from the procurement procedure.

² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

³ Namely, under the Stabilisation and Association Agreements (SAA) economic operators established in **North Macedonia, Albania, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo** have been granted access to procurement procedures of EASO regardless of the value of the purchase. Moreover, under the European Economic Agreement, economic operators established in **Iceland, Norway and Liechtenstein** have full access to procurement procedures of EASO

⁴ Except for Iceland, Norway, Liechtenstein and Montenegro. The GPA is available at https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm.

2.3. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tenders Section 2.3.1). In either case subcontracting is permitted.

In order to fulfil the selection criteria set out in **Section 3.2** the tenderer can rely on the capacities of subcontractors or other entities that are not subcontractors.

The role of each entity involved in a tender (hereafter referred to as “*involved entity*”) must be clearly specified in the eSubmission application: i) sole tenderer, ii) *Group leader* of a group of tenderers, iii) member of a group of tenderers, or iv) subcontractor. For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (SSF5). This applies also where the *involved entities* belong to the same economic group.

2.3.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them. The group as a whole is considered a tenderer⁵.

All members of the group assume joint and several liability towards the *Contracting authority* for the performance of the contract as a whole.

Group members must appoint a *Group leader* and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. The model power of attorney attached in **SSF 2** is to be used.

The joint tender must clearly indicate the role and tasks of each member and of the *Group leader* who will act as the *Contracting authority's* contact point for the contract's administrative or financial aspects and operational management. The *Group leader* will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the *Contracting authority* shall sign the contract with the Group leader, authorised by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in **SSF 2**.

In case of a tenderer submitting a joint offer who has already set up a consortium or similar entity for conducting the project in case a contract will be awarded, the tenderer should mention this fact in the tender, together with any other relevant information in this respect.

In case of tenderers submitting a joint offer who have not yet set up a consortium or similar entity, the tenderers should be aware that, in case the tenderers are awarded the contract, EASO may require the tenderer to give a formal status to this collaboration before the contract is signed. This can take the form of:

- an entity with legal personality recognized by a Member State; or

⁵ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

- an entity without legal personality but offering sufficient protection of EASO's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

Changes in the composition of the group **during the procurement procedure** (after the submission deadline and before contract signature) shall lead to rejection of the tender except in case of a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see **Section 2.2**) and is not in an exclusion situation, (see **Section 3.1**).

In any case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the former entity must be taken over by the new entity member of the group, the change must not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

2.3.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the *Contracting authority* for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tender (see **Section 1.4**).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as "personnel" of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the *Technical specifications* expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

By filling in the form available in **SSF 3**, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under **Section 3.2**;
- whose individual share of the contract, known at the time of submission, is above **15 %** .

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **SSF 4** and signed by its authorised representative.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the *Contracting authority* subject to the following verifications:

- any new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the *Contracting authority* and resulted in a signed contract, is considered authorised.

Tenderers must inform the subcontractor(s) and include in their sub-contracting documents that the subcontracting does not affect the rights of the *Contracting authority* under the awarded contract, particularly those under serviceframework contract: Articles II.8, II.13 and II.24 of the draft contract.

Article II.10 of the awarded contract shall govern the subcontracting.

2.3.3. Entities on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in **SSF 5**, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer intending to rely on another entity to meet the **minimum levels of economic and financial capacity**, the *Contracting authority* may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to **technical and professional selection criteria**, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

G Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (see **Section 2.2**);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and signed by duly authorised representative(-s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

The *Contracting authority* will evaluate the abovementioned elements in the order that it considers to be the most appropriate. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the *Contracting authority* during the procedure. If any of the declarations or information provided proves to be false, the *Contracting authority* may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria *the Contracting authority* may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

In case of subcontracting, subcontractors whose share of the contract is above **15 %** must provide a declaration on honour signed by an authorised representative.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion each tenderer needs to submit with its tender a **Declaration on Honour**⁶ in the model available in **SSF 6**.⁷ The declaration must be duly filled in and signed by an authorised representative of the entity providing the declaration.

⁶ The European Single Procurement Document (ESPD) may not be used yet in EASO's calls for tenders.

⁷ Unless the same declaration has already been submitted for the purposes of another award procedure of EASO, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#). The documents mentioned as supporting evidence in the Declaration on Honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the Contracting authority⁸.

Annex 1 specifies **which of the involved entities** participating in a tender need to provide the Declaration on Honour and, **when** requested by *the Contracting authority*, the supporting evidence. It also clarifies **at which step** of the e-Submission process it has to be uploaded.

Please note that a request for evidence in no way implies that the tenderer has been successful.

The obligation to submit supporting evidence does not apply to international organisations.

If these evidences will not be provided or proved to be unsatisfactory, EASO reserves the right to cancel the award procedure or to change the award decision to the benefit of the next best ranked tenderer on condition that he satisfies with the provision of the evidence on exclusion.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the call for tender. The model Declaration on Honour available in **SSF 6** shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure⁹. In any case, to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the Contracting authority. The evidence must be provided in accordance with the

⁸ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of EASO, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;
- if such evidence can be accessed by the *Contracting authority* on a national database free of charge, in which case the economic operator shall provide *the Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

⁹ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of EASO, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;
- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the *involved entities* who contribute to the fulfilment of the criterion, and in case of individual assessment – by each *involved entity* to whom the criterion applies individually.

3.2.1. Legal and regulatory capacity

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the services subject to this call for tenders.

The legal and regulatory capacity shall be proven by submitting the evidences listed below:

Proof of enrolment in a relevant trade or professional register, except when the economic operator is an international organisation. If the tenderer is not required or permitted to enroll in a register for reasons of his statute or legal status, an explanation should be provided.

Any change in the status during the procurement procedure and after award, for example its acquisition by or merger with another company must be immediately notified to EASO in writing.

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F1	
Minimum level of capacity	Average yearly turnover of each of the last three financial years above 250.000 EUR .
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
Evidence	Copy of the profit and loss accounts for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

The evidence of economic and financial capacity does need not be provided with the tender but may be requested by the *Contracting authority* at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

3.2.3. Technical and professional capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

By submitting a tender, each legal entity involved therein accepts the possibility of a check being carried out by EASO on its technical and professional capacity.

Criterion T1

The tenderer must prove experience in the field of support services (helpdesk and maintenance) to Moodle based Learning Management Systems.	
Minimum level of capacity	At least two (2) similar (in scope and complexity) contracts completed in the last three (3) years preceding the tender submission deadline, with a minimum value for each of them of 40.000 Euro .
Basis for assessment	This criterion applies to the tenderer as a whole , i.e. the combined capacities of all <i>involved entities</i> .
Evidence	<p>A list of (2) two contracts meeting the minimum level of capacity. The list shall include details of their start and end date, total contract amount and scope, role and amount invoiced. In case of contracts still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents, for <u>each of the (2) two contracts, meeting the level of capacity</u>, a reference- letter made and signed by the client or a self-declaration countersigned by the client, must be provided. The contracting authority reserves the right to take contact with them.</p>

Criterion T2	
The tenderer must prove to have the necessary Team Composition for Consultancy Services (TC) (point 4.5 of the technical specifications part 2) to carry out the services under this framework contract.	
Minimum level of capacity	<p>N. 2 Project Managers (Assigned project manager and 1 back up)</p> <p>N.1 Business Analyst</p> <p>N. 1 Moodle Expert/Developer</p> <p>N.1 Quality and Test Expert</p> <p>N.1 Linux System Admin/Expert</p>
Basis for assessment	The criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.
Evidence	<p>Copy of 2 CV preferably in the European Format, for the profile of Project Manager (assigned project manager and 1 back up) in line with the requirements described under point 4.5 of the technical specification, part 2. <i>The required level of English as stipulated above will be judged based on their CVs, by taking into account their work experience, education (obtained diplomas and certificates), etc.</i></p> <p>Copy of 1 CV preferably in the European Format for the profile of Business Analyst in line with the requirements described under point 4.5 of the technical specification, part 2. <i>The</i></p>

	<p><i>required level of English as stipulated above will be judged based on their CVs, by taking into account their work experience education (obtained diplomas and certificates), etc.</i></p> <p>Copy of 1 CV preferably in the European Format for the profile of Moodle Expert/Developer in line with the requirements described under point 4.5 of the technical specification, part 2. <i>The required level of English as stipulated above will be judged based on their CVs, by taking into account their work experience, education (obtained diplomas and certificates), etc.</i></p> <p>Copy of 1 CV preferably in the European Format for the profile of Quality and Test Expert in line with the requirements described under point 4.5 of the technical specification, part 2. <i>The required level of English as stipulated above will be judged based on their CVs, by taking into account their work experience, education (obtained diplomas and certificates), etc.</i></p> <p>Copy of 1 CV preferably in the European Format for the profile of Linux System Admin/Expert in line with the requirements described under point 4.5 of the technical specification, part 2. <i>The required level of English as stipulated above will be judged based on their CVs, by taking into account their work experience, education (obtained diplomas and certificates), etc.</i></p>
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All of the above specified evidence of technical and professional capacity must be provided with the tender.

3.3. Compliance with the minimum requirements specified in the procurement documents

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender. Particular attention is drawn to the minimum requirements specified in the Technical specifications document (Part 2 of the tender specifications) and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU¹⁰.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

🔊 Tenders that are not compliant with the applicable minimum requirements shall be rejected.

¹⁰ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

3.4.1 Best price quality ratio method

The contract will be awarded to the most economically advantageous tender according to the 'best price-quality ratio' award method.

1. Quality 60 %

The technical quality will be evaluated according to the technical offer proposed by the tenderer.

Tenderers shall include in their bids a technical offer addressing all aspects detailed in the Technical Specifications document (Part 2 of the Tender Specifications). The Technical Specifications and the tender of the successful tenderer shall become integral parts of the contract and will constitute annexes to the contract.

Tenders shall elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressively covered by the tender, EASO may decide to give a zero mark for the relevant qualitative award criteria.

The following points shall be taken into consideration when drafting a tender:

	Qualitative Award criteria	Weighting
1	Initial Takeover and hand over at the end of the contract Please describe the proposed implementation of initial takeover and hand over phase at the end of the contract as described under point 4.3 of the technical specifications part 2.	5
2	Overall Plan (OP) Please Provide a plan describing the approach to manage the requested services as indicated under point 4.5 of the technical specifications part 2. If one of the “knock-out” requirement is not met the tenderer is excluded from further evaluation.	5
3	Help Desk (HD) Please Provide a plan describing the approach to Help desk management and implementation according to the requested services as indicated under point 4.5 of the technical specifications part 2.	20

	<p>If one of the “knock-out’ requirement is not met the tenderer is excluded from further evaluation.</p> <p>The tenderer will be given higher score if optional requirements are met or alternative solution are given.</p>	
4	<p>Service Level Agreement (SLA)</p> <p>Please provide a description on how the SLA conforms with the Expected Service Levels as indicated under point 4.5 of the technical specifications part 2.</p> <p>If one of the “knock-out’ requirement is not met the tenderer is excluded from further evaluation</p> <p>The tenderer will be given higher score if optional requirements are met or alternative solution are given.</p>	30
5	<p>Hosting Environment Management (HEM)</p> <p>Please provide a description on how the Hosting Environment shall be managed in line with services indicated under point 4.5 of the technical specifications part 2.</p> <p>If one of the “knock-out’ requirement is not met the tenderer is excluded from further evaluation.</p>	10
6	<p>Application Management (AM)</p> <p>Please provide a description on how the Application shall be managed in line with services indicated under point 4.5 of the technical specifications part 2.</p> <p>If one of the “knock-out’ requirement is not met the tenderer is excluded from further evaluation.</p>	10
7	<p>Consultancy Services</p> <p>Please describe the Consultancy approach (e.g. organisation of the team: Moodle Expert/Developer, Quality and Test Expert, Linux System Admin/Expert, Project Managers).</p> <p>If one of the “knock-out’ requirement is not met the tenderer is excluded from further evaluation.</p>	10
8	<p>Documentation and reporting</p> <p>Please Provide a plan describing the approach the documentation and reporting phase as indicated under point 4.5 of the technical specifications part 2.</p>	10

	If one of the “knock-out’ requirement is not met the tenderer is excluded from further evaluation	
	Total number of points`	100

The tender is assessed according to the above qualitative award criteria and the weighting applicable to each criterion.

Tenders scoring less than 60% in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure.

2. Price 40%

For the purpose of the evaluation, the price taken into consideration is the one indicated in the **financial offer form (SSF 7)** with attached Excel tables. Tenderers must use this form to formulate their financial offer for the contract and upload it in e-Submission under the step ‘Tender data’ in the tab ‘Financial tender’.

3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below.

A weight of [60/40] is given to quality and price respectively.

score for tender X	=	cheapest price	*	100	*	price weighting (40 %)	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting (60%)
		price of tender X								

The tender ranked first after applying the formula will be awarded the contract.

Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for quality will be deemed to be the most economically advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed in below until a most economically advantageous tender can be determined:

- 1) Service Level Agreement (SLA)
- 2) Help Desk (HD)
- 3) Hosting Environment Management (HEM)
- 4) Application Management (AM)
- 5) Consultancy Services
- 6) Documentation and reporting
- 7) Initial Takeover and hand over at the end of the contract
- 8) Overall Plan (OP)

👉 The contract shall be awarded to the tender ranked first, which complies with the minimum requirements specified in the procurement documents and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling with the selection criteria.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted **exclusively** via the eSubmission application according to the instructions laid down in the Invitation to tender letter and the [eSubmission Quick Guide](#).

🔔 Make sure you prepare and submit your electronic tender in eSubmission early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in e-Submission are listed in **Annex 1**. This document sets out clearly **what** documents must be submitted, **by which involved entities**, **when** (with the tender or later on request of the Contracting authority) **and where** (e-Submission, Participant register, etc.).

4.2.1. Identification of the tenderer

To identify himself the tenderer must fill in the fields in e-Submission (tab 'Identification of the tenderer'), together with the following documents:

- **Identification Form (SSF 1)** For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication or a power of attorney¹¹. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- **Legal Entity Form**¹² is to be signed by a representative of the tenderer authorised to sign contracts with third parties. The form must be accompanied by the supporting documents indicated at the top of the form (for private entities: proof of registration, VAT registration, etc.; for individuals: copy of passport, proof of registration/VAT if applicable; for public entities: official document on establishment, etc.).
- **Financial Identification Form**¹³ shall be duly filled in and signed by an authorized representative of the tenderer. It must be signed and stamped by his bank legal representative or accompanied by the supporting documents therein described.

The tenderer (and each member of the group in case of joint tender) must declare under SSF1 whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

All duly-signed documents have to be uploaded in e-Submission in the tab 'Identification of the tenderer' → 'Attachments' → 'Other documents'.

¹¹ A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

¹² This form is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

¹³ The form is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

4.2.2. Technical and financial offer

The following requirements apply to the technical and financial offer to be uploaded in eSubmission:

- **Technical offer.**

The technical offer must provide all the information needed to assess the compliance with the Technical Specifications specifications document (Part 2 of the Tender Specifications specifications) and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

In order to prove the technical compliance of their offer to the tender specifications, the tenderers are requested to fill in SSF 8 Technical offer composed of (a) Technical compliance list excel table and (b) Description of services for evaluation SSF 8 and upload it in e-Submission under the step 'Tender data' in the tab 'Technical Tender' → 'Technical offer'. Please note that, to grant equal treatment of all tenders, it is not possible to modify offers after their submission in relation to the technical and financial offers.

- **Financial offer.**

A complete financial offer, including the breakdown of the price needs to be uploaded. For this purpose, the Financial Model in [SSF 7] shall be completed, duly signed and uploaded in e-Submission.

In addition, it is mandatory to fill in the field 'Total amount excl. taxes' in e-Submission which equals to TOTAL AMOUNT FOR EVALUATION, as described under section 1.7 of these tender specifications. Please note that the field 'Total taxes amount' shall indicate 0 as EASO is exempted from taxes.

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the eSubmission field "Total amount excl. taxes" corresponds to the amount indicated in the uploaded financial offer. In case of discrepancies, only the amount indicated in the financial offer will be taken into account.

The financial offer shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

👉 The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the European Union Institutions by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT.

- Prices shall not be conditional and be directly applicable by following the Technical Specifications.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written, a qualified electronic signature or an advanced electronic signature based on a qualified certificate as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

For hand-written signatures see Section 1 of the Invitation to tender.

For electronic signatures see: <https://webgate.ec.europa.eu/fpfis/wikis/x/iwX4Dg>

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the tenderer (in case of joint tender – the Declarations on Honour of all group members);
- (If applicable – in the case of joint tender) the power(s) of attorney drawn up using the model attached in *SSF 2*).

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the *Contracting authority* has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the *Contracting authority* is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the *Contracting authority* or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. The *Contracting authority* may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information

may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets¹⁴.

- The *Contracting authority* may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure¹⁵, the *Contracting authority* may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

G The *Contracting authority* will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The *Contracting authority* reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

¹⁴ For the definition of trade secrets please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

¹⁵ See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

LIST OF ANNEXES

Annex 1: List of documents to be submitted with the tender or during the procedure

Annex 2: Standard Submission Forms

SSF 1 Tenderer identification, Legal entity form link, Financial identification form link.

SSF 2 Power of attorney

SSF 3 Subcontracting form

SSF 4 Subcontractor Letter of intent

SSF 5 Commitment letter by an entity on whose capacity is being relied

SSF 6 Declaration on honour on exclusion and selection criteria

SSF 7 Financial offer

SSF 8 Technical offer

Annex 1. List of documents to be submitted with the tender or during the procedure

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Member of the group				How to name the file?	Where to upload?
Identification and information about the tenderer.								
eSubmission view								
<div><div></div><div></div><div></div><div></div><div></div><div></div></div> <div>Ways to submitPartiesLotsTender DataTender reportSubmit tender</div>								
Declaration on Honour on Exclusion and Selection Criteria (see Section 3.1) model in SSF 6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> if individual share is above 15 %	<input checked="" type="checkbox"/>	With the tender in eSubmission	'Declaration on Honour'	With the concerned entity under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Declaration on Honour'. For entities on whose capacity is being relied and who are not subcontractors, the document must be uploaded in the section of the Sole tenderer or Group leader: → 'Identification tenderer' → 'Attachments' → 'Other documents'.

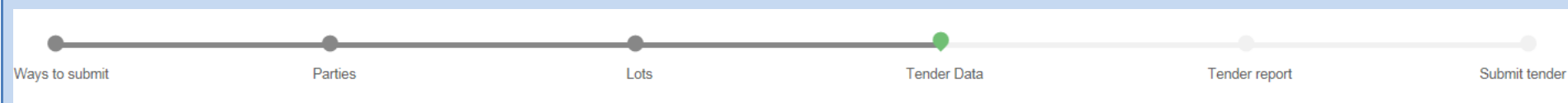
Evidence that the person signing the documents is an authorised representative of the entity ¹⁶	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender in eSubmission	'Authorisation to sign' documents'.	With the concerned entity under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Other documents'.
Identification of the tenderer (see section 4.2.1) Model in SSF 1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender in eSubmission	"Identification form"	With the concerned entity under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Other documents'.
Power of attorney (see Section 0) model in SSF 2			<input checked="" type="checkbox"/>			With the tender in eSubmission	'Power of attorney'	In the Group leader's section under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Other documents'.
List of identified subcontractors (see section 2.3.2)	<input checked="" type="checkbox"/> model SSF 3)	<input checked="" type="checkbox"/> model SSF 3)				With the tender in eSubmission	List of identified subcontractors	In the Sole tenderer's or the Group leader's section under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Other documents'
Commitment letter (see Section 0 and 2.3.3)				<input checked="" type="checkbox"/> (model SSF 4)	<input checked="" type="checkbox"/> (model SSF 5)	With the tender in eSubmission	'Commitment letter'	With the concerned entity under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Other documents'.

¹⁶ A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

Evidence of non-exclusion (see Section 3.1)	☒	☒	☒	☒ if individual share is above 15 %	☒	Only upon request by <i>the Contracting authority</i> , at any time during the procedure	n.a.	n.a.
Evidence of legal and regulatory capacity (see Section 3.2.1)						With the tender in eSubmission		n.a.
Evidence of economic and financial capacity F1 (see Section 0)	<p>The documents must be provided</p> <p>only by the <i>involved entities</i></p> <p>who contribute to reaching the minimum capacity level</p> <p>for criterion F1</p>					<p>Only upon request by <i>the Contracting authority</i></p> <p>At any time during the procedure</p>	n.a.	With the Group leader or the sole tenderer under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Economic and financial capacity'.
Evidence of technical and professional capacity T1, T2 (see Section 3.2.3)	<p>The documents must be provided</p> <p>only by the <i>involved entities</i></p> <p>who contribute to reaching the minimum capacity level</p> <p>for criterion T1</p>					<p>With the tender</p> <p>in eSubmission</p>	<p>For T1 At least two (2) similar (in scope and complexity) contracts completed in the last three (3) years preceding the tender submission deadline, with</p>	With the Group leader or the sole tenderer under 'Parties' à 'Identification tenderer' à 'Attachments' à 'Technical and professional capacity'.

			<p>a minimum value for each of them of 40.000 Euro</p> <p>Copy of the cvs requested undert T2 professional capacity evidence</p>	
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Tender data.



Failure to upload the following documents in eSubmission will lead to rejection of the tender.

Technical offer (see Section 4.2) <i>Model in SSF 8</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission	'Technical offer'	Under section 'Tender Data' à 'Technical offerr'
Financial offer (see Section 4.2) <i>Model in SSF 7</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission	'Financial offer'	Under 'Tender Data' à 'Financial offer'

