



Guide for Candidates

Appendix II to the Invitation to submit a request to participate

Restricted call for tenders – Phase I

COMP/2016/007

**for a direct framework contract for the
acquisition of a Case Management
Framework and related IT consultancy
services for the European Commission**



Table of Contents

I.	Background	3
II.	Procurement procedure	3
II.1.	Restricted procedure (two phases)	3
II.2.	Contacts with the contracting authority.....	4
II.3.	No obligation to award	4
III.	The Contract – General information	5
III.1.	Framework contract	5
III.2.	Duration of the framework contract	5
III.3.	Estimated total volume of all specific contracts signed under the framework contract	5
III.4.	Place of performance and delivery	6
III.5.	Working language.....	6
III.6.	Subcontracting terms	6
III.7.	Joint tender.....	6
IV.	Preparation of the request to participate	8
IV.1.	General conditions and form of request to participate.....	8
IV.2.	Joint request to participate and joint tender	8
IV.3.	Sub-contracting.....	9
V.	Request to participate.....	10
V.1.	Section One: Administrative information	10
V.2.	Section Two: Exclusion criteria	11
V.3.	Section Three: Selection criteria	11
V.3.1.	Economic and financial capacity	11
V.3.2.	Technical and professional capacity	12
V.4.	Section Four: Confidentiality and conflict of interest declaration	17
VI.	Assessment of the request to participate	18
VI.1.	Assessment of joint requests to participate and joint tenders	18
VI.2.	Assessment of subcontractors	18
VII.	Rejection from a procurement procedure and measures to avoid distortion of competition	18
VIII.	Annexes overview	20

I. BACKGROUND

This document is designed to help candidates to submit their request to participate in response to a restricted call for tenders for a direct framework contract for the acquisition of a Case Management Framework and related IT consultancy services for the European Commission ("CASE MANAGEMENT FRAMEWORK").

This call for tenders is published by the Directorate-General for Competition (DG COMP), representing the European Commission (hereafter referred to as "the contracting authority" or "the European Commission").

The subject and objectives of this call for tenders is outlined in the Executive Summary, attached as Appendix I to the invitation to submit a request to participate. The meaning of "Case Management Framework" in the context of this call for tenders is also defined in the Executive Summary.

II. PROCUREMENT PROCEDURE

II.1. Restricted procedure (two phases)

The call for tenders follows the restricted procedure referred to in Article 104.1 (b) of the Financial Regulation (FR) applicable to the general budget of the European Union¹ and Article 127.2 paragraph 2 Rules of Application (RAP)².

It is important to be aware of the nature of a restricted call for tenders and of the differences between the various steps, namely the assessment of candidates in the Selection Phase and the assessment of the tenders in the Tender Phase.

The procedure will comprise two phases:

Phase 1 - Selection Phase:

- Exclusion of candidates
- Selection of candidates
 - Economic and financial capacity
 - Technical and professional capacity

Phase 2 - Tender Phase:

- Evaluation of tenders
 - Technical evaluation
 - Financial evaluation

In the Selection Phase, any economic operator may submit a request to participate containing only the documentation required for the exclusion and selection assessment. The exclusion and selection criteria are outlined in this document and will be applied, resulting in the selection of candidates to be invited to

¹ OJ L 298, 26.10.2012, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:en:PDF> and [O.J.L 286 of 30/10/2015](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2015:286:FULL&from=FR), see <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2015:286:FULL&from=FR>

² OJ L 362, 31.12.2012, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:362:0001:0111:en:PDF> and - [O.J.L 342 of 29/12/2015](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2015:286:FULL&from=FR), see <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2015:286:FULL&from=FR>

submit a tender. Following this assessment, all candidates will be informed whether they have been selected to participate to the Tender Phase or not.

In the Tender Phase, the selected candidates will receive the procurement documents and will be invited, simultaneously and in writing, to submit a tender that will be evaluated against the award criteria specified in the tender documents. The contract is awarded after the evaluation of the tenders.

The present document (Guide for candidates) deals only with the Selection Phase.

II.2. Contacts with the contracting authority

In principle, no contact is permitted between the contracting authority and the candidates during the procurement procedure. You must not contact or attempt to contact individual members of the contracting authority with a view to discussing any aspect of the ongoing call for tenders.

Requests for clarification

Before the final date to submit requests to participate, candidates may contact the contracting authority in order to request clarifications on the procurement documents provided in the Selection phase (Phase I).

Any request for clarification must be made by email only to EC-CM-Tender@ec.europa.eu

The contracting authority is not bound to reply to requests for clarification received less than six working days before the final date for submission of requests to participate.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the procurement documents provided in the Selection phase (Phase I). Such information will be published as well on the internet website as indicated below.

Information website:

http://ec.europa.eu/competition/calls/tenders_open.html

The website will be updated regularly and it is the candidates' responsibility to check for updates and modifications during the period to submit requests to participate.

If clarification is required after the opening of requests to participate or if obvious clerical errors in the request to participate need to be corrected, the contracting authority may contact the candidate provided the terms of the request to participate are not modified as a result.

II.3. No obligation to award

The contracting authority is not bound by the invitation to submit a request to participate or the invitation to tender. The contracting authority's contractual obligations commences only upon signature of the framework contract. The contracting authority is not obliged to award the framework contract.

The contracting authority must not be liable for any compensation with respect to candidates and tenderers whose requests to participate or tenders have not been accepted, nor must it be so in the event it decides not to award the contract.

III. THE CONTRACT – GENERAL INFORMATION

III.1. Framework contract

The contract to be signed following this restricted call for tenders is a direct framework contract. The framework contract lays down the legal, financial, technical and administrative provisions governing the relationship between the contracting authority and the contractor during its period of validity.

Actual orders will be placed by means of specific contracts based on the framework contract.

The draft framework contract will be sent to the selected candidates as part of the documentation of the Tender Phase. In submitting a tender, the tenderer accepts the provisions of the draft framework contract and waives their own terms and conditions.

The contracting authority under this call for tenders is the European Commission. The contractor will be the tenderer to which the contracts will be awarded.

III.2. Duration of the framework contract

The framework contract will have a duration of 4 (four) years ("implementation") and may be renewed 3 (three) times, each time for another 2 (two) years. Terms and conditions for renewal will be described in the documentation of the Tender Phase.

III.3. Estimated total volume of all specific contracts signed under the framework contract

The volume of the framework contract for the maximum duration of 10 years (4+2+2+2) is estimated at **twelve million five hundred thousand Euro (€12 500 000)** and is based on the following estimation:

- A Framework license allowing serving, depending on the vendor's license model:
 - Successively increasing number of users, starting with 100, up to 2 000 (two thousands) at the end of the contract.
 - Successively increasing number of designer/developer licenses, starting with 10, up to 40 (forty) at the end of the contract.
 - Successively increasing size of the document repository. At the end of the contract: at least 300 TB (three hundred terabytes) for document repository.
 - Successively increasing number of documents. At the end of the contract: at least 500 000 000 (five hundred millions) documents in document repository.
 - Successively increasing number of cases. At the end of the contract: 120 000 (one hundred twenty thousands) cases.

- Consultancy services to be ordered by means of specific contracts in Times and Means (long-term consultancies), as well as Quoted Times and Means (time-limited tasks):
 - 3 000 (three thousand) days of profile Business Engineer.
 - 3 000 (three thousand) days of profile Developer.
 - 220 (two hundred and twenty) days of profile Project Manager.
 - 200 (two hundred) days of profile Architect.
 - 300 (three hundred) days of profile Trainer.

<p>Remark: The estimation of volume is indicative. The total value of the contract will ultimately depend on the orders that the contracting authority will place through specific contracts.</p>
--

III.4. Place of performance and delivery

The Contractor must provide the requested services as:

- Time and Means services are ordered by the European Commission as a request for a consultant with a specific profile for working on specified tasks for a specific amount of days. Time and Means services are rendered mainly at the premises of the European Commission mainly in Brussels and exceptionally at the premises of the European Commission's hosting infrastructure in Luxembourg.
- Quoted Time & Means orders are fix-priced and task-oriented. Upon agreement on tasks, workload/costs and time schedule with the Commission, a specific contract is signed by both parties. Only agreed costs for the specified tasks are chargeable, after acceptance by the European Commission of the delivered outcome. Quoted Time & Means orders can be executed inside or outside the European Commission's premises (to be specified in the specific contract), depending on the nature of the tasks.

III.5. Working language

All spoken and written communication between the contractor and the contracting authority will be in English. All deliverables (reports, drafts and other documents the contractor is expected to deliver) must be written in English. Meetings will be conducted in English.

III.6. Subcontracting terms

Subcontracting is permitted under the framework contract but the contractor will retain full liability towards the contracting authority for the performance of the contract as a whole.

Candidates are required to identify all subcontractors. Candidates must give an indication of the proportion of the contract that they intend to subcontract.

During the implementation of the contract any new subcontractor not envisaged in the original tender or any change of subcontractor already envisaged in the tender, will be subject to prior written communication to and approval by the contracting authority.

The contractor will have to ensure that the audit and inspection obligations as stated in the framework contract are applicable also to the subcontractors.

If the tender includes subcontracting, it is recommended that the contractual arrangements with the subcontractors include mediation as a method of dispute resolution.

III.7. Joint tender

A joint tender is a tender submitted by a group of economic operators (consortium or grouping). A joint tender may include subcontractors in addition to the group of economic operators.

In case of joint tender, all economic operators in a joint tender assume joint and several liabilities towards the contracting authority for the performance of the contract as a whole. Nevertheless, tenderers must designate a single point of contact for the contract.

After the award, the contracting authority will sign the contract either with all members of the group, or with the member duly authorised by the other members via a power of attorney.

If candidates intend to submit a tender with a partner and have already set up a consortium or similar entity to that end, this fact should be mentioned in the tender, together with any other relevant information.

If candidates intend to submit a joint tender, they should be aware that, if they are awarded the contract, the European Commission will require that a formal status is given to the proposed association before the contract is signed. This can take the form of:

- An entity with legal personality recognised by a Member State of the European Union; or
- An entity without legal personality but offering sufficient protection of the European Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association); or
- The signature by all the partners of a "power of attorney" based on the model laid down by the Directorate-General for Informatics, which provides for a form of cooperation (Annex 14).

IV. PREPARATION OF THE REQUEST TO PARTICIPATE

IV.1. General conditions and form of request to participate

The request to participate must be:

- Written in one of the official languages of the European Union.
- Submitted on paper, in one original and three copies, as well as in digital version (PDF or MS Word format, on CD ROM or USB stick). In case of any discrepancies between the paper version and the digital version of the application, the content of the paper version must prevail.
- Clear and concise, with continuous page numbering, and assembled in a coherent fashion (but not bound or stapled).
- Perfectly legible in order to rule out any doubt whatsoever concerning the words or figures.
- Drawn up in the format of the forms and questionnaires annexed to this document. The text of the original forms and questionnaires must not be changed.
- Accompanied by a cover letter signed by the candidate or its duly authorised representative.

<p>Applications must be submitted to the addressee by the means and by the deadline indicated in the invitation letter.</p>
--

IV.2. Joint request to participate and joint tender

It is at the discretion of the companies to organise a joint request to participate (consortia or groupings), irrespective of the legal form, provided that this does not infringe the rules of public procurement and fair competition.

Please note that one company cannot be member of two different consortia or groupings within the scope of this call for tenders. However, a company may well be

- Member of one consortium or grouping, and sub-contractor to a different consortium or grouping; or
- Sub-contractor to different consortia or groupings.

If candidates intend to submit a joint request to participate, with the intention of submitting a joint tender during the Tender Phase of this call for tenders, candidates must mention this fact in their request to participate, together with any other information in this respect. They must specify the company or person leading the project (party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination) and must also submit a power of attorney from the other partners authorising this company or person to submit a tender for the consortium or grouping.

If awarded, partners in a joint tender assume joint and several liabilities towards the contracting authority for the performance of the contract as a whole.

Statements saying, for instance:

- that one of the partners of the joint tender will be responsible for part of the contract and another for the rest; or
- that more than one contract should be signed if the joint tender is successful.

are incompatible with the principle of joint and several liability. The contracting authority will disregard any such statement contained in a joint tender, and reserves its right to reject such tenders without further evaluation.

A request to participate from a consortium or grouping of companies must specify the role, qualifications and experience of each member of the consortium or grouping. This also applies for requests to participate that includes subcontractors or suppliers.

A joint tender must come from the same consortium or grouping of companies that submitted the request to participate, and only if that consortium or grouping has been selected and subsequently invited to submit a tender. This means that the tender has to be submitted by the same entity that presented its request to participate, was selected and invited to submit a tender.

IV.3. Sub-contracting

If candidates intend to sub-contract, the request to participate must include a document that clearly states the roles, activities and responsibilities of the proposed subcontractor(s), and the reasons why the candidate is envisaging subcontracting.

In any event, the main contractor is fully liable towards the contracting authority for the performance of the contract as a whole. Accordingly:

- the contracting authority will treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a sub-contractor;
- under no circumstances can the main contractor avoid liability towards the contracting authority on the grounds that the sub-contractor is at fault.

If the request to participate provides for subcontracting, the candidate must provide all information on sub-contracting as requested in the annexes and questionnaires to be attached to the application.

All candidates must fill in the questionnaire on sub-contracting (Annex 4) and attach it to their request to participate.

V. REQUEST TO PARTICIPATE

The request to participate must be structured in four sections:

Section One:

Administrative information on the candidate, any member of a consortium or grouping, or any subcontractor: Annexes 1 to 4.

Section Two:

The declaration of honour dated and signed by an authorised representative: Annex 5.

Section Three:

Documents related to the selection criteria (economic, financial, technical and professional): Annexes 6 to 11.

Section Four:

Declaration of confidentiality: Annex 12.

Conflict of interest declaration: Annex 13.

Power of Attorney: Annex 14.

Please follow carefully the instructions provided in the Annexes.

Please enclose documentation as requested in the Annexes, duly numbered and with the reference number duly indicated in the Annexes' forms.

If, for some exceptional reason which the European Commission considers justified, a candidate is unable to provide one or other of the requested documents, he or she may provide any other document which the European Commission considers appropriate. The exceptional reason and its justification must be explained in the request to participate. The European Commission reserves the right to request any other document enabling it to verify the candidate's statements.

V.1. Section One: Administrative information

This section must provide the following information, set out in the standard identification forms attached to this Guide for candidates (Annexes 1 and 2):

1) Request to participate (Annex 1).

2) Candidate's identification (Annex 2)

Each candidate must provide proof of **registration**, as prescribed in its country of establishment, on one of the **professional or trade registers** or provide a declaration or certificate.

This applies also to any member of a consortium or grouping, and any sub-contractor(s).

3) Legal entities (Annex 3)

The legal entity form in Annex 3 (available on the Web mentioned in the annex) must be filled in by the candidate and should be accompanied by a number of supporting documents.

This applies also to any member of a consortium or grouping.

4) Sub-contractors detailed information (Annex 4).

This applies to any sub-contractor(s).

V.2. Section Two: Exclusion criteria

All candidates must provide a declaration on their honour regarding the exclusion criteria (Annex 5), signed and dated by an authorised representative, stating that they are not in any of the situations of exclusion listed in Annex 5.

This applies also to any member of a consortium or grouping, as well as for identified subcontractors whose intended share of the contract is above 10%.

V.3. Section Three: Selection criteria

Candidates must provide evidence of economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure. Candidates who do not provide the documentation specified, or who are judged, on the basis of the documentation provided, not to have fulfilled the criteria specified below, will be excluded. The candidates will find the relevant forms and questionnaires in Annexes 6 to 11.

This applies also to any member of a consortium or grouping, as well as for identified subcontractors whose intended share of the contract is above 10%.

A consolidated assessment will be made to verify compliance with the minimum capacity levels.

Please note that if the answer to a question marked "YES/NO (mandatory)" in one of the forms or questionnaires of this section is 'no', the application won't be meeting the economic, financial, technical or professional criteria. Hence, the request to participate will not be evaluated further and will be excluded from the procurement procedure.

Please do not forget to provide evidences/references as required in the Annexes

V.3.1. Economic and financial capacity

To be eligible, the tenderer must have the economic and financial capacity to perform the tasks required in this call for tenders. Tenderers (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) must provide evidence that they have the economic and financial capacity to perform the tasks continuously and satisfactorily throughout the envisaged lifetime of the contract.

The financial and economic capacity of each candidate will be evaluated (Annexes 6 to 8) and must comply with the following criteria:

1. The candidate must have an annual overall turnover related to the technical and professional activities relevant to this call for tenders, exceeding:
 - a) One million five hundred thousand Euro (€1 500 000), in activities related to rolling-out large-scale IT solutions for Case Management, in the past two years for which the accounts have been closed.
 - b) One million five hundred thousand Euro (€1 500 000), in activities related to providing IT consultancy services for the IT solution for Case Management they proposed, in the past two years for which the accounts have been closed.

The thresholds indicated in point a) and b) above must be calculated at the level of consortium or grouping including identified subcontractors with a share of the contract above 10%.

2. Professional risk indemnity insurance.
3. The candidate may rely on the capacities of other entities (e.g. parent company), regardless of the legal nature of the links it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for to carry out the contract, for example by producing a written undertaking of those entities to place those resources at its disposal.

V.3.2. Technical and professional capacity

The technical and professional capacity of the candidates will be evaluated (Annexes 9 to 11) and candidates must comply with the following criteria:

- Organisational capacity
- Proven experience in rolling out large-scale IT solutions for Case Management
- Capacity of the team delivering the services
- Compliance with methodologies and quality assurance standards
- Training capacity

V.3.2.1. Organisational capacity

The candidate must have the organisation and manpower relevant for the provision of the required services.

V.3.2.2. Relevant experience

The candidate must have completed at least 3 (three) relevant projects of rolling out large-scale IT solutions for Case Management ("reference systems"):

- All reference projects must have covered: Installation, initial configuration, testing, deploying and customer support.
- All reference systems must have served the purpose of Case Management as described in Appendix I: Executive Summary.
- At least two reference systems must have been operational for more than 1 (one) year.
- At least one reference system must have been considered critical by the customer.³
- At least one reference system must have more than 500 end users that directly use the system.
- At least one reference system must have dealt with a document volume increase of more than 1 million documents per year.

³ A "Critical infrastructure" is broadly defined as an asset that is essential for the organisation. In this context it means an IT-system that is part of such an infrastructure or that is supporting such an infrastructure.

- At least one reference system must ensure high-availability of 99% or higher all days of the year.
- At least one reference system must provide 2nd and 3rd level user support to the customer's users, in English, linked to the customer licenses. Baseline: Monday to Friday from 08:00 to 18:00 CET.

V.3.2.3. Capacity of the team delivering the service

The candidate must demonstrate that he has sufficient qualified manpower to roll out large-scale IT solutions for Case Management and to provide and manage IT consultancy services related to it.

Activity	Team/staff
Rolling out a large-scale IT solutions for Case Management including: <ul style="list-style-type: none"> • Installation of the Case Management Framework customer's infrastructure, inclusive: multi-environment (Development, Testing, Acceptance, Production, et cetera), deployment management, scalability and resilience, backup and mirroring of the Production environment. • Initial configuration. • Testing and deploying. • Other ad hoc IT consultancy services. 	Project Manager, Developer, Infrastructure engineer, Business engineer, Application support specialist, Trainer, Database Administrator.
Long-term IT consultancy services at customer's premises (Time and Means specific contracts)	Developer, Business engineer. All consultants delivering services to the Contracting Authority under Time and Means specific contracts will be required to be eligible for obtaining a security clearance to handle European Union Classified Information up to the level of "EU SECRET" ⁴ .
Providing customer support in English, linked to the customer licenses. Baseline: Monday to Friday from 08:00 to 18:00 CET.	Application support specialist.

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001D0844&from=EN>

List of profiles

Profile	Minimum number of persons required in the team (CVs)
Project manager	2
Developer	2
Trainer	1
Application Support specialist	2
Business Engineer	2
Architect	1
Infrastructure Engineer	1
Database Administrator	1

Description of profiles

PROFILE: Project manager

Nature of the tasks The Project Manager: manages and coordinates consultancy work provided by the contractor in Quoted Time and Means specific contracts.

At least 6 years of experience as IT Project Manager, from which at least 3 years as Project Manager in projects implementing the Case Management Framework proposed by the candidate. Native speaker or proficient in English. University degree.

PROFILE: Developer

Nature of the tasks

- Configure, customise and develop the solution according the customer needs;
- Produce the relevant technical documentation and documentation for the support team.

At least 6 years of experience in IT software development, from which at least 3 years as developer for the Case Management Framework proposed by the candidate. Native speaker or proficient in English.

PROFILE: Trainer

-
- Nature of the tasks*
- Give training courses on the solution to the end-users and to the Commission internal IT team;
 - Produce adapted training material for the training courses.
-

At least 5 years of experience in giving training courses, from which at least 2 years of experience in giving training courses relevant to the Case Management Framework proposed by the candidate. Native speaker or proficient in English.

PROFILE: Application support specialist

-
- Nature of the tasks*
- Isolate probable causes of issues and provide root cause analysis;
 - Recommend known technical solutions and develop workarounds for corrective action;
 - Document communications and actions for customer issues.
-

At least 5 years of experience as application support specialist, from which at least 2 years of experience as application support specialist for the Case Management Framework proposed by the candidate. Native speaker or proficient in English.

PROFILE: Business Engineer

-
- Nature of the tasks*
- Map business requirements with the features/capabilities of the Case Management Framework;
 - Configure, customise and develop the solution according the customer needs;
 - Data analysis, data modelling;
 - Produce the relevant technical documentation and documentation for the support team of the European Commission.
-

At least 6 years of experience as business analyst using UML and/or BPMN, from which at least 3 years as business engineer for the Case Management Framework proposed by the candidate. Native speaker or proficient in English. University degree.

PROFILE: Architect

-
- Nature of the tasks*
- Advise on hosting architecture, inclusive disaster recovery architecture;
 - Advise on sizing of technical resources to reach required performance;
 - Advise on interoperability and integration of Case Management Framework with third party tools and other information systems.
-

At least 6 years of experience as IT architect, from which at least 3 years as architect for the Case Management Framework proposed by the candidate. Native speaker or proficient in English.

PROFILE: System Administrator

-
- Nature of the tasks*
- Provide technical support for the installation of the Case management Framework;
 - Ensure that the Case management Framework will be configured appropriately to the local IT infrastructure (operating systems, backup systems, clusters, or similar).
-

At least 6 years of experience as system administrator, from which at least 2 years as system administrator for the Case Management Framework proposed by the candidate. Native speaker or proficient in English.

PROFILE: Database Administrator

-
- Nature of the tasks*
- Provide technical support for the installation of the Case management Framework;
 - Ensure that the Case management Framework will be configured appropriately to the local IT infrastructure (database, or similar).
-

At least 6 years of experience as database administrator, from which at least 2 years as system administrator for the Case Management Framework proposed by the candidate. Native speaker or proficient in English.

V.3.2.4. Compliance with methodologies and quality assurance standards

The candidate (each member in case of a consortium or grouping) must provide proof (certificates) of compliance with the ISO 9000 family of quality management standards, or equivalent.

The candidate (each member in case of a consortium or grouping) must provide proof (certificates) of implementing project management and IT development methodologies.

V.3.2.5. Training capacity

The candidate must demonstrate that he can provide the training services relevant for the contract.

The candidate must provide a service catalogue as evidence that he offers currently to the market with regard to the training courses and services to be covered by the contract.

Trainings in English related to the large-scale IT solution for Case Management for one or more target audiences:

- system administrators/ infrastructure engineers
- application administrators
- business engineers/designers/ configuration experts
- developers
- application support persons
- customer's own trainers.

V.4. Section Four: Confidentiality and conflict of interest declaration

1) Declaration of Confidentiality (Annex 12)

Each candidate must declare on its honour that it will treat with greatest discretion the facts and information, whatever their sources, that may come to its knowledge during the course of this call for tenders.

Without prejudice to the general obligation of professional secrecy, it must declare that it will not disclose information acquired in the course of the call for tenders, and in the event of being awarded the contract, in the course of the contract's implementation.

This applies to any member of a consortium or grouping, and any sub-contractor(s).

2) Conflict of Interest declaration (Annex 13)

Each candidate must declare on its honour that there is no conflict of interest from the side of the candidate, or of any member of a consortium or grouping, or of any sub-contractor(s) affecting this call for tenders.

In particular, in case the candidate, or any member of its consortium or grouping, or any of its subcontractors, is already providing IT services to the European Commission's Directorate-General for Competition (DG COMP) under ongoing contracts, it will be requested to indicate in writing the steps it intends to take in order to guarantee the absence of conflict of interest with these contracted activities in case that it might be awarded this contract.

VI. ASSESSMENT OF THE REQUEST TO PARTICIPATE

VI.1. Assessment of joint requests to participate and joint tenders

Joint requests to participate and joint tenders will be assessed as follows:

- as regards the joint request to participate, the exclusion criteria and the selection criteria for economic and financial capacity will be assessed in relation to each company individually, except item No 2 of Section V.3.1 (overall turnover) which will be assessed in relation to the consortia/grouping as a whole; the selection criteria for technical and professional capacity will be assessed in relation to the combined capacities of the consortia/grouping as a whole;
- as regards the joint tender, the award criteria will be assessed in relation to the tender submitted by the consortia/grouping as a whole in the Tender phase (Phase II).

VI.2. Assessment of subcontractors

Requests to participate that include sub-contracting:

- during the selection phase, the exclusion criteria and the selection criteria for economic and financial capacity will be assessed in relation to each company individually except item No 2 of Section V.3.1 (overall turnover) which will be assessed in relation to the candidate and the subcontractor(s)⁵ as a whole; the selection criteria for technical and professional capacity will be assessed in relation to the combined capacities of the candidate and the sub-contractor as a whole to the extent that the sub-contractor puts its resources at the disposal of the candidate for the performance of the contract;
- the award criteria will be assessed in relation to the tender submitted by the consortia/grouping as a whole in the Tender phase (Phase II).

VII. REJECTION FROM A PROCUREMENT PROCEDURE AND MEASURES TO AVOID DISTORTION OF COMPETITION

The contracting authority shall not award a contract for a given procurement procedure to a candidate who:

- (a) is in an exclusion situation established in accordance with Article 106 of the Financial Regulation;
- (b) has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;
- (c) was previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.⁶

The measures referred to in point (c) of Article 107(1) of the Financial Regulation shall include the communication to the other candidates and tenderers of relevant information exchanged in the

⁵ As mentioned in section V.3.1, only subcontractors with a share of the contract above 10% are taken in account.

⁶ Article 107(1) of the Financial Regulation

context of or resulting from the involvement of the candidate or tenderer in the preparation of the procurement procedure and the fixing of adequate time limits for the receipt of tenders.⁷

⁷ Article 142 of the Rules of Application

VIII. ANNEXES OVERVIEW

Annex	Title	Remark
1	Request to participate	One form to fill in.
2	Identification of the Candidate	One form for each member of a consortium or grouping, and each sub-contractor(s).
3	Legal Entity Form	One form for each member of a consortium or grouping, and each sub-contractor(s).
4	Subcontracting details	One form for each sub-contractor(s).
5	Declaration of Honour by the Candidate relating to the exclusion criteria	One declaration for each member of a consortium or grouping, and each sub-contractor(s).
6	Simplified balance sheet form	Apply to any member of a consortium or grouping, as well as for envisaged subcontractors whose intended share of the contract is above 10%.
7	Simplified profit and loss account form	
8	Questionnaire on economic and financial capacity	
9	Questionnaire on technical and professional capacity	
10	Project references	
11	Guidelines for the completion of CVs	
12	Declaration of confidentiality	One declaration for each member of a consortium or grouping, and each sub-contractor(s).
13	Conflict of Interest declaration	One declaration for each member of a consortium or grouping, and each sub-contractor(s).
14	Power of Attorney	One form completed, based on one of the two template proposed.