

# **European Commission**

## **Call for Tenders TAXUD/2013/AO-01**

**Specification, development, maintenance  
and support of customs IT systems (CUST-DEV3)**

### **Tendering Specifications**

# TABLE OF CONTENTS

- 1 Foreword ..... 3
- 2 Description of the services covered by the call for tenders..... 3
  - 2.1 Background..... 3
  - 2.2 Purpose ..... 4
- 3 Implications of submitting an offer ..... 4
  - 3.1 Impact on other calls for tenders and/or current contracts ..... 4
  - 3.2 Duration of the offer ..... 5
  - 3.3 Total estimated budget..... 5
  - 3.4 The conditions of the Framework Contract ..... 5
- 4 Collaborating with other companies ..... 5
  - 4.1 Joint offers ..... 5
  - 4.2 Subcontracting ..... 6
- 5 Information on the contract resulting from the present call for tenders..... 6
  - 5.1 Duration ..... 6
  - 5.2 Model framework contract ..... 6
  - 5.3 Payment conditions..... 7
  - 5.4 Prices ..... 7
    - 5.4.1 Benchmarking ..... 8
    - 5.4.2 Indexation..... 8
  - 5.5 Audits..... 9
  - 5.6 Security assessment ..... 9
- 6 Evaluation of the offers ..... 9
  - 6.1 Exclusion criteria ..... 9
  - 6.2 Selection criteria ..... 10
    - 6.2.1 Economic and financial capacity..... 10
    - 6.2.2 Technical and professional capacity ..... 10
  - 6.3 Award criteria ..... 11
    - 6.3.1 Technical evaluation ..... 11
    - 6.3.2 Financial evaluation ..... 12
    - 6.3.3 Award ..... 12
- 7 Preparing and submitting the offer ..... 12
- 8 Additional information..... 13
- LIST OF ANNEXES ..... 14**

## **1 Foreword**

The present call for tenders will be managed as described in Annex IV – Guidebook for Tenderers, *Submitting an offer in response to a call for tenders for IT services issued by the Directorate General for Taxation and Customs Union*, which is an integral part of the present tendering specifications.

## **2 Description of the services covered by the call for tenders**

### **2.1 Background**

Since the end of the 1980s, the Directorate-General for Taxation and Customs Union (DG TAXUD) and the administrations of the concerned Member States and associated countries have developed and operated a portfolio of IT systems in support of the fiscal and customs policies of the European Union. There are a total of more than 60 central IT systems and over 20 distributed trans-European systems (TES) that have been implemented; some of these systems are centralised and operated by DG TAXUD, others use a fully-distributed architecture and their components are developed and operated by the National Administrations (NA) of the Member States and of the associated countries (Candidate Countries/Third Countries). These systems are critical for the functioning of the internal market in fiscal and customs matters.

All of these systems use a common middleware infrastructure for their interoperability, the Common Communication Network/Common System Interface (CCN/CSI) that has been operational since 1999 and is fundamental for their functioning. In particular, the fully-distributed IT systems that support the functioning of regimes such as VAT, excise duties, transit, import, export, etc, use CCN for the totality of their data exchanges, without which they cannot function. In 2012, there were over 1.7 billion data exchanges on CCN/CSI

The existing contractual structure for IT in DG TAXUD comprises of the following:

- a) Framework contracts for the specification, development and maintenance of IT systems in the field of fiscal and customs matters - ref. FITSDEV2 and CUSTDEV2;
- b) Framework contract for IT service management, covering applications management, operations, hardware infrastructure and building infrastructure for both CCN and central applications (ITSM2 Lot 1)
- c) Framework contract for provision support services for the coordination of implementation of trans-European systems in Member States (ITSM2 Lot 2);
- d) Framework contract for operations, integration and control of IT service management for IT systems and Infrastructure operation (ITSM2 Lot 3);
- e) Framework contract for the specification, development, maintenance and operation of CCN - ref. CCN/TC;
- f) Framework contract for the provision of network services to CCN - ref. CCN/WAN2;
- g) Framework contract for quality assurance - ref. QA2.

## **2.2 Purpose**

This invitation to tender covers the procurement of services and deliverables for developments and specifications of the customs IT systems and applications under the management of the Directorate-General for Taxation and Customs Union.

This call for tenders covers the procurement of IT services and deliverables to:

- take-over all applicable services from the incumbent contractor;
- provide all required services for specification, development, maintenance and support of customs IT systems;
- hand-over all applicable services at the end of the contractual period to the Commission or to any specified third parties on its behalf.

The details of the activities, services and deliverables are described in Annex II – Technical Specifications.

## **3 Implications of submitting an offer**

### **3.1 Impact on other calls for tenders and/or current contracts**

The attention of the tenderers is drawn to the fact that they must declare any situation of conflict of interest in accordance with Article 107 of the Financial Regulation<sup>1</sup>, in particular in relation to the current contracts that the Commission has signed in the area of customs, taxation and excise IT projects and in relation to the tenderer's possible participation in the on-going CCN2-DEV Call for Tenders (TAXUD/2011/AO-013), FITSDEV3 Call for Tenders (TAXUD/2012/AO-03) and QA3 Call for Tenders (TAXUD/2012/AO-06) – see Annex VI – "Declaration on confidentiality and no conflict of interest".

The Commission requires a strict segregation of duties between the services to be delivered under the CUST-DEV3 contract and the ones delivered under current contracts signed or awarded in the area of taxation and customs IT projects. The tenderers who are involved in the provision of services under any one or several of these current contracts are required to provide the measures that they commit to take in case they would be awarded the contract, in order to provide the Commission with the guarantee of absence of any conflict of interest as specified under Article 107 of the Financial Regulation. The tenderers for whom the measures proposed to avoid the conflict of interest are considered to be, or proved to be, insufficient, will be excluded from the award of the contract on the basis of Article 107 (a) of the Financial Regulation.

---

<sup>1</sup> REGULATION (EU, EURATOM) No 966/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on the financial rules applicable to the general budget of the Union (OJ L 298/1 – 26.10.2012).

### **3.2 Duration of the offer**

The tenderer is reminded that, by submitting an offer, he commits to maintain his offer for a period of 12 (twelve) months (see Annex IV – Guidebook for Tenderers, section 4.2.2) and to sign the framework contract in case of award.

### **3.3 Total estimated budget**

The estimated value of the contract is 140 000 000 EUR.

The Commission may exercise the option to increase the estimated value at a later stage via a negotiated procedure with the successful tenderer(s) in accordance with Article 134 (1) (f) of the Rules of Application of the Financial Regulation.<sup>2</sup>

### **3.4 The conditions of the Framework Contract**

The successful tenderer will sign a Framework Contract with the European Commission - DG TAXUD. For the execution of these contracts, a single contractor mechanism as described in the preamble of the attached draft Framework Contract will apply (see Annex X.A).

The Framework Contract will be based on the information contained in the Call for Tenders and its annexes. The tender will be annexed to the Framework Contract. However, in case of conflict between the information appearing in the tender and that provided in the Call for Tenders, the latter one shall prevail.

Therefore, the tenderers are invited to clarify any point they find unclear during the time available for making requests for clarification about the Call for Tenders.

On this basis, any assumptions or hypotheses written by the tenderers in their tenders shall not be taken into consideration by the European Commission – DG TAXUD.

## **4 Collaborating with other companies**

See also Annex IV – Guidebook for Tenderers, section 5.

### **4.1 Joint offers**

Tenders from consortia of firms or groups of service providers, contractors or suppliers must determine the primary contractor and specify the role, qualifications and experience of each member of the tendering party.

Joint offers will be assessed as follows:

- a) The exclusion criteria (section 6.1) will be assessed in relation to each company individually.

---

<sup>2</sup> COMMISSION DELEGATED REGULATION (EU) No 1268/2012 of 29 October 2012 on the **rules of application** of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ – L 362/1 – 31.12.2012)

- b) The selection criteria:
  - for economic and financial capacity:  
1<sup>st</sup> and 2<sup>nd</sup> indents (section 6.2.1) will be assessed in relation to each company individually,  
3<sup>rd</sup> indent (section 6.2.1) will be applied to the tendering group as a whole,
  - for the technical and professional capacity (section 6.2.2.) will be assessed in relation to the tendering group as a whole.
- c) The award criteria (section 6.3) will be assessed in relation to the tendering group as a whole.

## **4.2 Subcontracting**

As mentioned in Annex IV – Guidebook for Tenderers, section 5.2, the Commission approves subcontracting for the current tendering specifications under the following conditions:

- a) a clear indication of the proportion of the contract value that the tenderer intends to subcontract must be given (see Annex IV – Guidebook for Tenderers, section 5.2.2);
- b) sub-contracting requires prior written consent of the Commission during the implementation of the contract. The contractor remains solely liable for a correct performance under the contract;
- c) the exclusion criteria (section 6.1) will be assessed for each proposed sub-contractor;
- d) the selection criteria (section 6.2.2 Technical and Professional capacity) will be assessed for each proposed sub-contractor
- e) one-person companies (or free-lancers) may be authorised as sub-contractors and added to the list of sub-contractors. Free-lancers shall submit a letter of intent to collaborate as sub-contractors in this call for tenders;
- f) additional levels of sub-contracting (e.g. sub-contracting of sub-contracts) are not allowed during the execution of the contract.

## **5 Information on the contract resulting from the present call for tenders**

### **5.1 Duration**

The framework contract resulting from the present call for tenders will have a duration of 5 (5) years as from the date of signature with 3 possible extensions of 1 year each.

### **5.2 Model framework contract**

The framework contract that will be signed with the winning tenderer will be based on the model that can be found in Annex X – Model Framework Contract.

### 5.3 Payment conditions

The following types of payment methods will be available with respect to different deliverables and services (Annex X.A Part I – General Conditions, Article I.5.1):

- a) **Fixed Price (FP)** (default method): invoicing on deliverables acceptance according to the terms of the corresponding Specific Contract (SC).
- b) **On Demand (OD)** (typically to cover Requests for Action (RfA): concerning services or deliverables with unit prices): unless otherwise specified in the RfA, quarterly invoicing of the RfAs closed and accepted during the past quarter.
- c) **Quoted Times and Means (QTM)** (typically to cover RfAs concerning services quoted as man-days or unit prices): unless otherwise specified in the RfA, quarterly invoicing of the RfAs closed and accepted during the past quarter.
- d) **Times and Means (T&M)**: (typically to cover RfAs concerning services quoted as man-days): unless otherwise specified in the RfA, quarterly invoicing of the RfAs closed and accepted during the past quarter.
- e) **Provision for infrastructure (P&I)**: 100% invoiced on completion and the acceptance of the action following a RfA.
- f) **Travel and subsistence costs (T&S)**: The expenses of missions, when not specified to be part of service prices, will be invoiced quarterly, supported by detailed justifications, split between travel and subsistence and calculated following the rules specified in Annex X.B – Reimbursement of travel and subsistence expenses.

The last payment of a specific contract (SC) must, as a principle, not be less than 20% of the total amount of the SC and it must be linked to the acceptance of all the deliverables and reports and services ordered under the SC, including all Monthly or Quarterly progress reports.

### 5.4 Prices

Prices must be quoted in EUR using, when needed, the conversion rates published in the C series of the *Official Journal of the European Union* on the day when the notice of Call for Tenders was published.

Unit prices must be quoted for services listed in Annex III – Price Table.

These prices will **include** travel and subsistence expenses for missions (trainings, workshops, meetings, etc) at the Commission's premises (Brussels and Luxembourg) and/or at any other contractor's premises within a distance of  $\leq 50$  km of the Commission's premises. Therefore, no additional travel and subsistence expenses will be reimbursed **between** Commission's premises (Brussels and Luxembourg).

Travel and subsistence expenses for all other missions will be reimbursed according to the rules specified in the Framework Contract. The cost of such missions is to be calculated on the basis of Annex X.B – Reimbursement of travel and subsistence expenses, and will be quoted by the Commission in a separate budgetary provision.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union. If any, the amount of VAT must be shown separately.

N.B: The unit prices quoted by the Tenderer for the Framework Contract will also apply for the purposes of Specific Contracts.

#### **5.4.1 Benchmarking**

The tenderers have to be aware of the obligation to provide the possibility of regular benchmarking according to Annex X.A Part III – General Terms and Conditions for Information Technologies Contracts, Article 1.1 and 2.10.

#### **5.4.2 Indexation**

Prices shall be fixed and not subject to revision for Specific Contracts placed during the first year of performance of the Framework Contract or Amendment (see Annex X.A Part I – Special Conditions, Article I.3.3).

All price elements of Annex III – Price Table may be subject to revision on the basis of indexation, except for the provisions set by the Commission and the price elements that are expressed in percentage of another one.

From the beginning of the second year of performance of the Framework Contract or Amendment, prices may be revised upwards or downwards each year, where such revision is requested by one of the contracting parties by registered letter no later than 31st July in order that the new rates may take effect on 1<sup>st</sup> January of the following year.

Specific Contracts shall be placed on the basis of the prices in force on the date on which they are signed. Such prices shall not be subject to revision unless and only when the duly signed Specific Contract provides that it will be in force after the 1<sup>st</sup> January of the following year.

This revision shall be determined by the trend in the harmonised consumer price index EU27 published for the first time by the Office for Official Publications of the European Union in the Eurostat Monthly Bulletin at <http://www.ec.europa.eu/eurostat/> [HICP – Harmonized Indices of Consumer Prices; DATA; Database, HICP- Monthly Data].

Revision shall be calculated in accordance with the following formula:

$$P_r = P_o \times \frac{I_r}{I_o}$$

where:

$P_r$  = revised price;

$P_o$  = price in the original tender;

$I_o$  = index for the month corresponding to the final date for submission of tenders

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

## **5.5 Audits**

The Framework Contract shall provide for the possibility of conducting audits (security or other) by third parties.

## **5.6 Security assessment**

Tenderers are informed of the obligations laid down in the Commission Decision of 16 August 2006 C(2006)3602 concerning the security of information systems used by the European Commission and the Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its Rules of Procedure.<sup>3</sup>

The Commission draws the tenderers' attention to the contractual provisions on security (Annex X.A Part III – General Terms and Conditions for Information Technologies Contracts, Article III.2.2) and confidentiality (Annex X.A Part II, General Conditions, Article II.16).

The tenderers' attention is also drawn on the fact that all third party personnel and Commission contractors must undergo pre-employment and/or pre-contractual screening carried out in accordance with relevant laws and regulations, and proportional to the business requirements, the classification of the information to be accessed, and the perceived risks.

Additionally, the awarded contractor shall authorise, upon request, the Security Directorate to perform background checks on its proposed personnel from outside the EU before they are allowed to work on Commission projects.

## **6 Evaluation of the offers**

The evaluation of the offers will be conducted based on the rules set out in Annex IV– Guidebook for Tenderers, section 9.

The Commission reserves its right not to select an offer which does not conform to the conditions laid down in the present document and its annexes.

As far as the limitation of length of answers is concerned, the following rules are to be applied:

- Some questions set an absolute limit of length of the answer. In case this limit is exceeded, the answer will not be taken into consideration when evaluating the offers.
- In all other cases, the limitation of two pages per question has to be applied, as defined in Annex IV – Guidebook for Tenderers, section 6.3.5, unless it is deemed necessary by the tenderer to exceed this limit.

### **6.1 Exclusion criteria**

The exclusion situations are listed in Annex IV – Guidebook for Tenderers, section 9.1.

---

<sup>3</sup> OJ L 317, 3.12.2001, p. 1

In case of a joint offer, these evidences need to be provided for each company.

The attention of the tenderers is drawn to the fact that the exclusion criteria are applicable to any sub-contracting party proposed by the tenderer. The sub-contractors will have to supply the evidence that they satisfy those criteria.

## **6.2 Selection criteria**

### ***6.2.1 Economic and financial capacity***

Tenderers are required to prove that they have sufficient economic and financial capacity to perform the contract.

The required documentation in that respect is listed in Annex IV – Guidebook for Tenderers, section 9.2.1:

- a) Evidence of professional risk indemnity insurance, valid at the time of submission of the offer;
- b) Balance sheets for at least the last three financial years for which accounts have been closed;
- c) A statement of overall turnover and the turnover related to the scope of the contract, during the last three financial years, which establishes that they are equal or superior to 60.000.000 EUR and 35.000.000 EUR respectively.

The thresholds will be verified based on the turnover figures for at least the three (3) last years (2010, 2011 and 2012). In case of consortium, these thresholds will be verified on the level of the consortium.

### ***6.2.2 Technical and professional capacity***

Please refer to Annex IV – Guidebook for Tenderers, section 9.2.2.

Tenderers are required to prove that they have sufficient technical and professional capacity to perform the contract. To this end they must fill in Annex I – Questionnaire and provide documentation which confirms that they meet the criteria set in this Annex I in relation to:

- a) Vision, strategy, service culture and service catalogue;
- b) References in relation to similar projects/contracts;
- c) Tenderer manpower of staff relevant to the required services;
- d) Qualifications and experience of the staff;
- e) Methods, processes and automated tools;
- f) Certificates and Measurement.

Detailed explanations for the selection criteria are given in Annex I – Questionnaire.

## 6.3 Award criteria

### 6.3.1 Technical evaluation

Please refer to Annex IV – Guidebook for Tenderers, section 9.3.1.

Tenderers have to fill in the Annex I – Questionnaire, section 5 and provide the supporting documentation.

The technical evaluation of the offers will be based on a rating of the quality criteria below, with the indicated weighting:

Award Criteria	Weight	Max. points	Min. points to obtain
1) Fitness of the proposed approach to implement the contract requirements and foreseen activities	25 %	250	125
2) Fitness of the proposed organisation and infrastructure	25 %	250	125
3) Fitness of the proposed methods	20 %	200	100
4) IT transformation to new project management, development and testing methods	25 %	250	125
5) Structure, clarity and completeness of the proposal	5 %	50	25
TOTAL	100 %	1000	

The technical evaluation will be carried out by establishing an overall technical score for the technical proposal that takes into account the individual scores for the award criteria listed above.

The quality of the offers will be evaluated by the degree to which they fulfil the requirements specified for the work and supply adequate solutions to the tasks to be implemented. The importance given to each award criterion is stated in weight (percentage) and points. The maximum overall score is 1000.

Selected companies will have to score at least 50% for each award criterion.

**An overall score of 600 points or more is also required.**

The offer found to be the best quality will receive a normalised quality indicator of 100 points. The remaining offers will receive lower normalised quality indicators in proportion to their quality.

### **6.3.2 Financial evaluation**

Please refer to Annex IV – Guidebook for Tenderers, sections 9.3.2 and 6.3.6.

The financial evaluation will be performed on the basis of the prices stated in the Annex III – Price Table.

Prices must be inclusive of all additional costs. Please be aware of Article 151 of the Rules of Application of the Financial Regulation on abnormally low price offers.

Any ambiguity, assumption, hypothesis or condition in the formulation of the financial offer may cause rejection of the whole offer.

The financial offer must be clear and in compliance with the Tendering Specifications and its annexes.

#### **The basis for the price assessment is the total price for evaluation.**

Offers for which the technical quality assessment score is less than 600 points or offers for which less than half the points are scored on an individual criterion will not be considered for the price assessment and for the award of the contract.

The offer found to be the cheapest will receive a normalised price indicator of 100 points. The remaining offers will receive lower normalised price indicators in proportion to their prices.

### **6.3.3 Award**

Please refer to Annex IV – Guidebook for Tenderers, section 9.4.

The offer presenting the best value for money will be identified in the following way:

A weighting factor of **70%** will be applied to the **normalised quality indicator** and a weighting factor of **30%** will be applied to the **normalised price indicator**. The highest result will indicate the offer presenting the best value for money:

$$(\text{Normalised quality} \times 70\%) + (\text{Normalised Price} \times 30\%) = \text{Normalised result}$$

The highest normalised result will establish the offer presenting the best value for money.

## **7 Preparing and submitting the offer**

Please refer to Annex IV – Guidebook for Tenderers, sections 6 and 7.

In order to facilitate the clarity of the offers, if the offer consists of several binders, the tenderers have to include a summary table in the offer, clearly indicating the content of each binder. The tenderers have to make clear reference in each question of the questionnaire where the answers are given in the offer.

## **8 Additional information**

The Baseline is provided on DVD-ROM as Annex XI. The DVD-ROM provided by the Commission is available only on written request

**by e-mail to the mailbox: "taxud-tenders@ec.europa.eu"**

or

by mail to the following address:

European Commission,  
Directorate-General Taxation and Customs Union  
Unit R1, "Finances and Human Resources"  
For the attention of Mr Jean-Louis Vergnolle (J79 6/40)  
Rue Joseph II, 79  
1000 – Brussels

**The information and the documents on the DVD-ROM are the sole property of the Commission (unless otherwise specified), are provided without prejudice and for the exclusive use of the tenderer.**

## **LIST OF ANNEXES**

Annex I	Questionnaire
Annex II	Technical Specifications:
Annex II.A	Terms of Reference
Annex II.B	Technical Annex
Annex II.C	List of abbreviations and definitions
Annex II.D	List of reference documents
Annex III	Price Table
Annex IV	Guidebook for Tenderers
Annex V	Bona Fide Statement
Annex VI	Declaration on confidentiality and no conflict of interest
Annex VII	Legal Entity Form
Annex VIII	Financial Identification Form
Annex IX	Non-disclosure Declaration
Annex X	Model Framework Contract:
Annex X.A	Part I (General Conditions), Part II (Special Conditions) and Part III (General Terms and Conditions for Information Technologies Contracts)
Annex X.B	Reimbursement of travel and subsistence expenses
Annex X.C	Model Specific Contract
Annex X.D	Model Power of Attorney
Annex XI	Baseline (DVD, upon request)