

European Commission

Call for Tenders TAXUD/2013/AO-03

Intra muros consultancy services for European Union IT systems and applications in the customs, excise and taxation areas (TIMEA2)

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 |
| 2.3. Profiles..... | 4 |
| 3. IMPLICATIONS OF SUBMITTING AN OFFER..... | 5 |
| 3.1. Impact on other calls for tender..... | 5 |
| 3.2. Duration of the offer..... | 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. Model Framework Contract | 6 |
| 5.2. Payment conditions | 7 |
| 5.3. Prices | 7 |
| 5.4. Other contract particulars | 7 |
| 6. ASSESSMENT OF THE TENDERERS AND OFFERS | 8 |
| 6.1. Exclusion criteria..... | 8 |
| 6.2. Selection criteria..... | 8 |
| 6.3. Award criteria..... | 9 |
| 7. PREPARING AND SUBMITTING THE OFFER | 12 |
| LIST OF ANNEXES | 13 |

1. FOREWORD

The present call for tenders will be managed as described in the enclosed 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"*. In all cases, the contract notice and the present tendering specifications will take precedence over the mentioned guidebook for tenderers.

2. DESCRIPTION OF THE SERVICES COVERED BY THE CALL FOR TENDERS

2.1. Background

In the area of customs, the Directorate-General for Taxation and Customs Union (DG TAXUD) maintains and defends the Customs Union and ensures the uniform application of the Customs Code (CC) which it administers and controls. The strategy is to ensure that the national customs administrations apply the law as if they were a single customs administration. DG TAXUD has an overall policy of using IT systems for all flows of information and control mechanisms necessary for the uniform administration of the Customs Union. The Customs 2013 programme [Decision 624/2007/EC of the European Parliament and of the Council], and its successors (Customs 2020), provides a legal and financial basis for the operation, maintenance, development and improvement of electronic information exchange systems between national administrations.

In the area of taxation, DG TAXUD ensures the effective, uniform and efficient application of European Union (EU) law, which is essential for the functioning of the internal market. The Fiscalis 2013 programme [Decision 1482/2007/EC of the European Parliament and of the Council] and its successors (Fiscalis 2020) provide a legal and financial basis for the operation, maintenance and improvement of existing communication and information-exchange systems and the development and introduction of new ones.

These programmes will provide the budgetary and co-ordination framework for implementing and operating most of the IT instruments required to support customs and taxation policies.

DG TAXUD also requires IT services to support its policies which fall outside the scope of the established programmes. These IT services are financed by the EU budget allocated to the legal instrument underpinning the "customer" policy and are subject to the governance defined in the policy legal basis. However, the size and number of the IT services falling under this category is expected to remain limited compared to the IT services spearheaded by the programmes.

To promote consistent and efficient development of projects and applications, DG TAXUD has created, develops and maintains the TEMPO methodology for projects and services. Large parts of the IT development and operations activities are outsourced to external service providers. DG TAXUD wants to ensure that there is continuous quality and maturity improvement, that the different projects are well managed, that deliverables are supplied on time and within budget, that services are delivered

according to expectation, and that the cooperation between DG TAXUD and its service providers is optimal, within the framework of its TEMPO methodology.

2.2. Purpose

The purpose of this call for tenders is to sign a framework contract for the acquisition of services provided by suitably experienced intra muros consultants to provide assistance, guidance and best practices to the staff of DG TAXUD.

Comprehensive information on the services required and the processes established for ordering them is contained in the Terms of Reference attached as Annex II to these specifications.

The framework contract is planned for a duration of 36 months, with two possible extensions of 12 months each.

DG TAXUD may exercise the option to increase the estimated market amount at a later stage via negotiated procedure with the successful tenderer(s) in accordance with Art. 134 (1)(f) and (3) of the Rules of Application of the Financial Regulation¹.

2.3. Profiles

The following profiles will be required for delivery of services within the Framework Contract:

- ***Project manager*** (profile P1)
- ***Service manager*** (profile P2)
- ***Project support expert*** (profile P3)
- ***BPM analyst*** (profile P4)
- ***IT analyst*** (profile P5)
- ***Enterprise architect*** (profile P6)
- ***Application architect*** (profile P7)
- ***Infrastructure architect*** (profile P8)
- ***Operations expert*** (profile P9)
- ***Application expert*** (profile P10)

¹ Commission Regulation (EC, Euratom) 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

- *Security expert* (profile P11)

Consultants should be capable of working in English and at least in one other official EU language².

3. IMPLICATIONS OF SUBMITTING AN OFFER

3.1. Impact on other calls for tender

The attention of the tenderer is drawn to the fact that he should declare any situation of conflict of interest in accordance with article 107 of the Financial Regulation, in particular in relation with the current contracts that the Commission has signed in the area of taxation and customs IT projects.

The Commission requires a strict segregation of duties between the services to be delivered under the TIMEA2 contract and those delivered under current contracts signed in the area of taxation and customs IT projects. The tenderer who is involved in the provision of services under any one or more of these current contracts is required to indicate **the steps that he commits to take** if he were to be awarded the TIMEA2 contract, in order to provide the Commission with the guarantee of absence of a situation of conflict of interest as specified under art 107 of the Financial Regulation. The contract will not be awarded to a tenderer for whom the measures proposed to avoid the conflict of interest are considered to be, or proved to be, insufficient.

3.2. Duration of the offer

The tenderer is reminded that, by submitting an offer, he undertakes to maintain his tender for a period of twelve months (see Annex IV, §4.2.2) and to sign the framework contract in case of award.

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.
- b) The selection criteria:

² http://ec.europa.eu/languages/languages-of-europe/eu-languages_en.htm

– for economic and financial capacity:

1st and 2nd indents (section 6.2.1) will be assessed in relation to each company individually,

3rd 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. Model Framework Contract

In drawing up his bid, the tenderer should bear in mind and fully respect the provisions of the model framework contract attached as Annex X.A to these specifications.

5.2. Payment conditions

The following types of remuneration methods will be available with respect to the services:

-Time and Means Services (T&M): quarterly invoicing after formal acceptance of three consecutive monthly time sheets.

Payments within 30 days of receipt of the invoice, subject to the possibility of suspension in case the payment conditions are not fulfilled.

See Annex X.A to the present document (model framework contract), and in particular its Articles I.3.5 and I.5 for more details.

5.3. 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 the notice of call for tenders was published.
- Daily unit prices quoted for services listed in the technical annex to the model framework contract should be fixed and have to include all costs.
- Prices quoted should be constant. The provisions of Article I.3.3 apply as regards indexation (see model framework contract).
- These prices will include travel and subsistence expenses for missions (trainings, workshops, meetings, etc.) within a distance of ≤ 50 km of the Commission's premises.
- 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 should be quoted free of all duties, taxes and other charges, including VAT, as the 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 should be shown separately.
- Prices are firm and may not be subject to revision until the framework contract is signed.

5.4. Other contract particulars

Service Level Agreements

Minimum service levels for the services involved, including operational and performance parameters for the quality and delivery of the services, and penalties for insufficient quality or for non- or late delivery will apply.

Tenderers will be asked to accept a detailed Service Level Agreement (SLA, see annex XI) based on these minimum requirements. The SLA will form an integral part of the framework contract.

Benchmarking

The Framework Contract will include the possibility of running regular benchmarking by a third party. Benchmarking will target performance as well as prices and may result in subsequent modifications of the framework contract, including the SLA. Details are to be found in Art. 1.11.1 of the model framework contract and Art. 2.10 of the General Terms and Conditions of that contract.

6. ASSESSMENT OF THE TENDERERS AND OFFERS

The assessment of the tenderers and offers will be conducted on the basis of the rules as set out in section 9 of the 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"*.

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

6.1. Exclusion criteria

The exclusion situations are listed in Annex IV – Guidebook for Tenderers, section 9.1. 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 subcontracting party proposed by the tenderer. The subcontractors 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 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 30.000.000 EUR and 20.000.000 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 that end they must fill in the attached questionnaire (Annex I) and provide documentation which confirms that they meet the following criteria:

- 1- Organisational structure allowing the delivery of the required services;
- 2- A statement of the service provider's average annual manpower (in the field of the requested profiles) and the number of managerial staff for the last three years;
- 3- A list of references in relation to similar services provided for the last three years, including the client references, the number of consultants provided, the associated volumetric, dates and duration, financial amounts, and certification of the services provided by the recipients, public and private;
- 4- CV
- 5- A description of the tenderer's quality assurance and control mechanisms;
- 6- An indication of the proportion of the contract which the service provider may intend to sub-contract and a description of these tasks.

By submitting an offer, tenderers accept that the Commission may carry out a check on their capacity to provide consultants with the requested requirements.

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 qualify |
|--|---------------|--------------------|-------------------------------|
| 1) Fitness of the proposed profiles for the performance of the services | 30% | 300 | 150 |
| 2) Effectiveness of the proposed strategy to achieve the required level of quality of services over the duration of the contract | 30% | 300 | 150 |
| 3) Fitness of the proposed organisation & quality processes achieve the requirements | 30% | 300 | 150 |
| 4) Structure, clarity and level of completeness of the tender | 10% | 100 | 50 |
| 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 marks in brackets indicate the importance given to each award criterion which 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.

All prices should be in EURO. The daily rates must be based on services to be performed at Commission’s premises (Brussels, Belgium or Luxembourg) during normal working hours.

Your attention is drawn to the fact that these figures do not constitute any formal obligation for the Commission to procure this amount of services.

Two additional provisions will be estimated by the Commission to cover the travel and subsistence costs for missions and 24-hours on-call services.

These prices will **include** travel and subsistence expenses for missions (trainings, workshops, meetings, etc.) at Commission's premises and/or at any other contractor's premises within a distance of ≤ 50 km of the Commission's premises.

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.

It has to be noted that the price quoted for person-days must be all-inclusive; therefore no additional costs may be charged for supply of services at the normal places of delivery.

The value of the Total TBP of annex III of the Tendering Specifications, increased by a 15% contingency allocated by DG TAXUD, over 5 years and a half will be subject to comparison regarding the price award criteria.

The financial offer must be clear and in compliance with the tendering specifications and its annexes.

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

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.

All documents of the call for tenders are:

- the sole property of the Commission (unless otherwise specified), are provided without prejudice and for the exclusive use of the tendering parties to prepare their tenders, to the exclusion of any other usage;
- provided "as is", without guarantee of any sort. The Commission disclaims any responsibility in case of damage incurred when using the provided information.

In case of problems to access and/or read the information provided, contact the following address by e-mail: taxud-tenders@ec.europa.eu.

LIST OF ANNEXES

| | |
|------------|---|
| Annex I | Questionnaire |
| Annex II | Terms of Reference |
| Annex III | Price Table |
| Annex IV | Guidebook for Tenderers |
| Annex V | Declaration of honour with respect to the exclusion criteria |
| Annex VI | Declaration of honour with respect to confidentiality and absence of conflict of interest |
| Annex VII | Legal Entity Form |
| Annex VIII | Financial Identification Form |
| Annex IX | <i>not applicable</i> |
| Annex X.A. | Model Framework Contract: 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 | SLA |
| Annex XII | Model Timesheet |
| Annex XIII | Tenderers Login to TEMPO on Circabc |