



**Call for Tenders LISA/2015/OP/01
Training, coaching and learning provision channel**

Tender specifications

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1. SUMMARY

Awarding authorities	The European Agency for the operational management of large scale IT systems in the area of freedom security and justice referred to as «eu-LISA »
Purpose	Reselling and provision of various training courses, conferences, seminars, coaching and e-learning activities.
Lots	This call for tenders is not divided into lots.
Volume (indicative)	<p>The volume of the contract is included in Section 2.3.</p> <p>Please note that the volumes indicated are estimations only and the total value of the contract depends on the quantities the contracting authority will order.</p> <p>eu-LISA may exercise the option to increase the estimated market amount at a later stage via negotiated procedure with the successful tenderer(s) according to Art. 134 (f) of the Rules of Application to the Financial Regulation.</p>
Contracts	eu-LISA will sign a framework contract with the successful tenderer. A <i>Draft framework contract</i> is included.
Submission of offers	Each tenderer can only submit <u>one</u> offer.
Duration of framework contract	2+1+1years
Main places of delivery	The main premises of eu-LISA and premises of the training providers
Particulars of delivery	Delivery must be in conformity with the placed orders.
Variants	Not permitted.
Joint offers	Permitted.
Subcontracting	Subcontracting is permitted.

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

2.1. Purpose

The objective of this call for tender is the provision of various training courses, conferences, seminars, coaching and e-learning activities through the future contractor.

The future contractor shall be able to identify the most suitable training providers for the staff of the Agency and contact the relevant training providers on behalf of the Agency. The future contractor shall mainly serve as intermediary or reseller of training courses on the market.

The call for tenders covers mainly training and learning activities which are not subject to other framework contracts which eu-LISA is part of.

The foreseen range of courses (not exhaustive) specified on the list below shall be provided. The learning and training activities will involve courses provided by the successful Tenderer with possible partial adaptation of these courses carried out by the Tenderer to take account of specific Agency policies and procedures, the creation of new courses as required and other requirements as appropriate including coaching in the relevant areas if required. The Agency reserves the right to revise and adapt courses to the Agency's requirements at any time. Course revisions may be carried out by the Agency staff, by the Tenderer or by both the Agency and the Tenderer together.

Training courses may take place at the Agency premises (may depend on the number of the Agency participants), at another location agreed by the Agency or at premises provided by the Tenderer selected. In certain specific situations, with prior agreement, the Agency is prepared to pay for the hire of external premises for courses only involving the Agency staff.

The Learning and Training activities will be ordered, as required and at least six weeks will be provided for the planning and organisation of all courses especially where partial adaptation may be involved (this doesn't apply to conferences and other bespoke activities). The Agency will provide suitable information and briefing as appropriate to support any adaptation requested.

The Agency will require details of courses in advance and, where appropriate, detailed content information and course material.

The language of the training courses is mainly English as this is the working language of the Agency.

The Agency may require training services on all the Agency working days, which may include Estonian and French public holidays, without the payment of any additional charges by the Agency. The list of the Agency holidays will be communicated to the winning tenderer.

Where applicable, certificates of attendance shall be provided upon request to the Agency.

If applicable, costs for travel, accommodation and per diem for the trainer visiting eu-LISA premises should be included in the price offers. In this case service prices shall be defined at a fixed price or by person-day, and shall include all general expenses and expenses directly connected with the provision of the Services such as company management costs, social security costs, travel and office expenses.

Suitable technical equipment to support training courses is available at the Agency's premises on both sites. If additional equipment is required, the successful tenderer shall liaise in advance with the Training Officer of the Agency to explore the possibilities in getting the required equipment.

For each activity, learning and training material should be prepared and included in the price offer.

List of Learning and Training activities:

The Agency wishes to provide its staff learning and training activities on the following categories which is non-exhaustive:

- a. Specialised Training. Training, coaching, e-learning, conferences in the field of specialised training: HP Service Manager, Biometrics, Big Data, Linux, Oracle, Architecture and Engineering, Cloud Computing, Data Center, Data Storage, Databases, Multimedia Production, Virtualisation, VoIP and Telecommunication, Webdesign, Programming, Adobe, Articulate, CISCO, Citrix, HP, Microsoft, Microsoft Office, COBIT, IT Project Management
- b. Security Training. Training, coaching, e-learning and conferences in the field of Security: Network Security, Information System Intrusion Prevention and Detection, Penetration Testing and Ethical Hacking, Digital Forensics and Investigations, Security Risks, Threats and Vulnerabilities, Security Monitoring, Security Incident Management, Secure Application Development, Public Key Infrastructure, Security Management (e.g. ISMS implementation according to ISO27001, CISSP, CISM, CISA), ISO (22000, 27000, 31000), Business Continuity, Disaster Recovery, Incident Handling, Crisis Management, Security Architecture, Security Risk Assessment, Security Audits and Assessments, Physical security measures
- c. General Training. Training, Coaching, e-Learning and Conferences in the field of General training and professional development: Training for Secretaries and Assistants, Human Resources management, performance management, learning and development, Project Management, Management, Financial management, Auditing, First aid training, Fire extinguisher training, Health and Safety, Leadership, change management, development of leadership capacity at all levels of the organisation, development of strategies, crisis communication, strategic communication, writing and speaking (for the media and the general public), new communications technologies, negotiation skills, knowledge management, drafting technical documents to communicate clearly, writing for the web, website creation and management, Self-management and personal effectiveness, data protection, mentoring and developing people, minutes and agendas, objective settings, organisation skills, presentation skills, report writing, legal, procurement, contracts management

Language trainings:

The Agency wishes to provide its staff with language learning courses in English, French, German, Estonian and other languages (mainly official EU languages).

The tenderer is expected to identify the most suitable language school for the staff of the Agency and contact the relevant language training providers on behalf of the Agency. The future contractor shall mainly serve as intermediary or reseller of language courses on the market.

Most of the language courses have to take place at the Agency premises (may depend on the number of the Agency participants), at another location agreed by the Agency or at premises of the training provider.

The language courses and exams shall be from level A1 to level C2 in line with the Common European Framework of Reference for Languages (CEFR) framework.

To identify the levels of language skills, placements tests shall be organised for the agency staff upon request from the language course provider.

The Agency currently offers language courses in French, German and Estonian. Lessons in other European language might be required in the future.

Groups in all levels (A1-C2) shall have up to 3 hour's tuition per week.

In addition, exams as described under the CEFR framework in any of the EU languages shall be offered on request by the Agency. These latter exams can also be attended by the Agency staff that did not follow the yearly language programme in order to comply with the language requirements for promotion.

The books used by the language trainers in the language lessons should follow CEFR standards. Training books for language courses are to be paid by the Agency.

Certificates of participation should be provided immediately after the end of the course.

Language training will be ordered, as required, and at least six weeks notice will be provided for the planning and organisation of all courses. The Agency will require details of courses in advance and, where appropriate, detailed content information and course material.

2.2. Volume

The volume is estimated as follows: 500.000 EURO per year = 2 million EURO for 4 years duration

2.3. Duration

The contract(s) resulting from the present call for tenders will have an initial duration of 2 years as from the date of signature, and may be renewed up to 2 times, each for an additional period of 1 year.

2.4. Type of contract

The contracts resulting from the present call for tenders will be a single framework contract concluded with the contracting authority.

2.5. Account manager

The future contractor shall designate an account manager who must be able to communicate orally and in writing in English, to act as a single point of contact with eu-LISA.

In case of absence of the Account Manager a suitable replacement shall be determined.

2.6. Workflow and implementation

The future contractor shall submit an offer together with the draft order form within 10 working days from reception of the request for offer. After the acceptance of the offer, the contractor shall prepare and send the signed order form based on the template included in Annex 2 (Draft Framework Contract) within 2 working days.

The future contractor can not start processing the order before both parties have signed the before mentioned draft order form.

2.7. Reporting

The future contractor shall submit quarterly a report including the services provided, contract execution report and consumption.

2.8. Other contract particulars

E-request, e-invoicing and e-Ordering

The execution of the contract between the contracting authority and the contractors may be automated by the use of the following applications: e-Request, e-Invoicing and e-Ordering and further applications.

Nature of the contractual relationship resulting from the award of the contract

The contractual relationship between eu-LISA and the successful tenderer will be governed by a special type of contract known as a "**framework contract**".

It should be stressed that framework contracts involve **no direct commitment** and, in particular, do not constitute orders *per se*. Instead, they lay down the legal, financial, technical and administrative provisions governing the relationship between eu-LISA and the contractor during their period of validity.

Actual orders will be placed after the framework contract is signed and in force, through "**order forms**" or "**specific contracts**" concluded in performance of the framework contract.

The tender specifications include :

(1) *Special Conditions*: on completion of the tender procedure, this draft will be modified as necessary in line with the successful offer (e.g. prices).

(2) *General Conditions*

When preparing your offer, **you should take full account of these and any other documents included in the tender specifications**, as they will define and govern the contractual relationship to be established between eu-LISA and the successful tenderer.

Collaborating with other companies

Companies can consider two ways of collaborating in an offer: either as joint partners in the offer or through subcontracting. **Joint offers** and **subcontracting** are allowed in response to this call for tenders issued by eu-LISA. Offers may even combine both approaches.

In any case, the file must specify very clearly whether each company involved in the offer is acting as a partner in a joint offer or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others). The questionnaires annexed to the tender specifications include a **tender form** for this purpose (Section 1.1 of the Standard Submission Form included in Annex 1 of the tender specifications).

The implications of these two modes of collaboration are radically different. In order that you can understand them fully, they are outlined below.

Joint offers

Partners in a joint offer assume **joint and several liability** towards eu-LISA for the performance of the contract as a whole.

Statements saying, for instance:

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

are thus incompatible with the principle of joint and several liability. Eu-LISA will disregard any such statement contained in a joint offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the tender specifications.

Joint offers will be assessed as follows:

- the exclusion criteria and the selection criteria for economic and financial capacity will be assessed in relation to each company individually. However, economic and financial selection criteria that one deemed to be achieved above a certain level (e.g.: overall and specific turnover), will be assessed in relation to the tendering group as a whole.
- the selection criteria for technical and professional capacity and the evaluation criteria will be assessed in relation to the tender group as a whole.

If you intend to tender with a partner and have already set up a consortium or similar entity to that end, you should mention this fact in your offer, together with any other relevant information in this regard.

If you intend to submit a joint offer, you should be aware that, in the case that you are awarded the contract, eu-LISA will require that you give a formal status to the proposed partnership before the contract is signed. This can take the form of:

- an entity with legal personality recognised by a Member State; or
- an entity without legal personality but offering sufficient protection of eu-LISA'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" (see relevant Annex to the Draft Framework Contract, which provides for a form of cooperation.

Subcontracting

Subcontracting is the situation where a contract has been or is to be established between eu-LISA and a contractor and where the contractor, in order to carry out that contract, enters into legal commitments with other legal entities for performing part of the work, service or supply. However, eu-LISA has no direct legal commitment with the subcontractor(s).

Certain tasks provided for in the contract may be entrusted to subcontractors, but **the main contractor retains full liability** towards eu-LISA for performance of the contract as a whole. Accordingly:

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

If your offer envisages subcontracting, your file must include:

- a document
 - mentioning the reasons why you are envisaging subcontracting;
 - stating clearly the roles, activities and responsibilities of subcontractor(s), and;
 - specifying the volume / proportion for each subcontractor
- a letter of intent by each subcontractor stating its intention to collaborate with you if you win the contract (section 1.3 of Standard Submission Form included in Annex 1 of the tender specifications).

Offers involving subcontracting will be assessed as follows:

- The exclusion criteria and the economic and financial selection criteria will be assessed in relation to the tenderer and each proposed subcontractor. However, economic and financial selection criteria that one deemed to be achieved above a certain level (e.g.: overall and specific turnover), will be assessed in relation to the tenderer and the possible subcontractor(s) as a whole.
- The technical and professional selection criteria will be assessed in relation to the tenderer and possible subcontractor(s) as a whole.
- The evaluation criteria will be assessed in relation to the tender.

Subcontracting is permitted to subcontractors proposed in the offers submitted in reply to the call for tenders.

One-person companies (or freelancers) may be authorised as subcontractor and added to the list of subcontractors at any time during the execution of the contract.

Additional subcontracting to other than one-person companies (or freelancers) during the execution of the contract will only be accepted in case of a second round of the cascade (when the first round is fruitless) or for some very specialised technical expertise required for the provision of the services.

During execution of the contract, the contractor will need eu-LISA's express authorisation to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original offer based.

Freelancing

Freelancing, drawing on the activities or staff of any other entirely different legal entity than the contractor, independently of its exact legal form (and independently of the applicable national law), does qualify as subcontracting. Nevertheless, one-person companies (or freelancers) may be authorised as subcontractor and added to the list of subcontractors at any time during the execution of the contract.

3. ASSESSMENT OF THE TENDERERS AND OFFERS

The assessment of the tenderers and offers will be conducted based on the rules set out below.

3.1. Administrative information

This section must provide the following information, set out in the standard identification forms in Annex 1:

1) Signed Cover letter

The prospective tenderers are requested to provide a signed cover letter including the fact of submitting an offer, the identity of the tenderer and the acceptance of the terms and conditions included in the Tender Documents.

2) Applicant's identification

– Applicants must provide proof of **registration**, as prescribed in their country of establishment, on one of the **professional or trade registers** or provide a declaration or certificate.

Each applicant (including sub-contractor(s) or any member of a consortium or a grouping) must complete and sign the identification form in Annex 1 and also provide the above-mentioned documents.

3) Legal entities

The legal entity form in Annex 1 must be filled in and should be accompanied by a number of supporting documents, available on the Web site:

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

3.2. Exclusion criteria

a) Exclusion criteria applicable for participation in procurement procedures (Article 106 Financial Regulation)

To be eligible for participating in this procurement procedure, tenderers **must not be** in any of the following situations:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgement of a competent authority of a Member State which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

- (e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests¹;
- (f) they are currently subject to an administrative penalty referred to in Article 96 (1) of the Financial Regulation.

b) Evidence to be provided by the candidates

If you have already submitted the documentary evidence for the above criteria for the purpose of another procurement launched by eu-LISA and the documents are not more than one year old starting from their issuing date then you do not have to resubmit these documents. In such a case, candidates must declare on their honour that the documentary evidence have already been provided in a previous procurement procedure, specifying the reference of the call for tender for which the documents have been provided, and confirm that no changes in their situation have occurred.

1. When submitting their application, each candidate (including subcontractor(s) or any member of a consortium or grouping) shall provide a declaration on their honor, duly signed and dated, stating that they are not in one of the situations mentioned above. For that purpose, they must complete and sign the relevant form included in Annex 1 (see Standard submission forms). Where the applicant is a legal entity, he shall, whenever requested by the Contracting Authority, provide information on the ownership or on the management, control and power of representation of the legal entity.

2. **The winning tenderer upon request of eu-LISA** (including subcontractor(s) or any member of a consortium or grouping) **must also provide the following evidence**, confirming the declaration referred to above:

The Contracting Authority shall accept, as satisfactory evidence that the applicant is not in one of the situations described in (a), (b) and (e), a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the applicant is a legal person and the national legislation of the country in which the applicant is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the applicant.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the applicant is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in the two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement

¹ a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests established by the Council Act of 26 July 1995 (OJ/C 316 of 27.11.1995, p. 48);

b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, established by the Council Act of 26 May 1997 (OJ/C 195 of 25.6.1997, p. 1);

c) cases of involvement in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council (OJ/L 315 of 29.12.1998, p. 1)

d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC (OJ/L 166 of 28.6.1991, p.77).

made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

3. The Contracting Authority reserves the right to request any other document relating to the proposed application for assessment and verification purpose, within a delay determined in its request.

The Central Exclusion Database will be consulted.

3.3. Selection of tenderers

Economic and financial capacity

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

In order to prove that the tenders have sufficient economic and financial capacity to perform the contract, you will be asked to present the following documentation:

- **balance sheets** or extracts from balance sheets for at least the last two financial years for which accounts have been closed, or equivalent documentation (e.g. where company law in the country in which you are established does not require you to publish your balance sheet);
- a statement of overall **turnover** and turnover concerning the services to be covered by the contract during the last two financial years: min 100,000 EUR annually;
- if the tenderers rely on the capacities of other entities (e.g. your parent company), a **written undertaking** on the part of those entities confirming that they will place the resources necessary for performance of the contract at your disposal.

The tenderers shall fill in Section 3 of the Standard Submission Form included in Annex 1 and provide the required supporting documents.

Technical and professional capacity

Tenderers are required to prove that they have sufficient technical and professional capacity to perform the contract. To that end they shall fill in Section 4 of the Standard Submission Form included in Annex 1 and present documentation as to the following criteria:

- Organisational structure (average manpower, managerial staff)
- References involving similar experience, contracts, volumes
- Quality control (mechanisms, certifications, conformity to standards)

3.4. Evaluation of offers

Technical evaluation

The offers will be evaluated based on the following technical quality criteria.

Criteria	Maximum points	Minimum points to obtain
1. Quality of organising the contract management	200	100

2. Quality of the proposal for preparation of responses and for implementation	350	175
3. Quality of the proposal for the predefined services	450	225
Overall Result	Maximum points	Minimum points to obtain
Total	1000	600

The evaluation will be based on the tenderer's answers to the Section 5 of the Standard Submission Form included in Annex 1 and the associated documentation.

The tenderer must reach 50% per criterion and 60 % globally in order to be admitted to the financial evaluation.

Financial evaluation

The financial evaluation will be performed on the basis of the prices stated in the relevant questionnaire. The prices shall be expressed in EUR and all inclusive without VAT.

3.5. Award

The contract award is based on the following formula:

$$\frac{P_{\min}}{P_{\text{offer}}} \times 40 \% + \frac{Q_{\text{offer}}}{Q_{\max}} \times 60 \%$$

Where

- **P_{offer}**: net price given by the tenderer
- **P_{min}**: lowest net price among the tenders
- **Q_{offer}**: Quality of the offer
- **Q_{max}**: highest quality among the tenders

List of annexes

1. Standard Submission Form
2. Draft framework contract and Annexes