



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate B  
**SG-B-3**  
E-Domec and archives

Brussels, 12 July 2006  
D(2006) 6904

## **INVITATION TO TENDER, N°. SG/2006 – 02/PO**

Dear Sir/Madam,

The European Commission invites tenders for a service contract for the following project: *model requirements for the management of electronic records - update and extension (MoReq2)*.

This invitation to tender follows the publication of:

- the prior information notice in *OJEU 2006/S98 – 104329 of 24/05/2006*
- the contract notice in *OJEU 2006/S130 – 138523 of 12/07/2006*

### 1 Tender specifications

The specifications listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial and professional capacity and the draft contract are attached.

### 2 Submission of tenders

If you are interested in this contract, you must submit a tender in **triplicate** in one of the official languages of the European Union.

Tenders must either be:

- a) **sent by registered mail** dispatched no later than 15.09.2006, the postmark serving as proof of dispatch, to the following address:  
  
European Commission  
Secretariat General - SG.B.3  
BERL 8/190  
B-1049 Brussels  
Belgium
- b) **sent by private courier service**, dispatched no later than 15.09.2006, the deposit slip issued by the courier service serving as proof of dispatch, to the address below.
- c) **or delivered by hand** to the **Central Mail of the European Commission** in person or by an authorised representative no later than 16:00 (4 p.m.) on 15.09.2006 at the address below. In this case a receipt must be obtained as proof of submission, signed and dated by the official in the Commission's central mail department who took delivery. The department is open from 8:00 to 17:00 Monday to Thursday and from

8:00 to 16:00 on Fridays. It is closed on Saturdays, Sundays and Commission holidays.

**Address for delivery by private courier service or by hand:**

European Commission  
Invitation to tender N°. SG/2006 – 02/PO  
Secretariat General, SG.B.3 - BERL 8/190  
Rue de Genève, 1  
B-1140 Bruxelles (Evere)  
Belgium

Please note that for security reasons hand deliveries, including delivery by courier services, are no longer accepted in other Commission buildings.

Evidence of timely submission by post or courier service will be constituted by the date of dispatch, the postmark or the date of the deposit slip. In the case of hand-delivery, the signed and dated receipt will serve as evidence.

Tenders must be placed inside **two sealed envelopes**, one inside the other. The **inner envelope should be marked:**

**Invitation to tender N°. SG/2006 – 02/PO**  
**not to be opened by the internal mail department**  
**BERL 8/190 – SG.B.3**

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape.

The inner envelope must also contain two sealed envelopes, one containing the technical specifications and the other the financial bid. Each of these envelopes must clearly indicate the content (i.e. “Technical” and “Financial”).

**Tenders must be signed** by the tenderer or his duly authorised representative **and perfectly legible** so that there can be no doubt as to words and figures.

**Non-respect of these instructions may lead to the exclusion of the tenderer.**

3 Date and place of the opening of the tenders

Tenders will be opened at 11h00 on 2/10/2006, at 200, rue de la Loi (Berlaymont building), Office 8/190, B-1040 Brussels, Belgium.

This opening session will be public. Each tenderer may be represented by not more than one **authorised representative**. Tenderers wishing to attend are requested to notify their intention by sending a fax or e-mail at least 48 hours in advance to the address given under 6. This notification must be sent by an authorised officer of the tenderer and specify the name of the person who will attend the opening of the bids on the tenderer's behalf.

4 Period of validity of the tender

The offer must remain valid for a period of 6 months following the final date for submission of tenders mentioned under point 2 above. During this period, tenderers must

maintain all the conditions of their bids.

## 5 General terms and conditions for the submission of tenders

Submission of a tender implies that the Contractor accepts all the terms and conditions set out in this invitation to tender and in the attached tender specifications, including the annexes, and waives all other terms of business.

Submission of a tender binds the Contractor to whom the contract is awarded during the performance of the contract.

Once the Commission has accepted the tender, it shall become the property of the Commission and the Commission shall treat it confidentially.

The Commission shall not reimburse expenses incurred in preparing and submitting tenders.

The Protocol on the Privileges and Immunities or, where appropriate, the Vienna Convention of 24 April 1963 on Consular Relations shall apply to this invitation to tender.

## 6 Contact between the tenderer and the Commission

Contact between the contracting authority and tenderers is prohibited throughout the procedure except in exceptional circumstances and under the conditions as set out below only.

*Before the closing date for the submission of tenders:*

- At the request of the tenderer, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information may be made in writing only to the address below by letter, fax or e-mail.

European Commission  
Secretariat General – SG.B.3  
Invitation to tender No SG/2006 – 02/PO  
BERL 8/190  
B-1049 Brussels  
BELGIUM  
Fax: (+32-2)-299 0962  
e-mail: [sg-moreq@ec.europa.eu](mailto:sg-moreq@ec.europa.eu)

Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed (for practical reasons).

- The Commission may, on its own initiative, inform interested parties of an error, inaccuracy, omission or any other clerical error in the text of the call for tenders;
- Any additional information including that referred to above will be sent simultaneously to all economic operators who have requested the specifications in writing. Tenderers who have downloaded the documents from the website of the

Secretariat General are invited to consult this site regularly until the deadline for the submission.

*After the opening of tenders:*

- If clarification is required or if obvious clerical errors in the tender need to be corrected, the contracting authority may contact the tenderer. In any event such contact may not result in a modification of the terms of the tender

7 No obligation to award the contract

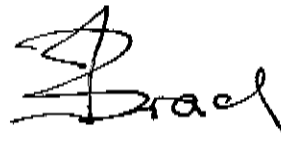
This invitation to tender is in no way binding on the Commission. The Commission's contractual obligation commences only when a contract with a successful tenderer is signed.

Until a contract is signed, the contracting authority may decide not to award the contract or to cancel the tendering procedure without the candidates or tenderers being entitled to claim any compensation. Where appropriate, this decision will be substantiated and brought to the attention of the tenderers.

8 Data protection

The follow up of your response to the invitation to tender will require the recording and further processing of personal data (name, address, CV, for example). This data will be processed in accordance with the provisions of Regulation (CE) 45/2001 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data. Except if mentioned otherwise, replies to questions and personal data are necessary for the purpose of assessing your tender according to the specifications of the invitation to tender and will only be processed by the Secretariat General – SG B.3 – e-Domec and Archives for this purpose. You may, upon request, obtain the communication of your personal data and rectify any inaccurate or incomplete personal data. Should you have any queries concerning the processing of your personal data, please address them to SG.B.3 (e-mail: [sg-moreq@ec.europa.eu](mailto:sg-moreq@ec.europa.eu), fax: +32 2 2990962). As regards to the processing of your personal data, you have a right to recourse at any time to the European Data Protection Supervisor.

Yours faithfully



Frank Brady

Encl.: Tender specifications

**TENDER SPECIFICATIONS**  
**ATTACHED TO THE INVITATION TO TENDER**

**Invitation to tender N° SG/2006 – 02/PO, concerning**

*MOREQ2*

*model requirements for the management of electronic records - update and extension*

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# I. TECHNICAL SPECIFICATIONS

## I.1 INTRODUCTION

Model requirements for the management of electronic records were originally produced in 2001 in the framework of the IDA programme<sup>1</sup> as a comprehensive specification of the functional requirements for the management of electronic records. Many organisations, both large and small and in both the public and private sectors, need guidance on how to specify their requirements for the management of electronic records. MoReq can help organisations to ensure that the electronic records management system and procedures they develop comply with records management principles.

MoReq is attached as annex 8 to these specifications and can be consulted online at: <http://ec.europa.eu/idabc/servlets/Doc?id=16847>.

MoReq is widely used across the European Union. In order to maintain the status that it has achieved, MoReq needs to be updated to take account of new standards and best practice that have been developed over the last several years. The European Commission therefore intends to extend the model requirements to cover important new areas and to update and strengthen existing areas. The purpose of the action is to provide an evolutionary update of the existing model.

The scope of MoReq will be extended to compliance testing. This is vital to upholding the influence of MoReq as it will allow suppliers to unequivocally demonstrate their compliance. To this end test materials will be developed to ensure consistency of compliance testing.

Given that MoReq is used across Europe it is important that it has a certain degree of flexibility to take account of different records management traditions, different legislative frameworks in different Member States and the different needs and requirements of the many organisations that use it. MoReq2 will therefore be developed as a modular specification that can be tailored to different environments.

The update and extension of MoReq is mentioned in the *Report on archives in the enlarged European Union* that was adopted by the Commission in February 2005<sup>2</sup>. It is also included in the priority measures in the *Council Recommendation on priority actions to increase cooperation in the field of archives in Europe* of 14 November 2005<sup>3</sup>. The recommendation sees the update of MoReq as an important factor in promoting better public administration and safeguarding the authenticity and long term preservation of electronic records.

MoReq2 will also contribute to the achievement of the goals of the *i2010 eGovernment action plan*, adopted by the Commission on 25 April 2006.<sup>4</sup> Public administrations are increasingly relying on electronic records and it is crucial that both the administration and the citizen have

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<sup>1</sup> See: <http://ec.europa.eu/idabc/en/document/2303/5644>

<sup>2</sup> COM(2005)52, p. VIII; see: [http://ec.europa.eu/comm/secretariat\\_general/edoc\\_management/docs/archives/reportArchives.pdf](http://ec.europa.eu/comm/secretariat_general/edoc_management/docs/archives/reportArchives.pdf)

<sup>3</sup> OJ L 312, 29.11.2005, pp. 55-56 ; see : [http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l\\_312/l\\_31220051129en00550056.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l_312/l_31220051129en00550056.pdf)

<sup>4</sup> COM(2006) 173 of 25.04.2006. *i2010 eGovernment action plan. Accelerating eGovernment in Europe for the Benefit of All*

the confidence that these records are authentic and reliable. The i2010 eGovernment action plan considers electronic archiving a priority key enabler for eGovernment in Europe.

The update and development of MoReq2 will be undertaken in the framework of the IDABC programme.<sup>5</sup>

MoReq2 will be developed in co-operation with the DLM-Forum, a stakeholder organisation that unites many of the National Archives of the EU Member States and other public and private organisations interested in electronic records management and archives.

## **I.2 PURPOSE OF THE CONTRACT**

### ***I.2.1 Objectives for MoReq2***

The objective of this call for tender is to update and extend the functional requirements of the original specification within a European context, and to support a compliance scheme by:

- extending and strengthening MoReq with important new areas of requirements;
- updating existing areas of the requirements by enhancing them to meet the latest best practice;
- ensuring that the functional requirements are testable and developing test materials to enable products to be tested for compliance with the requirements
- making the requirements modular to assist application in the various environments in which they will be used.

### ***I.2.2 Nature of the Update***

To provide compatibility, MoReq2 is to be an evolutionary update to the original MoReq, not a radically different product. Accordingly it is to:

- Maintain a focus on systems with good user interfaces intended to include the management of live electronic records;
- Be based on the original MoReq;
- Take into account developments since the original MoReq, in particular updates to source documents and potential further source documents, such as:
  - ISO 15489;
  - UK TNA 2002 specification;
  - German DOMEA CONCEPT standard;
  - Norwegian NOARK;
  - Swedish Transfer Method;
  - Dutch REMANO;
  - Finnish Sahke-project;
  - Update to US Department of Defense standard (DoD) 5015.2.
- Correct errors, resolve ambiguities;

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<sup>5</sup> OJ L181 of 18.05.2004, pp. 25-35; Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC); see: <http://ec.europa.eu/idabc/en/document/3430/3>

- Extend functionality in specified areas, to the extent appropriate for a live records management solution;
- Be testable;
- Contain improvements to reflect lessons learned in applying MoReq;
- Be compatible with the original MoReq, save perhaps for a small number of acknowledged incompatibilities.

### ***1.2.3 Summary of the extension and updates in MoReq2***

A number of key requirements for the development of MoReq2 have been identified and are set out in an extensive scoping report which will serve as guidance for the contractor (see point I.2.7). In summary these requirements include the following:

- Updating the base requirements of the original model requirements and the development of accompanying test scripts. The base requirements contain the minimum necessary to provide credible electronic records management. The updates are to include the entity-relationship model and the section on the access control model. The contractor will also be expected to review the requirements for compliance with ISO15489 and internal consistency.
- adding of sections, as optional modules, on
  - integration with content management systems, particularly control of website material;
  - case work;
  - offline and remote working;
  - definition and description of record keeping processes;
  - fax integration;
 and developing accompanying test scripts.
- updating the existing sections, as optional modules, on
  - the management of non-electronic (physical) records and hybrid files;
  - document management and collaborative working;
  - integration with workflow;
  - electronic signatures, encryption and electronic watermarks (digital rights management);
  - interoperability and openness;
  - distributed operations;
 and developing accompanying test scripts.
- updating and extending the annex on the relationship to other standards and guidelines;
- adding two new appendices on changes from the original model requirements and metadata/requirements reconciliation.

### ***1.2.4 The development of testing materials***

MoReq will be extended to include compliance testing. This is seen as vital to upholding the influence of MoReq by allowing suppliers to unequivocally demonstrate their compliance. The contractor will develop test materials to ensure consistency of compliance testing.

Test scripts and associated testing materials are to be produced by the developer as a combined deliverable with the base and optional modules of the requirements, to cover all the functional requirements.

The intention is that the testing materials will be usable:

- by a generic (European-level) compliance testing regime for packaged software, which the DLM Forum expects to establish;
- by the user community, to test specific implementations.

The testing materials are expected to be packaged in testing modules. Each module of the testing materials will accompany the relevant module of the MoReq2 functional requirements.

The test materials are to be formal, published documents constituting the starting point of standard tests, irrespective of who will be doing the tests. They will need to include testing scripts with detailed steps, the documented results expected, and estimates of the elapsed times and effort needed for running each testing module against a typical software product.

### ***1.2.5 Arrangement of the model requirements in modules***

MoReq is already widely used across Europe. It is therefore important that it has a certain degree of flexibility to take account of, for example, different legal requirements with regard to records management, different records management traditions and different needs. MoReq2 should be developed as a modular specification that can be tailored to different environments.

Some of the modules will form an essential, or “base”, part of the specification. These base modules will contain the minimum necessary to provide credible electronic records management. Other modules will be optional, meaning that their applicability will depend on circumstances.

Both the base and optional modules will contain mandatory and desirable requirements.

### ***1.2.6 Presentation***

In order to maximise continuity, the structure of MoReq2 should be similar to the structure of the original MoReq. The numbering of chapters and sections should be the same as in the original version except where new sections are added, as indicated in the scoping report (see point I.2.7), or where sections need to be re-sequenced for logical presentation of the information lifecycle.

MoReq2 requirements should be presented in a format similar to the format of the original specification, namely a series of requirements, clearly stated, in tables for ease of use, and in editable form. Furthermore, many requirements in the original MoReq are followed by a rationale. This approach should be followed in MoReq2. Rationales are to be included wherever they will be helpful. In general, it is expected that new requirements will have a rationale and that the rationales of some existing requirements will be expanded.

MoReq2 should explicitly indicate changes from the original MoReq in a way which:

- highlights any change which is not backwards-compatible with the original MoReq;
- allows software developers and others to identify changes easily;
- allows other users to read and use MoReq2 without undue distraction.

### ***1.2.7 Scoping Report***

In agreement with the European Commission the DLM Forum undertook an extensive review of what would be necessary for an update and expansion of MoReq. This led to a detailed scoping report for the development of MoReq2. The report is based on an extensive consultation of stakeholders and sets out which sections of the original MoReq need to be updated and where additions to the existing model are required.

The Scoping Report is attached as annex 9 to this tendering specification. It is available at: [http://ec.europa.eu/transparency/archival\\_policy/moreq/index\\_en.htm](http://ec.europa.eu/transparency/archival_policy/moreq/index_en.htm).

The scoping report contains a set of detailed instructions for the developer, particularly where a need to consider an extension or a change has been identified. These are presented within a complete set of headings for MoReq2 based on the structure of the original model requirements.

The scoping report provides strong guidance for the developer

The contractor will be able to vary the structure and content contained in the report, but only by negotiation. Any proposed additions or changes to the structure and/or content of MoReq2 need to be fully justified by the contractor and approved by the Commission, which will consult the DLM-Forum on any such proposals.

### **I.3 DELIVERABLES AND TIMETABLE**

The contractor shall nominate a Contract Project Manager to have on his/her behalf overall responsibility for the completion of the contract.

The working language for this project will be English and all communications between the contractor and the Commission as well as all the deliverables to be provided by the contractor shall be in English.

Proposals should show a clear understanding of what is required for the development of MoReq2, notably also with regard to the production of the test materials, and should propose the methodology whereby MoReq2 and the testing materials will be developed.

As part of their response, contractors should provide a draft **project management plan** including a planning of the tasks and a detailed roadmap for the production of the deliverables and for performing the activities described in this tendering specification. The plan will be discussed at the kick-off meeting (see below) and a finalised version must be submitted no later than two weeks after that meeting. It shall be updated whenever required for the duration of the contract.

The project management plan should take into consideration all the aspects necessary for the smooth operation of the project, notably with regard to the management of human resources, quality management and the management of the timetable and deadlines. It should provide details on the contractor's project organisation, project staff, how the contractor intends to implement the project and the allocation of resources, including the allocation of professional profiles to carry out the tasks specified in the offer. It should furthermore contain all the elements necessary to ensure sound project management including the procedures to be observed and the tools for monitoring quality and progress of the project.

### ***1.3.1 Meetings***

Strict project management in accordance with the project management plan will be assured through regular meetings between the contractor and the Commission.

A kick-off meeting will be held in Brussels not more than two weeks after the signing of the contract by the Commission to discuss the draft project management plan.

It is expected that 3 (three) additional meetings will be needed where the progress of the project and the interim results will be presented and evaluated. The contractor should propose a schedule of these meetings. This schedule may be reviewed at the kick-off and at subsequent meetings.

A fifth and final meeting will take place within thirty days of the submission of the draft final version of MoReq2 and the test materials.

The contractor will be responsible for writing the minutes of these meetings.

It is expected that all meetings will take place in Commission premises in Brussels.

### ***1.3.2 Role of the DLM-Forum***

MoReq2 will be developed in co-operation with the DLM-Forum, a stakeholder organisation that unites many of the National Archives of the EU25 and other public and private organisations interested in electronic records management and archives.

During the development of MoReq2 the Commission will ask the DLM-Forum to provide advice based on their experience in the area of electronic records management. The interim version and final draft of MoReq2 as well as the test materials will be reviewed by experts from the DLM Forum assisting the Commission Services. They will provide quality assessments of the work performed and guidelines for future deliverables. The Commission may also invite, at its cost, one or more experts from the DLM Forum to participate in the kick-off and review meetings.

It should nevertheless be noted that the approval and acceptance of all deliverables, interim deliverables, reports, etc. lies with the Commission. The DLM Forum or any representative thereof will act solely in an advisory capacity.

### ***1.3.3 Reports and documents***

All reports and documents must be delivered in English.

#### **1. Project management plan (see above)**

The draft project management plan will be discussed at the kick-off meeting and a finalised version must be submitted no later than two weeks after that meeting. It shall be updated whenever required for the duration of the contract.

## 2. Minutes of meetings

The contractor will provide the minutes of the kick-off and subsequent project management meetings within ten days of those meetings.

## 3. Monthly reports

The contractor shall produce monthly progress reports, which shall demonstrate in a concise way the progress reached so far according to the milestones defined for a given period. It shall tackle the main issues encountered and the solutions applied/proposed. It shall also cover management and contractual issues, if any.

These reports shall include:

- the current status of the project;
- a log and analysis of any problems experienced and corresponding corrective actions, taken or proposed;
- factors which enable or inhibit progress towards satisfaction of the objectives defined;
- any actions to be taken by the Commission;
- an updated gantt chart;
- a breakdown of resources used.

The contractor shall submit progress reports every month, for the duration of the contract.

## 4. Interim version MoReq2

The interim version of MoReq2 showing progress of the project shall be submitted to the Commission by e-mail at the latest five months after the date of signature of the contract.

The interim version shall contain intermediate results, including at least an updated and revised draft of the sections 1, 2, 3, 10, 12 and 13 of MoReq as well as the associated test scripts for these sections.

The Commission shall have thirty days from receipt to approve or reject the interim version. Within thirty days of receiving the Commission's observations, the contractor will submit additional information or another interim version of MoReq2.

## 5. Test materials

Tenderers should include a schedule for the completion of the test materials for each module in their offers.

Test materials for each module should be sent to the Commission for review and comments as soon as they are completed. The Commission shall have thirty days from receipt of the test materials to approve or reject them. Within thirty days of receiving the Commission's observations, the contractor will submit additional information or a revision of the test materials concerned.

## 6. MoReq2

The agreed update and extension of the Model Requirements for the management of electronic records as set out in these specifications and the scoping report and the accompanying test materials must be submitted to the Commission not later than **ten (10) months** after the signature of the contract.

The Commission will then have thirty days to accept the final deliverable. The contractor will have thirty days to update the final deliverable with any observations made by the Commission.

MoReq is currently made available in both MS Word and .PDF formats and it is envisaged the MoReq2 should be presented to the Commission by the contractor in these two formats.

### ***1.3.4 Presentation at the DLM-Forum members meeting***

The contractor will present MoReq2 at two DLM Forum members meetings:

- a first presentation in Berlin, Germany, in the period April to June 2007 concerning the approach to the project by the contractor, a discussion of the interim results and future steps;
- a second presentation will take place in Slovenia during the first semester 2008, after the completion of the work. The contractor will present and discuss the final product.

### **I.4 STARTING DATE OF THE CONTRACT AND DURATION OF THE TASKS**

The contract shall enter into force on the date on which it is signed by the last contracting party. It is expected to be signed before the end of 2006.

The duration of the tasks shall not exceed **12 months** following the signature of the contract. This period is calculated in calendar days. The period of execution of the tasks may be extended only with the written agreement of the contracting parties before the end of the period originally stated in the contract.

The execution of the tasks may not start before the contract has been signed.

### **I.5 PLACE OF PERFORMANCE**

The tasks will be performed on the Contractor's premises. However, meetings between the contractor and the Commission may be held on Commission premises in Brussels and presentations of MoReq2 will be given by the Contractor in Berlin and Slovenia (see above).

## **II. TERMS OF CONTRACT**

In drawing up his offer, the tenderer should bear in mind the provisions of the draft contract attached to this invitation to tender (annex 5). Any limitation, amendment or denial of the terms of contract will lead to automatic exclusion from the procurement procedure.

The Commission may, before the contract is signed, either abandon the procurement procedure or cancel the award procedure without the tenderers being entitled to claim any compensation.

### **II.1 TERMS OF PAYMENT**

Payments shall be made in accordance with the provisions specified in the draft service contract (annex 5).

### **II.2 FINANCIAL GUARANTEES**

Not applicable

### **II.3 SUBCONTRACTING**

If the tenderer intends to subcontract part of the service, he shall indicate in his offer which part will be subcontracted and to what extent (% of the total contract value).

The offer must clearly identify the subcontractor(s) and document their willingness to accept the tasks and their acceptance of the terms and conditions set out in point 5 of the invitation to tender, in particular article II.17 of the standard service contract.

Tenderers must inform the subcontractor(s) and include in their subcontracting documents that Article II.17 of the standard service contract (annex 5) may be applied to subcontractors.

Once the contract has been signed, Article II.13 of the above-mentioned service contract shall govern the subcontracting.

### **II.4 LEGAL FORM TO BE TAKEN BY THE GROUPING OF SERVICE PROVIDERS TO WHOM THE CONTRACT IS AWARDED (IF APPLICABLE)**

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortium) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid. If awarded, the contract will be signed by the company of the person heading the project, who will be, vis à vis the Commission, the only contracting party responsible for the performance this contract.

Tenders from a consortium of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member of the consortium or group. Each member must provide all the necessary documents for assessing the bid as a whole with regard to the exclusion criteria, selection criteria (all of them) and award criteria.

### III. FORM AND CONTENT OF THE TENDER

#### III.1 GENERAL

Tenders must be written in one of the official languages of the European Union.

Tenders must be clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled, etc). Since tenderers will be judged on the content of their written bids, these must make it clear that they are able to meet the requirements of the specifications.

#### III.2 STRUCTURE OF THE TENDER

All tenders must include three sections, i.e. an administrative, a technical and a financial proposal.

##### *III.2.1 Administrative proposal*

This section must provide the following information, set out in the standard identification forms attached to these tender specifications (annexes 1, 2 and 3):

- Tenderers' identification (annex 1)
  - All tenderers 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.
  - If the tenderer is a natural person, he/she must provide a copy of the identity card/passport or driving licence and proof that he/she is covered by a social security scheme as a self-employed person.

*Each service provider (including subcontractor(s) or any member of a consortium or grouping) must complete and sign the identification form in annex 1 and also provide the documents mentioned above. However, the subcontractor(s) shall not be required to fill in or provide those documents when the services represent less than 20% of the contract.*

- Financial identification (Annex 2)

The **bank identification form** must be filled in and signed by an authorised representative of the tenderer and his/her banker. A standard form is attached in annex 2 and a specific form for each Member State is available at:

[http://ec.europa.eu/budget/execution/ftiers\\_en.htm](http://ec.europa.eu/budget/execution/ftiers_en.htm)

In the case of a grouping, this form must only be provided by the person heading the project.

- Legal entities (Annex 3)

The legal entity form in annex 3 must be filled in and should be accompanied by a number of supporting documents (as indicated in the form). There are separate forms

for individuals, private entities and public entities. Specific forms for each Member State are available at:

[http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)

In the case of a grouping, this form must only be provided by the person heading the project.

The Commission reserves the right, however, to request additional evidence in relation to the bid submitted for evaluation or verification purposes within a time-limit stipulated in its request.

### ***III.2.2 Technical proposal***

This section is of great importance in the assessment of the bids, the award of the contract and the future execution of any resulting contract.

Some guidelines are given above in section I of these specifications, but attention is also drawn to the award criteria, which define those parts of the technical proposal to which the tenderers should pay particular attention. The technical proposal should address all matters laid down in the specifications and should include models, examples and technical solutions to problems raised in the specifications. The level of detail of the tender will be extremely important for the evaluation of the tender. Tenderers must present in their bids proposals with regard to the methodology, planning and the organisation of the work to be carried out.

The technical proposal must meet the technical specifications set out in section I above and provide, as a minimum, all the information needed for the purpose of awarding the contract.

### ***III.2.3 Financial proposal***

All tenders must contain a financial proposal (see annex 7). The tenderer's attention is drawn to the following points:

- **Prices must be expressed in euros;**
- **Prices should be quoted free of all duties, taxes and other charges**, i.e. also free of VAT, as the Communities are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 (OJ L 152 of 13 July 1967). Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Community is exempt from VAT;

- **Prices shall be fixed and not subject to revision;**

- The **maximum budget** available (amounts a and b below) for this project is **€300 000**;
- The reference price for the award of the contract shall consist of **two amounts**:

a) **The amount in payment of the tasks executed** as stated in article I.3.1 of the contract.

For each category of staff involved in the project, the tenderer must specify:

- the total labour costs;
- the daily rates and total number of days (man/days) each member of staff will contribute to the project;
- other categories of costs, except for the costs specified under point b) below, indicating the nature of the cost, the total amount, the unit price and the quantity.

b) **The amount corresponding to the reimbursable expenses.**

This amount, referred to in Article I.3.2 of the draft service contract (annex 5), corresponds to the travel and subsistence expenses directly connected with the execution of the tasks under the contract which are incurred by the Contractor.

In any event, this amount is the **maximum** amount that can be reimbursed for the expenses incurred.

Reimbursable expenses are expenses incurred for travel and subsistence listed in the technical specifications in accordance with the rules set out in Article II.7 of the draft service contract (annex 5). The daily rates applicable to subsistence expenses are set out in Article I.3.2 of the draft service contract.

This amount will be estimated on the basis of the articles of the draft service contract referred to above and the information given in part I.3 above. In the bid it must be indicated separately from the amount stipulated in a).

In accordance with section I.3.1 of the specifications, the contractor will be expected to attend 5 meetings in Brussels on Commission premises (up to two people will be participating for the contractor):

- a kick-off meeting
- 3 (three) additional review meetings, and
- a final meeting after the submission of the draft final deliverable.

In addition (see section I.3.4) the contractor is expected to present MoReq2 to a DLM Forum members meeting in Berlin, Germany, in the period April-June 2007 and in Slovenia during the first semester of 2008.

**Bids involving more than one service provider must specify the amounts under a) and b) for each provider.**

**Tenderers should use the table in annex 7 to formulate their financial proposal.**

**All tenders must contain all the information and all the supporting documents required by these specifications.**

**In the absence of the required information or documents, the Commission may disqualify the bid.**

**The Commission reserves the right, however, to request additional evidence in relation to the bid submitted for evaluation or verification purposes within a time-limit stipulated in its request.**

#### **IV. ASSESSMENT AND AWARD OF THE CONTRACT**

The assessment will be based on each tenderer's bid. In addition the Commission reserves the right to use any other information from public or specialist sources.

All the information will be assessed in the light of the criteria set out in these specifications and will be carried out in three successive stages. Only bids meeting the requirements of one stage will be examined in the next stage

The aim of each of these stages is:

- 1) to check on the basis of the exclusion criteria, whether tenderers can take part in the tendering procedure;
- 2) to check on the basis of the selection criteria, the technical and professional capacity and economic and financial capacity of each tenderer;
- 3) to assess on the basis of the award criteria each bid which has passed the exclusion and selection stages.

##### **IV.1 STAGE 1 – APPLICATION OF THE EXCLUSION CRITERIA (EXCLUSION OF TENDERERS)**

To demonstrate that there are no grounds for disqualification on the basis of the exclusion criteria, tenderers need to provide the evidence listed in section IV.1.3 below and return the standard form in annex 4.

###### ***IV.1.1 Declaration***

Tenderers or their representatives must fill in and sign the form in Annex 4 to these specifications. By completing this form, tenderers:

- state whether or not they are in one or more of the situations described in the form; and
- undertake to submit to the Commission any additional document relating to the exclusion criteria that the Commission may see fit to request.

Where the bid involves more than one service provider, each provider must provide the evidence (see IV.1.3) and the form. For subcontractors only the form must be provided, but the Commission reserves the right to request the evidence specified in IV.1.3.

***Any total or partial omission for which one or more service providers involved in the tender are responsible may lead the Commission to exclude the tender from the procedure, in accordance with Articles 93 and 94 of the Financial Regulation.***

#### ***IV.1.2 Grounds for disqualification***

In accordance with Articles 93 and 94 of the Financial Regulation<sup>6</sup>, tenderers shall be excluded from the selection and award procedures if they do not satisfy criteria a) to f) specified in the standard form in annex 4.

In addition, contracts may not be awarded to tenderers who, during the procurement procedure are subject to a conflict of interest (criteria g) or are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information (criteria h).

#### ***IV.1.3 Evidence***

The form in Annex 4 describes the evidence that must be provided together with the form.

This form shall be a satisfactory evidence for all cases where the declaration on oath is the only solution to provide such evidence, as far as it has been issued before a judicial or administrative authority, a notary or a qualified professional body in his or her country of origin or provenance.

The Commission reserves the right to check the above information. By returning the form in Annex 4, duly signed, tenderers undertake to send to the Commission, within seven calendar days following the receipt of the Commission's request, any additional document the Commission considers necessary to perform its checks.

#### ***IV.1.4 Administrative and financial penalties***

By returning the form in Annex 4, duly signed, tenderers confirm that they have been notified of the following points.

Administrative or financial penalties may be imposed by the Commission on tenderers who are in one of the cases of exclusion provided for in IV.1.2 above after they have been given the opportunity to present their observations.

These penalties are detailed in Article 96 of the Financial Regulation<sup>7</sup> and Article 133 of the Regulation laying down the rules for the implementation of the Financial Regulation<sup>8</sup>. We invite tenderers to read carefully those two articles.

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<sup>6</sup> OJ L 248 of 16.09.2002, p. 1.

## **IV.2 STAGE 2 – APPLICATION OF THE SELECTION CRITERIA (SELECTION OF TENDERERS)**

This part of the tender concerns the criteria and evidence relating to the technical and professional capacity and economic and financial capacity of the service provider(s) involved in the bid. It should also contain any other document that the tenderer(s) wish(es) to include by way of clarification.

To be eligible, the tenderers must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tender. If several service providers are involved in the bid, each of them must have and show that they have a) the required economic and financial capacity, and b) the professional and technical capacity to perform the tasks assigned to them in the tender.

### ***IV.2.1. Economic and financial capacity of the service provider(s) – evidence required***

Tenderers must have sufficient economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract.

Tenderers must provide proof of their financial and economic capacity by means of the following documents:

- a balance sheet or extracts from balance sheets from the last three years and a statement of overall turnover for the last three financial years;

This rule applies to all service providers, regardless of the percentage of tasks they intend to execute, once they have chosen to submit a tender. However, if the tender includes subcontractors whose tasks represent less than 20% of the contract, those subcontractors are not obliged to provide evidence of their economic and financial capacity.

If, for some exceptional reason which the Commission considers justified, a tenderer is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the Commission considers appropriate. In any case, the Commission must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

### ***IV.2.2. Technical and professional capacity of the service provider(s) - evidence required***

The ability of service providers to perform services will be assessed in particular with regard to their know-how, efficiency, experience and reliability, notably on the basis of the following criteria:

- 1 Relevant human resources available to perform the tasks described in the technical specifications (section I). The offer should specify the qualifications of the staff on the project team and the relevance of these qualifications for bringing the project to a successful conclusion. This includes both the qualifications required for the

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<sup>7</sup> OJ L 248 of 16.09.2002, p. 1.

<sup>8</sup> OJ L 357 of 31.12.2002, p. 1.

management of the project and for the development of MoReq2 and the associated testing materials. As the working language of the project is English and all reports and documents are to be provided in English, the project staff should have a very good command of the English language.

- 2 At least one person of the project team should demonstrate a minimum of five years professional experience in the area of electronic records management, preferably including experience in the definition of the functional specifications and/or design of ERMS and/or compliance testing of ERMS. Publications in relevant areas of electronic records management should be listed.

Evidence of the technical and professional capacity of the providers involved in the tender may be furnished on the basis of the following documents:

- a) **the educational and professional qualifications** of the service provider or contractor and/or those of the firm's managerial staff and, in particular, those of the person or persons responsible for carrying out the tasks. The European curriculum vitae format (annex 6) should be filled in and signed by each person involved in the execution of the tasks foreseen in the tender. The precise link with the tenderer and the involvement in the project (tasks, responsibilities) should be described (e.g. in the project management plan).
- b) Where applicable, publications in relevant areas of electronic records management by the staff responsible for the execution of the project.
- c) **a list of the services carried out in the last three years**, with the sums, dates and place.
- d) A statement of the **average annual manpower and the number of managerial staff** of the contractor in the last two years;
- e) An indication of the proportion of the contract which the service provider may intend to subcontract.

By submitting a tender, each service provider involved therein accepts the possibility of a check being carried out by the Commission on its technical and professional capacities and, if necessary, on its facilities and quality control measures.

***Tenderers' attention is drawn to the fact that any total or partial omission of information for which one or more service providers involved in the tender are responsible may lead the Commission to exclude the tender from the rest of the procedure.***

#### **IV.3 STAGE 3 – APPLICATION OF THE AWARD CRITERIA (ASSESSMENT OF TENDERERS)**

The contract will be awarded to the most cost-effective tender. The following criteria will be applied:

No	Qualitative award criteria	Weighting (maximum points)
1	Understanding of the objectives. This criterion serves to assess whether the tenderer has fully understood all aspects of the work required by the contract. Proposals should show a clear understanding of what is required for the development of MoReq2, notably also with regard to the production of the test materials	25
2	Clarity, quality, consistency and appropriateness of the tenderer's approach and the proposed methodology whereby MoReq2 and the testing materials will be developed	25
3	Quality and relevance of the resources allocated, task descriptions and allocation of tasks to relevant professional categories	30
4	Clarity, quality, relevance and consistency of the draft project management plan and the proposed project management procedures	20
<b>Total number of points</b>		<b>100</b>

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

**Tenders scoring less than 70 % in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure.**

Award criterion
Total price

**Tenders presenting a total price superior to the maximum amount of 300.000 € will be excluded from the rest of the assessment procedure.**

The contract will be awarded to the tender which is the most cost-effective (offers the best value for money) on the basis of the ratio between the total points scored and the price.

Final Evaluation
<i>Total Quality Points/Price</i>

Since assessment of the tenders will focus on the quality of the proposed services, tenders should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of the requirements set out in these specifications and the scoping report, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are

not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

#### **IV.4 INFORMATION FOR TENDERERS**

The Commission will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to recommence the procedure.

If a written request is received, the Commission will inform all rejected tenderers of the reasons for their rejection and all tenderers submitting an admissible tender of the characteristics and relative advantages of the selected tender and the name of the successful tenderer.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

#### **IV.5 AWARD OF THE CONTRACT**

The procurement procedure is concluded by a contract signed by the parties. In this case, the General Terms and Conditions applicable to service contracts referred to above shall apply.

After the period of validity of the tender has expired, conclusion of the contract shall be subject to the tenderer's agreement in writing.

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#### **Annexes**

- 1 Identification of the tenderer
- 2 Financial identification
3. Legal entity
- 4 Declaration by the tenderer relating to the exclusion criteria
- 5 Draft contract
- 6 European curriculum vitae format
- 7 Table for the financial proposal
- 8 Model requirements for the management of electronic records, Brussels-Luxembourg, 2001
- 9 Scoping report for the development of the Model Requirements for the management of electronic records (MoReq2)