



**Guide for candidates:
Selection of candidates to be invited to submit an offer**

Call for Tenders

**LISA/2016/RP/02- EURODAC MWO
Framework Contract for the maintenance in working order of the EURODAC system
(Restricted Procedure - Article 104 (1) (b) Financial Regulation,
Article 127 (2) paragraph 2 Rules of Application)**

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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" and "contracting authority"
Procedure	Restricted procedure
Purpose	Framework Contract for the maintenance in working order of the EURODAC system
Lots	This call for tenders has <u>one</u> single lot.
Volume (indicative)	The estimated volume is EUR 22,690,000.00 for the entire maximum duration of the framework contract including renewal. The Agency may exercise the option to increase this estimated maximum volume at a later stage via negotiated procedure with the successful tenderer in accordance with Art. 134 (1) (e) of the Rules of Application of the Financial Regulation.
Contracts	eu-LISA will sign a <u>single</u> framework contract with the successful tenderer.
Submission of candidature/offer	Each candidate/tenderer can only submit <u>one</u> candidature/offer.
Duration of framework contract	The duration of the framework contract shall be three (3) years. The framework contract may be renewed three times for a maximum period of one (1) year each. (3+1+1+1)
Main places of delivery	eu-LISA's premises in Strasbourg, France and Sankt Johann im Pongau, Austria.
Particulars of delivery	Delivery must be in conformity with the placed orders. Services will normally be carried out during normal working days and normal working hours; however, the delivery of certain services outside the normal working days and normal standard working hours may be required.
Variants	Not permitted.
Joint candidatures/offers	Permitted.
Subcontracting	Permitted. However, any intention to subcontract must be clearly announced in the request to participate.

2. BACKGROUND

This document is designed to guide candidates in the submission of their candidatures in response to a call for tenders aimed at awarding a framework contract for maintenance in working order of the EURODAC system.

The subject of this call for tenders is outlined in the Executive Summary, attached as Annex I to the present document. The Tender Technical Specifications (TTS), which will be provided to candidates admitted to the second phase of this Restricted Procedure, will further detail the scope of services of the envisaged framework contract.

The contract notice explicitly mentions the procedure and the award criteria.

3. CALL FOR TENDERS PROCEDURE

Selected procedure: Restricted procedure (two phases)

The present call for tenders follows the restricted procedure in terms of Article 104 (1) (b) of the Financial Regulation applicable to the general budget of the European Union¹ and Article 127 (2) paragraph 2 Rules of Application².

The nature of a restricted Call for Tenders implies different steps, namely the assessment of candidates in the candidature/application phase and the assessment of the tenders/offers in the tender phase. More in particular, the procedure will comprise two phases and four main stages:

As regards the candidature phase (phase 1):

- (1) Eligibility of candidates
- (2) Exclusion of candidates
- (3) Selection of candidates
 - (a) Economic and financial capacity
 - (b) Technical and professional capacity

As regards the tender phase (phase 2):

- (4) Evaluation of tenders
 - (a) Technical evaluation
 - (b) Financial evaluation

This restricted procedure is open to any economic operator (candidate) coming from countries within the European Union and any other economic operator coming from a third country that has concluded with the European Union a specific agreement in the area of public contracts, under the conditions provided for in that agreement.

In practice, the participation of candidates from third countries that have concluded a bilateral or multilateral agreement with the European Union in the area of public contracts is allowed under the conditions provided for in that agreement.

In the candidature phase any interested economic operator having access to the European Union public procurements can be candidate and submit a request to participate containing only the documentation required for stage 1 (Eligibility), stage 2 (Exclusion) and stage 3 (Selection). These requests to participate are then assessed against the eligibility requirements, exclusion criteria and selection criteria outlined below. All candidates will be informed of the decision on their request to participate.

¹ 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 (Financial Regulation) (OJ L 298, 26.10.2012, p.1) as amended.

² Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (Rules of Application), (OJ L 362 of 31.12.2012, p.1) as amended.

In the tender phase (phase two) the pre-selected candidates are invited, simultaneously and in writing, to submit a tender that will be evaluated against the award criteria published in the contract notice and specified more in detail in the invitation to tender documents (stage 4, Evaluation). The contract is awarded once the offers have been assessed.

The present document (Guide for candidates) deals only with the candidature phase (phase 1). Once the successful candidates have been selected, they will receive an invitation letter to submit a tender (phase 2). This invitation will include the full set of tender documents including the technical specifications and the detailed award criteria. The reason for not disclosing the full package of the procurement documents in this stage is that the detailed technical specifications and related documentation (technical, architectural etc, Eurodac documents) are security sensitive and are treated as highly confidential.

General terms and conditions for submitting a request to participate

Submission of a request to participate in response to a restricted call for tenders implies that the candidate accepts all the terms and conditions set out in the invitation and its annexes and waives all other terms of business.

The contracting authority will not reimburse expenses incurred in preparing and submitting requests to participate.

Variants are not allowed.

Tax exemption

eu-LISA is exempt from all duties and taxes, in accordance with:

- Articles 3 and 4 of the *Protocol on the Privileges and Immunities of the European Communities* annexed to the Treaty;
- Article 15(10) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes, as last amended.

The Governments of the Member States grant this exemption either through refunds upon presentation of documentary evidence, or by immediate exemption. eu-LISA will give the successful tenderer instructions covering this point.

Availability of documents

The electronic version of the invitation to submit a candidature and all the annexes thereto (phase 1) are available at the following Internet address:

<http://www.eulisa.europa.eu/Procurement/Pages/OpenTenders.aspx>

No paper copy of these documents will be issued.

Answers to questions of general interest and any other important information about the call for tenders arising during the candidature phase will also be published on the eu-LISA website. Interested parties are invited to consult this site regularly until the deadline for submission of candidature.

The tender documents concerning the second phase of the call for tenders will be sent simultaneously to selected candidates by electronic means only. No electronic version of this documentation will be made available on eu-LISA website.

No obligation to award

Fulfilment of conditions for award will not oblige the contracting authority to award the framework contract.

The contracting authority shall not be liable for any compensation with respect to candidates and tenderers whose requests to participate or offers have not been accepted. The same applies in case the contracting authority decides not to award the contract.

4. THE CONTRACT**Framework contract**

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

Actual orders will be placed by means of specific contracts and/or service requests/order forms based on the framework contract.

Duration of the framework contract

The duration of the framework contract shall be three (3) years. The framework contract may be renewed three times for a maximum period of one (1) year each. (3+1+1+1).

The duration exceeds 4 years as the maintenance in working order (MWO) of a Large-Scale IT System is a complex undertaking which requires long set-up and transition from one contractor to another. In particular, disruption of business-critical service (such as those provided by Eurodac to the Member States) is a risk inherently associated with transition between contractors.

Estimate of all contracts signed under the framework contract

The maximum estimated volume/ceiling of the framework contract for its entire duration (including renewal) is EUR 22,690,000.00 (twenty-two million six hundred ninety thousand EUR). Any information on volume is purely indicative. The total value of the contract will ultimately depend on the orders that contracting authority will place through specific contracts and service requests/order forms. eu-LISA does not commit to place orders up to estimated value of the framework contract.

Place of performance and delivery

As a basic rule, the contractor will be requested to provide services at the locations of the central systems in Strasbourg, France and in Sankt Johann im Pongau, Salzburg, Austria. For certain services it will, however, be required that the contractor performs its own premises. Exceptionally, the contractor may be asked to perform services at other locations within the EU. In addition, the contracting authority may request the contractor to attend meetings in Brussels or Tallinn or other locations within the EU.

Performance guarantee

The contracting authority may decide to request a performance guarantee for certain specific contracts up to 5% of the value of the specific contract. Any such a request will be based on a risk assessment carried by the contracting authority on a case by case basis.

5. CONFIDENTIALITY AND SECURITY OF THE PROJECT AND THE CALL FOR TENDERS

Confidentiality of tender documents

The content of the technical specifications will be confidential and the preselected candidates/tenderers will have to treat them as such. Unauthorised disclosure of any information received from the contracting authority in the framework of this call for tenders to third parties will result in the tenderer's exclusion.

To this end, each legal entity involved in the candidature (i.e. members of groups and/or subcontractors) is required to submit the signed "declaration of confidentiality" (Attachment 2 to the Standard Submission Form –Annex II).

Confidentiality under the framework contract

Prior to the signature of the framework contract the contracting authority will ask the successful tenderer to obtain a written confidentiality and security undertaking from each member of its staff, board and directors. By means of this undertaking the tenderer's staff will have to declare that they will respect the confidentiality of any information which is linked, directly or indirectly, to the execution of the tasks. Moreover, they will have to declare not to divulge to third parties or use for their own benefit or for the benefit of any third party any document or information not available publicly, even after completion of the tasks.

Obligatory security clearance

The contractor is expected to work and deliver at the Operations Centre in France and the back-up centre in Austria, which are highly secured zones. All personnel of the successful tenderer working in the project, including remotely from the contractor's premises, must hold a positive security clearance at least at EU Secret level issued by a National Security Authority prior to providing services under the framework contract. The same is valid for the successful tenderer on the company level. Candidates who are invited to phase 2 of the restricted procedure will have to commit to this requirement for the implementation of the contract. It is the responsibility of the contractor to be aware of and to anticipate the vetting procedure constraints that are specific to the originating countries of proposed personnel. Such vetting procedure will have to be carried out by the contractor at no extra cost to eu-LISA.

IT Standards, procedures and compliance with the applicable environmental social and labour obligations.

The candidates must have quality procedures in place conforming EN29000 (ISO 9000) or equivalent.

The Contractor must comply with ITSM best practices and deliver according to the ITIL framework/ ISO/IEC 20000 Standards and Prince2 Project Management Methodology or equivalent.

The candidates must comply with applicable environmental, social and labour law obligations.

6. PREPARATION AND STRUCTURE OF THE APPLICATION

6.1 General conditions and form of application

Applications must be:

- written in one of the official languages of the European Union;
- clear and concise, with continuous page numbering, and assembled in a coherent fashion (but not bound or stapled);
- perfectly legible in order to rule out any doubt whatsoever concerning the words or figures;

- drawn up by using the Standard Submission Form –Annex II to this document; provided forms must not be changed;
- accompanied with a cover letter signed by the candidate or his duly authorised agent.

Applications must be submitted in the requested quantity to the addressee and by the deadline as indicated in the invitation letter.

Both joint-candidatures and subcontracting are allowed in this call for tenders. Applications may even combine both modalities of participation. In any case, the application must specify very clearly, by means of the appropriate forms, detailed hereafter, whether each company involved in the candidature is acting as a member in a joint-candidature or as a subcontractor (this also applies where the various legal entities involved are part of the same group, or even where one is the parent company of the others).

6.2 Joint candidature and joint tender

The organisation of joint candidatures, irrespective of the legal form is at the sole discretion of the involved legal entities, provided that this does not infringe the rules of public procurement and fair competition.

Please note that one company cannot be member of two different groupings. However, a company may be:

- Member of one grouping, and/or
- Sub-contractor to different groupings.

If candidates intend to submit a joint candidature with a view to submitting a joint-tender during phase 2, they must mention this fact in their candidature, together with any other relevant information in this respect. They must specify the entity leading the grouping. The party identified as the leader of the group shall be responsible for the receipt and processing of payments for members of the grouping, for managing and coordination the contract administration. In this case, a power of attorney shall be provided.

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

Statements claiming, for instance:

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

are thus incompatible with the principle of joint and several liability. The contracting authority will disregard any such statement, and reserves its right to reject such candidatures/tenders on the grounds of non-conformity with the rules of public procurement and fair competition.

Joint-candidatures must specify the role, qualifications and experience of each member of the group. Each applicant (including members of a consortium) must complete and sign the identification forms in Section 1 of the Standard Submission Form and provide all the necessary documents for assessing the candidature with regard to the exclusion criteria, selection criteria.

The joint tender itself must come from the same group of legal entities that submitted the request to participate ("joint candidature"), and only if that group is subsequently invited to submit a tender (phase 2). This means that the tender has to be submitted by the same entity that presented its request to participate, was selected and will be invited to submit a tender.

In case of a joint-candidature where a formal legal status has already been established, the candidate shall mention this fact in the candidature, together with any other relevant information in this connection.

In case of a joint-candidature where a formal legal status has not yet been established, the candidate shall be aware that eu-LISA may require the awarded tenderer to give a formal status to this collaboration 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).

Based on the above, for joint-candidatures, the candidate is required to provide a power of attorney, by using one of the two models³ depending on the set up that has been chosen.

6.3 Sub-contracting

If the candidate intends to resort to subcontracting, the candidature must include a document that clearly states the roles, activities and responsibilities of the proposed subcontractor(s), and the reasons why the candidate is envisaging subcontracting, as well as a letter of intent from each proposed subcontractor stating its intention to collaborate with the candidate in compliance with the terms and conditions set out in the tender documents.

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

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

If the application provides for subcontracting, the candidate must provide all information on subcontracting as requested in the Standard Submission Form.

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.

6.4 Structure of the application

The application must include three sections:

- 1) Administrative information on the candidate, any subcontractor or any member of a consortium or grouping);
- 2) Documents related to the exclusion criteria;
- 3) Documents related to the selection criteria:
 - Economic and financial capacity;

³ The models are provided under Section 1.4 of the Standard Submission Form (Annex II).

- Technical and professional capacity;
- 4) Declaration on confidentiality.

6.4.1 Section One: Administrative proposal

Administrative information

This section must provide the following information, as required in the Standard Submission Form (Section 1):

1) Applicant's identification (section 1)

Applicants must provide proof of registration, as prescribed in their country(ies) of establishment, in one of the professional or trade registers or provide a declaration or certificate.

Each applicant (including sub-contractor(s) or any member of a group must complete and sign the identification form in Section 1 of the Standard Submission Form and also provide the above-mentioned documents.

2) Legal Entity and Financial Identification Form

The legal entity and financial identification forms must be filled in and should be accompanied with a number of supporting documents indicated in the forms. These forms are available at the following links:

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

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

Only original documents or certified copies, which must be less than 6 months old, will be accepted.

All companies (except subcontractors) involved in the request to participate must provide their legal entity forms as well as the evidence mentioned above.

Only the candidate or, in case of a joint-candidature, only the leader of the group shall provide the financial identification form.

Subcontractors are not required to provide the legal entity form and the financial identification form and the above mentioned evidence.

6.4.2 Section Two: Exclusion criteria

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

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

- (a) are bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- (b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country

in which the contracting authority is located or those of the country of the performance of the contract;

- (c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
- (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - (ii) entering into agreement with other persons with the aim of distorting competition;
 - (iii) violating intellectual property rights;
 - (iv) attempting to influence the decision-making process of the contracting authority during the award procedure;
 - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- (d) it has been established by a final judgement that the person is guilty of any of the following:
- (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
 - (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;
 - (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;
 - (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;
 - (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
 - (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
- (e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- (f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- (g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
- i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the

responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;

ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;

iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;

iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or

v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

b) Evidence to be provided by the candidates

1. When submitting their application, each candidate (including declared subcontractor(s) or any member of a joint-candidature) 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 form in Section 2 of the Standard Submission Form (Annex III). Where the applicant is a legal entity, they 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 declared 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), production of a recent extract from the judicial record is required 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 situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates 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 person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

If the person already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

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 Early Detection and Exclusion System (EDES) will be consulted regarding all economic operators part of the candidates submitting an offer for Phase 1 of the present procedure.

6.4.3 Section Three: Selection criteria

To be eligible, the candidate must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tenders. To this end the tenderers shall also provide in the relevant part of the declaration referred to in Section b above.

A candidate may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case, evidence must be provided that it will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those entities to place those resources at its disposal.

Any tenderer with a professional conflicting interest which prevents it from performing the contract adequately may be rejected.

A. Economic and financial selection criteria

The financial and economic capacity of each candidate will be evaluated on the basis of the following criteria:

1. The candidate must have an overall annual turnover of at least 5,000,000 (five million) Euro in each of the past three years for which the accounts have been closed.
2. The candidate must have a valid professional risk indemnity insurance.

Evidences required

The candidate must provide proof of its financial and economic capacity by filling in the relevant parts of the Standard Submission Form (Annex II, section 3). In particular, the candidate shall provide the following evidence:

1. Balance sheets or extracts from balance sheets for the past three (3) financial years for which accounts have been closed, or equivalent documentation (where the law of the country in which the candidate is established does not require to publish balance sheets) and completed "Financial and Economic Capacity Overview Form" in section 3 of the Standard Submission Form. In case of conversion from currencies other than EURO, the rate to be used is the INFOEURO⁴ valid for the month in which the Contract Notice for the present call was published.
2. An insurance policy/certificate from the sole candidate or -in case of joint candidature- from each economic operator composing the grouping (excluding subcontractors), proving that the candidate is covered by a professional risk indemnity insurance which is valid at the time of submission of the

⁴ http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm

candidature, and, in case of contract award, a commitment to keep it valid for the entire duration of the contract.

If, for some exceptional reasons which eu-LISA considers justified, a candidate is unable to provide one or more of the above documents, it may prove its economic and financial capacity by any other relevant means of proof which eu-LISA considers appropriate. In any case, eu-LISA must at least be notified of the exceptional reason and its justification in the candidature. eu-LISA reserves the right to request any other document or further information enabling it to verify the candidate's economic and financial capacity.

B. Technical and professional selection criteria

Please note that in the scope of this section a large-scale IT system, as referred to in the technical selection criteria should have, at least, the following characteristics:

- More than 10 000 end users that directly or indirectly uses the data of the system
- The volume of data handle by the systems should be more than 4 million records/posts
- The stakeholders/users of the systems are geographically spread over a large area, preferably involving more than one country.
- The system has high-availability requirements of 24h/7days/365 days and a SLA over 99,5% for availability. The system handles both entering of data and queries to the data.

The technical and professional capacity of each candidate will be evaluated on the basis of the following criteria:

1. The candidate must have proven experience in the design and/or development and/or maintenance of large-scale IT Systems⁵ in at least 3 (three) entirely separate projects during the last 3 years.

Out of these three projects:

- a) at least 1 (one) must be related to a large-scale IT system that is considered as a critical infrastructure⁶ and preferably processes personal data;
- b) at least 2 (two) must have been operational for more than 1 (one) year;
- c) At least one of the installed reference system should be related to a system that uses fingerprint identification and possibly additional biometrics features.

Provided that the aforementioned minimum requirements are met, on-going projects may be taken into consideration, if these projects effectively started no later than 6 (six) months before the deadline to submit candidatures in response to this call.

2. The candidate must have the necessary technical capacity for performing the requested services in connection with the use and access to the AFIS core technology as described in point I.1.5 of Annex I (Executive Summary).
3. The candidate must have sufficient professional capacity to provide the requested services under the envisaged framework contract. The candidate must also ensure that the necessary individual resources will be available and mobilised throughout the entire duration of the framework contract. In particular, the candidate must have a minimum total number of 18 full-time staff members per each year in 2013, 2014 and 2015; these staff members must:

⁵ For the definition of the large scale IT system please refer to section VI.4.3.

⁶ A "Critical infrastructure" is broadly defined as an asset that is essential for the society in terms of economy, public safety or other relevant vital areas for the society. In this context it means an IT-system that is part of or is critically supporting such an infrastructure.

- match the profiles described in Annex 1 of the Executive Summary (Annex I)
- collectively cover all the profiles listed in Annex 1 of the Executive Summary (Annex I).

Evidences required

Candidates must provide proof of their technical and professional capacity by filling in the relevant parts of the Standard Submission Form (Annex II, section 4). In particular the candidate shall provide the following evidences:

1. A description of the projects referred to in section B.1 above. The project references must fulfil all the requirements stated in point 1 of *section B. Technical and professional selection criteria*. The references must be submitted by using the Project Reference Form provided in Attachment 1 to the Standard Submission Form.
2. Formal evidence that, in case of award of the contract, the candidate will have access, on commercial basis, to the AFIS core technology described in point I.1.5 of Annex I (Executive Summary) for the entire duration of the contract. In particular, the owner of the AFIS core technology may be involved in the candidate's application as a member of a joint-candidature or as a subcontractor; in the latter case a clear undertaking by the owner of the AFIS core technology to place the core technology at the candidate's disposal shall be provided.
3. Evidence of the criteria referred to in section B.3 above, including:
 - overall staff members,
 - the overall number of staff members with roles matching the requirements set for the profiles described in Annex 1 of the Executive Summary.

The candidate shall use the Staff Capacity Form provided in Section 4 of Standard Submission Form. The candidate should provide any other information they deem relevant to demonstrate that they will be capable of mobilising the necessary profiles during the entire duration of the contract. Candidates must not submit CVs as part of their candidature.

7 ASSESSMENT OF CANDIDATURES

A consolidated assessment shall be made for joint-candidature (all members of the group together) and in case of subcontracting (tenderer plus subcontractor).

7.1 Assessment of joint candidatures

Joint-candidatures will be assessed as follows:

- the exclusion criteria will be assessed in relation to each legal entity individually;
- the selection criteria for economic and financial capacity and for technical and professional capacity will be assessed in relation to the combined capacities of the tendering group as a whole.

7.2 Assessment of subcontractors

Candidatures including sub-contracting will be assessed as follows:

- the exclusion criteria will be assessed in relation to each legal entity individually;

- the selection criteria for the economic and financial capacity and for the technical and professional capacity will be assessed in relation to the combined capacities of the candidate and the sub-contractor as a whole to the extent that the sub-contractor puts its resources at the disposal of the candidate for the performance of the contract by producing a clear undertaking to place those resources at its disposal.

8 ADMINISTRATIVE AND FINANCIAL PENALTIES

- 9 Without prejudice to the application of penalties laid down in the contract, candidates who have been found guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or have failed to supply this information or have been declared to be in serious breach of their obligations under contracts covered by the European Union budget may be subject to administrative or financial penalties, in accordance with Articles 106 and 107 of the Financial Regulation.

10 ANNEXES

- Annex I - Executive summary
- Annex II - Standard Submission Form
- Annex III- Draft Framework Contract
- Annex IV- Service Requirements