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DYNAMIC PURCHASING SYSTEM (DPS) FOR IT CONSULTANCY IN THE FIELDS OF DATACENTRE OPERATIONS, DIGITAL WORKPLACE SOLUTIONS AND E-BUSINESS SOLUTIONS

DIGIT/A3/PR/2019/028 – DPS FOR IT CONSULTANCY

DPS SPECIFICATIONS

PREAMBLE

This document presents the Dynamic Purchasing System (DPS), which is a completely electronic process chosen by the European Commission (the contracting authority) for the procurement of IT Consultancy in the fields of Datacentre Operations, Digital Workplace Solutions and e-Business Solutions. The procedure is divided in three separate and independent DPSs as follows (globally referred to as "DPS for IT Consultancy"):

Technical domain 1: IT Consultancy in the field of Datacentre Operations,

Technical domain 2: IT Consultancy in the field of Digital Workplace Solutions,

Technical domain 3: IT Consultancy in the field of e-Business Solutions.

The DPS is a completely electronic process whose characteristics, governance and processes are described in chapters 1 to 5 of this document. The DPS is a form of restricted procurement procedure and occurs in two stages.

Stage 1: Participation in the DPS

Any economic operator (natural or legal person) can request to participate in the DPS by filling in an application on the Negometrix platform. The number of candidates is not limited. Economic operators can request to participate at any time throughout the duration of the DPS.

The contracting authority will assess the submitted applications. The contracting authority admits all candidates that satisfy the selection criteria and that are not subject to restrictive measures and are not in an exclusion situation, to become participants in the DPS.

The conditions for candidates to request participation in the DPS are detailed in section 2 of this document.

Stage 2: Tendering in mini-competitions

When the contracting authority wishes to use the DPS, it sets up a mini-competition in which participants can submit tenders for specific services. Only participants previously admitted in the DPS are invited to join a mini-competition and submit a tender. The contracting authority subsequently evaluates the submitted tenders. The present DPS specifications describe the general set-up for mini-competitions in the DPS. The precise scope and rules applicable to each mini-competition are specified in the tender specifications of the respective mini-competition.

At the conclusion of a mini-competition, the contracting authority may award a direct contract to the most economically advantageous tender on the basis of the award criteria.

Framework contracts or specific contracts are not applicable for this type of procurement procedure. The mini-competitions within the DPS will result solely in direct contracts.

The conditions for participants to join and submit tenders in mini-competitions within the DPS are detailed in section 3 of this document.

TABLE OF CONTENT

1 PRESENTATION OF THE DPS 6

1.1 Legal basis 6

1.2 Contracting authority 6

1.3 Definitions 6

1.4 Scope 7

1.4.1 Background 7

1.4.2 Nature of the purchase 9

1.4.3 Scope of the mini-competitions 9

1.5 Timeline 10

1.5.1 Timeline of DPS 10

1.5.2 Duration of the DPS 11

1.5.3 Duration of the direct contracts 11

1.5.4 Termination 11

1.6 Volume – How much do we plan to buy? 11

1.7 Service provision modes 11

1.7.1 Fixed Price (FP) 11

1.7.2 Quoted Time & Means (QTM) 12

1.7.3 Time & Means (TM) and Proximity Time & Means (PTM) 12

1.7.4 On-call services 12

1.8 Places of delivery 13

1.9 Training 13

1.10 Consultant's declaration 14

1.11 Electronic exchange system: can exchanges under the contract be automated? 14

1.12 Confidentiality of application/tender 14

1.13 Professional conflicting interests 15

1.14 Security 16

1.15 Product names and trademarks 17

2 STAGE ONE – PARTICIPATION IN THE DPS 17

2.1 Content of the application 18

2.1.1 Access to procurement: who may apply to the DPS? 18

2.1.2 Identification of the candidate 18
2.1.3 Groups of economic operators: how can economic operators organise themselves? 19
2.1.4 Exclusion criteria: who is eligible to participate? 24
2.1.5 Selection criteria: who is capable to participate? 24
2.2 Format of application 34
2.2.1 Timeline for application 34
2.2.2 Submission of application 34
2.3 Selection of participants 35
2.4 Rules for participation 35
2.4.1 Acceptance in the DPS 35
2.4.2 Rejection of participants 36
2.4.3 Withdrawal from the DPS 36
3 STAGE TWO – PUBLICATION OF MINI-COMPETITIONS 36
3.1 Content of tender 37
3.1.1 Technical offer 37
3.1.2 Financial offer 37
3.2 Format of tender 38
3.2.1 Timeline of mini-competitions 38
3.2.2 Submission of a tender 38
3.3 Questions about mini-competitions 38
3.4 Award of tender 39
3.4.1 Compliance with specifications 39
3.4.2 Award criteria 40
3.4.3 Award of direct contract 40
3.4.4 Validity of tenders submitted in mini-competitions 40
3.4.5 Online interviews 40
4 GOVERNANCE 41
4.1 Documents in the DPS 41
4.2 Electronic access to documents 41
4.3 Modifications of documents 41
4.4 Electronic submission 42

4.5 Electronic signatures 42
4.6 Signatories 43
4.7 Questions about the DPS 44
5 ROADMAP 44
6 LIST OF ANNEXES 46

1 PRESENTATION OF THE DPS

1.1 Legal basis

This procedure is governed by the provisions of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (the Financial Regulation, "FR")[1].

The contracting authority has chosen to award the contract resulting from this call for tenders through a restricted procedure, including through a dynamic purchasing system pursuant to Article 164(1)(b) of the Financial Regulation. A dynamic purchasing system shall be open throughout its duration to any economic operator who has access to procurement, is not subject to restrictive measures, is not in an exclusion situation, satisfies the selection criteria and whose requests to participate are administratively compliant. The contracting authority follows the rules of the restricted procedure for procurement through a dynamic purchasing system.

1.2 Contracting authority

This procurement procedure is launched and managed by the European Commission (the Commission, EC), referred to as the contracting authority for the purposes of this call for tender, assisted by its Directorate General for Informatics (DG DIGIT). It is intended for the initial use of DG DIGIT.

Other institutions, bodies and agencies (whether executive or non-executive) of the European Union will not be covered by this procurement procedure.

1.3 Definitions

For the purpose of this procedure, the following definitions apply:

TERM	DEFINITION
Candidate	An economic operator that has applied to take part in a DPS.
Participant	A successful candidate who was admitted by the contracting authority to access mini-competitions in a DPS.
Contractor	A participant who is awarded a contract at the conclusion of a mini-competition.

[1] Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

Consultant	The external service provider providing a service to the contracting authority under a contract resulting from a mini-competition.
Customer	The contracting authority's department that issues a mini-competition (e.g. DG DIGIT).
Mini-competition	Call for tenders launched by the contracting authority open to all the participants in a DPS.
DPS Specifications	Set of documents describing the general set-up for the Dynamic Purchasing System.
Tender Specifications of the mini-competition	Set of documents giving full details of the subject matter, conditions and organisation of a mini-competition including the technical specifications and criteria.
Involved entity	Depending on the specific circumstances, this can be the sole candidate, a group member, the group leader, an identified subcontractor or an entity on whose capacities the candidate relies to fulfil the selection criteria.
Days	All periods specified in the procurement documents are calculated in calendar days, unless otherwise specified.
Direct contract	Contract containing all the details and annexes necessary to implement it, also referred to as 'direct service contract' or 'direct contract'.

1.4 Scope

This section establishes what the contracting authority intends to buy through mini-competitions.

1.4.1 Background

Information technology is a field that grows increasingly complex and evolves ever faster. Mastering this complexity requires highly specialised consultancy in several technical domains where the exact profiles cannot always be determined in advance. New technologies arise, and projects evolve in ways that frequently require new knowledge, or highly specialised expertise touching on several technologies and/or skill sets.

The European Commission Digital Strategy[2] sets out a vision for the Commission to become a digitally transformed, user-focused and data-driven administration by 2022.

To achieve this ambitious goal, the European Commission will need to undergo a number of transformations in key areas of digital infrastructure, security, office automation and business solutions:

- **Digital Infrastructure:** Cloud computing is an industry-wide game changer that will shape the IT landscape for the foreseeable future. The European Commission recently adopted a Cloud-first approach with a secure hybrid multi-cloud service offering (Cloud Strategy, May 2019[3]) where the Cloud is described as an enabler for the European Commission Digital Strategy. Enacting this strategy will require wide-ranging transformations to the Commission's Digital Infrastructure such as the creation of Hybrid Cloud architecture services and the creation of an on premise cloud transforming traditional data centre services.
- **Digital Security:** In this context, the European Commission will implement an overall improved security posture for cloud ICT systems and services, by "building-in security" at all stages of cloud deployment. DIGIT will supply a comprehensive set of Cloud security services to support information system owners on all hybrid Cloud flavours (private and public).
- **Office Automation:** The consumerisation of IT has dramatically reshaped the expectations of today's corporate IT user. The requirements to be able to work anywhere, anytime, from any (corporate) device and collaborate efficiently with a growing number of internal and external stakeholders impose a profound transformation of the office automation environment supporting staff's daily work. DIGIT started this transformation in 2017 with the Digital Workplace (DWP) Programme. Its goal is to provide the right IT tools, platforms and services, enabling users to work and collaborate anywhere, anytime with a fit-for-purpose security and optimizing their work experience and productivity.
- **Business Solutions:** The transformation of the European Commission's existing application portfolio to a truly digital Commission requires investing in a new set of trusted digital solutions. For generic functionality, the European Commission will favour cloud-based business applications (Software as a Service) over in-house development. For policy-specific solutions, the European Commission embraces a shift to Cloud-native development methodologies, a change that requires a transformation of mind-sets, processes, architecture and technology.

[2] https://ec.europa.eu/info/publications/EC-Digital-Strategy_en.

[3] https://ec.europa.eu/info/news/european-commission-adopts-new-cloud-strategy-2019-may-28_en.

These complex transformations require DIGIT to procure highly specialised and high-level consultancy services to supply the corresponding project teams with key expertise.

This DPS should be in a position to cater for evolving requirements and skills at all times as these transformation projects evolve with the market.

1.4.2 Nature of the purchase

The general scope of the DPS for IT Consultancy is the procurement of highly specialised and high-level consultancy services in the following areas and technical domains, which are further defined under the scope of the mini-competitions (point 1.4.3):

- **Technical domain 1 – Datacentre Operations**: technical support and engineering for datacentre platforms, operations, IT security and hybrid Cloud infrastructure management;
- **Technical domain 2 – Digital Workplace Solutions**: technical support and engineering for Digital Workplace and user device management solutions;
- **Technical domain 3 – e-Business Solutions**: technical support and engineering for e-Business security, custom standards-based identity and access management, blockchain implementation and cloud-native applications.

1.4.3 Scope of the mini-competitions

The scope of the contracts resulting from the mini-competition under this DPS are services in the fields of:

- Datacentre Operations: Design, implementation, management and operation of Data Centre facilities hosting the Commission's ICT systems, infrastructures, data storage and high availability computing platforms; design, implementation, management and operation of datacentre processes and services, identity-related services and security monitoring; design, implementation, management and operation of hybrid cloud infrastructure environments.
- Digital Workplace Solutions: Multi-dimensional architecture design and operations across heterogeneous and full-stack enterprise platforms. This includes project management, security and data protection design; provision of high-level and tactical technological assistance; troubleshooting of complex product integration issues, falling at the border of a product or service supplier's scope for technical assistance. It also includes technological assistance and expertise in development, implementation, management and support of enterprise IT solutions for user devices.
- e-Business Solutions: Digital signature and identity and access management development; mobile security app development; blockchain architecture and development; architecting and developing cloud-native applications.

Each mini-competition determines the exact scope and requirements of its resulting contract. The contracting authority may define, for example, profiles based on the nature of tasks and knowledge and skills required. For the purpose of the delivery of the contract, each technical domain requires expertise in the technologies, methodologies and products which will be specified at the level of the mini-competition.

1.5 Timeline

This section defines how long the contracting authority plans to use this procedure.

1.5.1 Timeline of DPS

The DPS is launched on the date the notice is published on the Tenders Electronic Daily (TED) at https://ted.europa.eu.

Once the DPS is launched, economic operators can apply to participate in the DPS at any time during the duration of the DPS in order to be able to tender in the mini-competitions. The contracting authority completes its assessment of the requests to participate within the timeline established in section 2.2.1 (Timeline for). The contracting authority informs the candidates as soon as possible whether or not they have been admitted to become participants in the DPS.

When the contracting authority wishes to use the DPS, it launches a mini-competition for the award of a contract and invites all participants admitted to the system to submit a tender for this mini-competition within a reasonable amount of time. As each of the three technical domains in this DPS for IT consultancy is separate from and independent of the others, only participants admitted to the DPS of a particular technical domain will be invited to a mini-competition of the respective technical domain.

The time limit for receipt of tenders to be fixed by the contracting authority is at least 10 days following the date on which the invitation to tender is dispatched.

In order to allow interested economic operators a sufficient amount of time to apply for participation in the DPS, the first mini-competition is to be published at least 32 days after the launch of the DPS.

The Contracting Authority may publish mini-competitions within the duration of the DPS. Contracts may be awarded, concluded and enter into force even after the date on which the DPS expires, provided that the mini-competition was launched within the DPS time limit. Where relevant, the provisions of the DPS specifications and the other procurement documents published at DPS stage 1 level remain applicable to the mini-competitions published within the duration of the DPS and to the contracts resulting from these Mini-Competitions.

1.5.2 Duration of the DPS

The DPS has a planned duration of four (4) years, which starts at the date of its publication.

The expiry of the DPS does not affect mini-competitions launched within the duration of the DPS nor Contracts resulting from such mini-competitions.

1.5.3 Duration of the direct contracts

Mini-Competitions determine the duration of the respective resulting direct contracts (initial periods and possible renewals) based on the subject matter and may last up to four (4) years. Both the initial periods and the possible renewals may have start dates and expiry dates after the expiry of the DPS (for the cases where contracts may start (enter into force) after the expiry of the DPS see the last paragraph of section 1.5.1).

1.5.4 Termination

The contracting authority may terminate the DPS at any time and for any reason. The termination of the DPS does not affect the implementation or duration of direct contracts previously awarded unless the DPS itself or the procedure in the DPS through which these direct contracts were awarded is invalidated.

1.6 Volume – How much do we plan to buy?

The following estimated volumes are expressed as the number of person-years to be acquired over the duration of the DPS (1 person-year = 220 days per year), for each technical domain:

- **Datacentre Operations**: 60 person-years over 7 years.
- **Digital Workplace Solutions**: 84 person-years over 7 years.
- **e-Business Solutions**: 154 person-years over 7 years.

These volumes may be required under different delivery modes: Time & Means, Proximity Time & Means, Quoted Time & Means or Fixed Price. This volume is only provided as an indicative estimate, despite best efforts. It constitutes neither a commitment from the contracting authority nor a ceiling for the procedure.

1.7 Service provision modes

During contract execution, services shall be provided either at a fixed price, on a time-and-means or proximity time-and-means basis, or on a quoted time-and-means basis.

1.7.1 Fixed Price (FP)

In a Fixed Price service provision mode, the contracting authority specifies the deliverables corresponding to a work to be delivered with expected deadlines. Fixed

Price contracts are generally executed outside the contracting authority's premises (i.e. off-site or extramuros). Nevertheless, technical interventions can be foreseen at the contracting authority's premises for specific tasks like installations, configurations, acceptance tests, technical analysis or maintenance tasks. Meetings at the contracting authority's premises with members of the team can be required without any additional cost by the contracting authority.

1.7.2 Quoted Time & Means (QTM)

In a Quoted Time & Means service provision mode, the contracting authority will notify the contractor of a detailed description of each deliverable. The contractor will then notify the contracting authority of an estimate of the number of days needed to achieve the deliverable and the expected delivery date.

Quoted Time & Means contracts are generally executed outside the contracting authority's premises (i.e. off-site or extramuros). Nevertheless, technical interventions can be foreseen at the contracting authority's premises for specific tasks like installations, configurations, acceptance tests, technical analysis or maintenance tasks. Meetings at the contracting authority's premises with the contractor's team can be required without any additional cost by the contracting authority.

1.7.3 Time & Means (TM) and Proximity Time & Means (PTM)

In Time and Means (TM) or Proximity Time and Means (PTM) service provision modes, the services will be performed at the Commission's (TM, onsite or intramuros) premises or the contractor's premises (PTM, off-site or extramuros). The contracting authority specifies the workload (e.g. person-days) and its specific needs for the requested profile(s).

Exceptionally, the contracting authority may request delivering services outside the usual locations of delivery, e.g. in the contracting authority's delegations or representations offices abroad.

The contracting authority may occasionally ask contractors delivering intramuros services on its premises in Brussels, Belgium to carry out services in Luxembourg (or vice versa).

1.7.4 On-call services

The contracting authority may request the contractor(/s) to provide a 24-hours on-call service. The service should be delivered by the same consultant(s) providing the duties during normal working hours.

On-call service consists of having a consultant available on the phone during periods when onsite presence is unavailable. The consultant performing such on-call service shall be working for the customer in Time and Means / Proximity Time and Means mode under the direct contract resulting from the mini-competition.

1.8 Places of delivery

At the level of the mini-competition, the customer indicates where and how the work has to be delivered.

In the case of on-site or intramuros work in Time and Means, the execution of the contract must normally be performed on the customer's premises in the following locations:

- in Brussels (Belgium),
- in Luxembourg (Luxembourg).

The infrastructure will be provided by the customer. The consultants will use only the standard software packages used by the customer, and no other software may be installed or used without the customer's prior written authorisation.

In the case of off-site or extramuros work in Fixed Price and Quoted Time and Means, the work has to be executed primarily on the contractor's premises. Project meetings are typically held on the customer's premises in the locations of delivery mentioned above. Deliverables have to be formally submitted at these locations.

In the case of off-site or extramuros work in Proximity Time and Means, the work has to be executed on the contractor's premises located within a maximum of 50 km from the customer's offices.

In all cases of off-site or extramuros work (i.e. PTM, FP and QTM), the contractors will have to organise themselves to provide this service, including the related infrastructure (e.g. telephone/fax, PCs, other network/communications means). When mandatory for the work, a secure access to the customer's infrastructure may be granted (see Section 1.14).

Additional requirements on the place of delivery may be further defined at the level of the mini-competition.

1.9 Training

The customer will not take charge of the training of the consultants. When needed, general IT training courses must be followed outside the customer's premises.

In exceptional cases (e.g. if the training course is not provided externally) and on the customer's special request, consultants may follow an IT training course organised by the customer. However, these training days will not be paid by the customer and cannot be invoiced by the contractor.

If the customer asks the consultant to follow a non-IT training necessary for the work (e.g. business procedures or application functionalities), this shall be considered as a normal working day paid by the customer.

1.10 Consultant's declaration

The contracting authority may ask the contractor to provide the consultant's declaration, duly signed and dated by the consultant, before starting a new assignment for the customer. A template is annexed to the direct contract – section II of the "Code of conduct for contractors and contractors' personnel". The contracting authority may require a new declaration at any time during the execution of the contract.

1.11 Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractor during the implementation of the contract, the contracting authority may use an electronic exchange system meeting the requirements of Article 148 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union.

More specifically, the submission of invoices may be automated by the use of the e-Invoicing application in e-Prior (or any other applications that may replace or complement this application, e.g. Peppol: https://peppol.eu/what-is-peppol).

More documentation detailing technical and functional characteristics for the electronic submission of invoices can be found under the eInvoicing section at:

https://webgate.ec.europa.eu/fpfis/wikis/display/ePRIOR/The+e-Procurement+suite

The successful tenderers, who cannot provide a VAT number, may be required to acquire a Global Location Number (GLN), at no additional cost for the requesting contracting authority.

The GLN is designed to improve the efficiency of communication with trading partners. GLNs are used to identify the organisation such as whole companies or subsidiaries.

For more information please consult GS1's paper:

https://www.gs1.org/docs/idkeys/GS1_Global_Location_Numbers.pdf

At the request of the contracting authority, the use of the above applications shall become mandatory for the contractor during the performance of the contract, at no additional cost for the contracting authority.

1.12 Confidentiality of application/tender

Once an economic operator applies to the DPS/submits a tender in a mini-competition, its application/tender becomes the property of the contracting authority and shall be treated confidentially, subject to the following points:

For the purposes of assessing the application/evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the application/tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors

or subcontractors and their staff provided that they are bound by an obligation of confidentiality.

After the signature of the award decision, the unsuccessful tenderers who are so entitled pursuant to Article 170(3) of the Financial Regulation may be provided with the name of the tenderer(s) to whom the contract(s) is/are awarded, as well as with the characteristics and relative advantages of its/their tender(s). The Contracting Authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets[4].

The contracting authority may disclose the submitted application/tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure, the contracting authority may refuse to provide full access to the submitted application/tender, redacting, where applicable, parts that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the candidate, including intellectual property.

The contracting authority will disregard general statements that the whole application/tender or substantial parts of it contain confidential information. Candidates need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the application/tender.

1.13 Professional conflicting interests

Economic operators must not be subject to conflicting interests which may negatively affect the contract performance.

At the award of the direct contract, the risk that professional conflicting interests will in fact arise can be considered only where there are material circumstances placing the tenderer in a position where it is unable to avoid the risk of bias in the performance of the majority of the tasks under the direct contract.

Each economic operator shall declare on its honour (Model in Annex 1.3 to this document) that it is not subject to conflicting interests which may negatively affect the contract performance.

If during the implementation of the contract a contractor falls into a situation that could give rise to professional conflicting interests, it must notify the contracting authority in writing as soon as possible, as provided in Article II.7.2 of the draft direct contract.

[4] For the definition of trade secrets, please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

1.14 Security

Tenderers are informed of the obligations laid down in the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission, its subsequent versions, its implementing rules (as adapted from time to time) and the corresponding security standards and guidelines, as well as the Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on the security in the Commission, and the Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information, its implementing rules and the corresponding security notices. These documents (as adapted from time to time) are available for consultation at the following address: https://ec.europa.eu/info/files/security-standards-information-systems_en.

The Commission draws the tenderers' attention to the contractual provisions on security and on confidentiality of the draft direct contract.

Should the tenderer, during the performance of the tasks which are the subject of the contract, need remote access to any communication and information system of Commission or data sets processed therein, he shall be requested to comply with security rules referred to in Article 6(5) of the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017. This entails prior authorisation which shall be granted on the basis of a formal request for network access service "Remote Access for Companies" and approval process which takes in average 4-6 weeks. The outcome of the approval, i.e. the security convention, shall be valid for a specified duration linked to the contract and shall be obtained before the connection is activated. The formal request is initiated by the concerned DG or service of the Commission and based on the risk assessment with the focus on nature and sensitivity of the tasks to be performed remotely and the security needs of each accessed communication and information system.

During the authorisation process the tenderer is asked to describe relevant organisational, physical, logical and network security measures in order to provide reasonable assurance that the risks are adequately and systematically covered at a level equivalent to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017, its implementing rules and corresponding security standards. The authorisation process may impose additional security requirements as a prerequisite for approval, in order to protect the Commission's communication and information system and networks from the risks of unauthorised access or other security breaches.

The Commission draws the tenderers' attention to the security measure requiring all personnel of external contractors who need to physically enter Belgian premises to undergo a security background check. On the basis of an individual consent Belgian national security authorities will provide a security advice enabling the Commission to decide on granting access rights. Further details are provided in the draft direct contract.

In exceptional cases, when required for security reasons, the Commission may ask the contractors to provide security vetted staff for the provision of certain services. This will be considered as a specific requirement for a specific project, without influencing the other conditions.

The Commission reserves the right to require any person involved in the provision of the services under a given project to attend security briefings or training given by the Commission, and/or to sign a security statement or to proceed with a security vetting procedure. A positive outcome of the national vetting process leads to the status "security clearance".

Any financial burden for complying with the security measures (e.g. security background checks, etc.) will be at charge of the contractor and *not* of the contracting authority.

1.15 Product names and trademarks

Whenever the procurement documents mention a specific product name or trademark and a sufficiently precise and fully intelligible description is not possible, such mention should be understood as referring to that product or its equivalent.

2 STAGE ONE – PARTICIPATION IN THE DPS

Any economic operator with access to procurement, as explained in section 2.1.1, can become a candidate by submitting a request to participate (the "application") in the DPS, after having registered in the Negometrix platform as detailed in section 4.2 (Electronic access to documents). Registration is simple and free of charge.

Economic operators can combine their efforts and organise themselves as foreseen in section 2.1.3 (Groups of economic operators: how can economic operators organise themselves?) to apply for participation in the DPS.

Each of the three technical domains in this DPS for IT consultancy is separate from and independent of the others. Economic operators must submit a separate request to participate for each technical domain they wish to participate in. An economic operator may participate in one, two or three technical domains of the DPS.

A candidate requesting participation in the DPS needs not to be subject to any restrictive measure and to declare that it is not in one of the situations of exclusion detailed in section 2.1.4 and that it satisfies the selection criteria described in section 2.1.5. If selected, the candidate becomes a participant in the DPS and has the possibility to tender in mini-competitions.

The contracting authority may decide that a candidate's acceptance to participate in the DPS will be based in Stage 1 solely on the candidate's declaration on honour. The documents in support of the declaration on honour (regarding exclusion and selection criteria) may be checked by the contracting authority at any time during the procedure, for example depending on the participant's ranking in the mini-competition. If the supporting documents do not confirm the statements made by the participant in the declaration on honour, this may lead to the rejection of the candidate from the DPS.

2.1 Content of the application

2.1.1 Entities subject to restrictive measures and rules on access to procurement: who may apply to the DPS?

Candidates must ensure that no involved entities are subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole duration of the DPS and throughout the whole performance of the Contract, in case the concerned economic operator is awarded a Contract.

Application to the DPS is open throughout the duration of the DPS on equal terms to all natural and legal persons coming within the geographical scope of the Treaties, as well as to international organisations[5].

It is also open to all natural and legal persons established in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

Where the Agreement on Government Procurement[6] (the "GPA") concluded within the World Trade Organisation applies, the participation to this DPS is open to all natural and legal persons established in the countries that have ratified the GPA, on the conditions laid down therein.

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

To enable the contracting authority to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the delegation(s) of the authorisation to sign as described in **section 4.5**.

2.1.2 Identification of the candidate

The candidate to this DPS must be registered in the Participant Register – an online register of organisations and natural persons participating in European Commission's calls for tenders or proposals. In the case of a joint application, all members of the group must be registered.

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[5] If this involves the transfer of personal data outside the European Economic Area (EEA), such transfer needs to comply with the requirement of Regulation 2016/679 ("GDPR") and with Regulation (EU) 2018/1725.

[6] https://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm.

Upon registering, each candidate obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the Participant Register. This registration is required only once – the information provided can be further updated or re-used in other European Commission's calls for tenders or calls for proposals.

At any moment during the procurement procedure, the Research Executive Agency Validation Services (the "EU Validation Services"*)* may contact the candidate and ask for supporting documents on legal existence and status. The requests will be made through the register's messaging system to the e-mail address of the candidate indicated in the register. It is the responsibility of the candidate to provide a valid e-mail address and to check it regularly.

The documents that may be requested by the EU Validation Services are listed in the EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment[7].

Please note that a request for supporting documents by the EU Validation Services in no way implies that the application has been successful.

2.1.3 Groups of economic operators: how can economic operators organise themselves?

Economic operators can submit an application in the DPS either as a sole candidate or as a group in a joint application. In either case, subcontracting is permitted.

Whether applying solely or within a group, an economic operator is allowed to be present only once in the DPS. If an economic operator already admitted in the DPS submits another application either on its own or within a group, the latter application will be rejected.

In order to fulfil the selection criteria set out in section 2.1.5 the candidate can rely on the capacities of subcontractors or other entities.

The role of each entity involved in an application ("involved entity") must be clearly specified in Negometrix: sole candidate, group member or group leader, subcontractor or entity on whose capacities the candidate relies to fulfil the selection criteria.

2.1.3.1 Joint application

A joint application is the situation where an application is submitted by a group (with or without legal form) of economic operators, regardless of the link they have between them. The group as a whole is considered a candidate or a participant.

All members of the group assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

[7] https://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/lev/h2020-rules-lev-lear-fvc_en.pdf.

Application

The joint application must clearly indicate the role and tasks of each member and designate one of them as a group leader to act on their behalf – as the contracting authority's contact point – in connection with the submission of the application and/or tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature, as well as for the contract's administrative or financial aspects and operational management. A cover letter to the joint application should be drawn up in the model attached in the Negometrix platform (document reference: "Application cover letter - group") and signed by the authorised representatives of each group member. The group leader will have full authority to bind legally the group and each of its members during contract execution.

☝ Note

In case a joint application takes a separate legal status (i.e. a separate company number, for example as an European Economic Interest Group), the Group should be registered in Negometrix as a different company than any of the companies participating in the Group. It is strongly recommended that you contact Negometrix support for more information on how to properly create an account to submit a joint application on the Negometrix platform.

In a joint application, each member of the group must obtain a Participant Identification Code as described in section 2.1.2. The list of members and their PIC is requested in the Negometrix platform.

In a joint application, the exclusion criteria apply to each member of the group, and the check about restrictive measures regards each member of the group. Selection criteria apply to the group as a whole (i.e. the combined capacity of all members will be taken into account). As evidence of non-exclusion each member needs to submit a completed declaration on honour as provided in the Negometrix platform (see section 2.1.4).

If the joint application is successful, and if the group wins a mini-competition within the DPS, the contracting authority will sign the resulting direct contract(/s) with the group leader. The group leader must be authorised by the other members to sign the direct contract on their behalf via a power of attorney drawn up in the model application cover letter referenced above.

Changes

Changes in the composition of the group during the procurement procedure, after the application in the DPS and until the submission of a tender, must be notified by the group leader to the contracting authority as soon as possible. Upon notification, the contracting authority will review the changes. Where it determines that the group no longer meets the selection criteria, is subject to restrictive measures, or in an exclusion situation, the contracting authority will reject the group's application or potential participation in the DPS.

Changes in the composition of the group during the procurement procedure (after the submission deadline and before contract signature) shall lead to rejection of the tender

except in case of a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see Section **Error! Reference source not found.**), is not subject to restrictive measures and is not in an exclusion situation (see Section 2.1.4).

In any case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the former entity must be taken over by the new entity member of the group, the change must not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

2.1.3.2 Subcontracting

Subcontracting is the situation where the participant enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole. The contracting authority has no direct legal commitment with the subcontractor(s).

The following shall **not** be considered subcontracting:

a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer) .

d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract. These can be either individuals (self-employed natural persons who do not employ other IT service providers), or service providers in one of the following situations: i) sole proprietorships in which only one person (employee or not) is active in providing IT services; ii) companies in which only one person (employee or not) is active in providing IT services and iii) companies in which maximum two persons (employees or not) with family ties are active in providing IT services.

e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the

suppliers and/or the transporting services are within the subject of this procurement procedure.

f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as "personnel" of the contractor.

All contractual tasks may be subcontracted unless the Tender Specifications of the mini-competition expressly reserve the execution of certain critical tasks to the sole candidate itself, or in case of a joint application, to a member of the group.

Subcontracting by subcontractors (2nd level of subcontracting) is the situation where a subcontractor enters into legal commitments with other entities (2nd level subcontractors) for performing part of the contract. Subcontracting by subcontractors is not authorised. Further levels of subcontracting are not authorised.

Application

Candidates are requested to identify subcontractors as defined above and subcontractors on whose capacities they rely to fulfil the selection criteria described in section 2.1.5 (hereafter referred to as "identified subcontractors") in their application in the Negometrix platform, as well as describe their envisaged contractual roles or tasks.

For each identified subcontractor, the candidate must upload in the Negometrix platform:

- a commitment letter drawn up in the model attached in the Negometrix platform (document reference: "Commitment letter by identified subcontractor"), duly signed and dated by an authorised representative of the identified subcontractor,
- a declaration on honour drawn up in the model attached in the Negometrix platform (document reference: "Declaration on honour"), duly signed and dated by an authorised representative of the identified subcontractor (see section 2.1.4).

Subcontracting to subcontractors identified in an application that was accepted by the contracting authority is considered authorised.

Changes

Changes such as withdrawal, replacement, or addition of an identified subcontractor during the procurement procedure (after the application and before the potential signature of a contract) must be notified by the participant to the contracting authority as soon as possible. Upon notification, the contracting authority will review the request within a reasonable amount of time.

The request will be approved if the following conditions are fulfilled:

- the new subcontractor is not subject to restrictive measures and is not in an exclusion situation;
- the candidate still fulfils the selection criteria;
- the new subcontractor is not involved also as a participant under the same mini-competition;

- the terms of the tender are not altered substantially, i.e. in case of replacement, all the tasks assigned to the former subcontractor are taken over by another entity (participant or subcontractor). In case the tender is already submitted, the change in subcontracting cannot make the tender non-compliant with the tender specifications and the change in subcontracting cannot modify the evaluation of award criteria of the tender as originally submitted.

Subcontractors that need to be added for a specific mini-competition can be notified to the contracting authority through the submission of the tender. Subcontracting to subcontractors identified in a tender that was accepted by the contracting authority and resulted in a signed direct contract, is considered authorised.

Changes in subcontracting after the award of a contract are dealt with according the relevant articles of the contract. In case of additional subcontracting, the contractor must provide to the customer a request for authorisation, along with an explanation for the involvement and type of services the subcontractor/s will perform. The customer may ask for clarifications and reject an offer that does not satisfy the subcontracting conditions. A decision by the contracting authority to refuse subcontracting is final.

In all cases, the contractor retains full liability towards the contracting authority for performance of the contract as a whole.

2.1.3.3 Reliance on third party entities to fulfil the selection criteria

In order to fulfil the selection criteria a candidate may rely on the capacities of other entities regardless of the legal nature of the links it has with them.

In this case, the candidate must prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in the Negometrix platform (document reference: “Commitment letter by entity for reliance”)**,** signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources. The signed commitment letter and its supporting evidence must be uploaded in the Negometrix platform and submitted with the candidate’s application. As evidence of non-exclusion the entity also needs to submit a completed declaration on honour as provided in the Negometrix platform (see section 2.1.4).

If a contract is awarded to a participant intending to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a candidate may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

Relying on the capacity of other entities is only necessary when the capacity of the candidate is not sufficient to fulfil the required minimum levels of capacity. Abstract

commitments that other entities will put resources at the disposal of the candidate will be disregarded.

2.1.4 Exclusion criteria: who is eligible to participate?

The objective of the exclusion criteria is to assess whether the candidate is in any of the exclusion situations listed in article 136(1) of the Financial Regulation.

As evidence of non-exclusion, each candidate needs to submit with their application a completed declaration on honour (Annex 1.3) as provided in the Negometrix platform (see section 4.2 - Electronic access to documents). The declaration must be signed by an authorised representative of the entity providing the declaration.

The initial verification of non-exclusion of candidates will be done on the basis of the submitted declarations and consultation of the European Union's Early Detection and Exclusion System. The documents mentioned as supporting evidence in the declaration on honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the contracting authority.

The checklist detailed in Annex 1.1 specifies which of the entities participating in the DPS need to provide the declaration on honour and, when requested by the contracting authority, the supporting evidence.

Please note that a request for evidence in no way implies that the participant has been successful.

Involved entities established to be in an exclusion situation in accordance with Article 136 or any other situation referred to in Article 141 of the Financial Regulation, will be rejected.

2.1.5 Selection criteria: who is capable to participate?

The objective of the selection criteria is to assess whether the candidate has the legal, regulatory, economic, financial, technical and professional capacity to perform the direct contracts resulting from the mini-competitions.

The selection criteria for this DPS are specified below. For each criterion, the minimum level of capacity, the basis for assessment and the requested evidence is specified.

Applications submitted by applicants not meeting the minimum levels of capacity will be rejected. A candidate's application must pass all selection criteria in order to be admitted in the DPS. Selection criteria are neither scored nor weighed.

When applying, each candidate shall declare on honour that it fulfils the selection criteria for this DPS. The model declaration on honour to be completed is available in the Negometrix platform.

The subsections below specify which selection criteria evidence must be provided with the application or may be requested later, at any time during the procurement procedure.

In any case, to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the contracting authority.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

2.1.5.1 Legal and regulatory capacity

Candidates can be natural or legal persons. Candidates are not obliged to take a specific legal form in order to submit their Applications.

Where Candidates submit an Application through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the Candidates.

Involved entities and subcontractors must not be subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) that constitute a legal impediment to perform the contract. This requirement will be assessed by reference to the EU restrictive measures in force. Therefore, the Candidate is not required to submit any evidence of not being subject to EU restrictive measures

2.1.5.2 Economic and financial capacity criteria and evidence

Candidates must comply with the following selection criterion in order to prove that they have the necessary economic and financial capacity to perform the contract.

Technical domain 1: Datacentre Operations

Criterion F1	
Average yearly turnover of the last two financial years	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above €50,000 (fifty thousand euro). For natural persons, turnover should be understood as income from professional activities.
Basis for assessment	This criterion applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Candidates must provide a statement of turnover using the template provided in Annex 1.5.1 to this document. Candidates must provide the financial statements or a similar document for the last two financial years for which accounts have been closed. The contracting authority reserves the right to request any other document enabling it to verify the economic operator's economic and financial capacity. The contracting authority may request in particular one or more of the following documents: a) appropriate statements from banks; b) tax returns certificate, where appropriate.

The evidence must be provided at the moment of submission of the application in the DPS.

Technical domain 2: Digital Workplace Solutions

Criterion F1	
Average yearly turnover of the last two financial years	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above €70,000 (seventy thousand euro). For natural persons, turnover should be understood as income from professional activities.
Basis for assessment	This criterion applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Candidates must provide a statement of turnover using the template provided in Annex 1.5.1 to this document. Candidates must provide the financial statements or a similar document for the last two financial years for which accounts have been closed. The contracting authority reserves the right to request any other document enabling it to verify the economic operator's economic and financial capacity. The contracting authority may request in particular one or more of the following documents: a) appropriate statements from banks; b) tax returns certificate, where appropriate.

The evidence must be provided at the moment of submission of the application in the DPS.

Technical domain 3: e-Business Solutions

Criterion F1	
Average yearly turnover of the last two financial years	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above €70,000 (seventy thousand euro). For natural persons, turnover should be understood as income from professional activities.
Basis for assessment	This criterion applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Candidates must provide a statement of turnover using the template provided in Annex 1.5.1 to this document. Candidates must provide the financial statements or a similar document for the last two financial years for which accounts have been closed. The contracting authority reserves the right to request any other document enabling it to verify the economic operator's economic and financial capacity. The contracting authority may request in particular one or more of the following documents: a) appropriate statements from banks; b) tax returns certificate, where appropriate.

The evidence must be provided at the moment of submission of the application in the DPS.

2.1.5.3 Technical and professional capacity criteria and evidence

Candidates must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Technical domain 1: Datacentre Operations

Criterion T1	
The candidate must prove experience in the field of **Datacentre Operations**: technical support and engineering for datacentre platforms, operations, IT security and hybrid Cloud infrastructure management. The contract reference must cover **at least one** out of the following domains: - IT Operations Management: design, implementation, management and operation of data centre processes and services. - Datacentre Management and Platforms: design, implementation, management and operation of data centre facilities, infrastructures, data storage, highly available computing platforms, including operating systems, virtualization, applications, relational and non-relational database systems. - IT Security, Identity & Access Management: design, implementation, management and operation of identity-related services, security procedures, security monitoring, detecting and handling of security events. - Cloud Management: design, implementation, management and operation of private, public and hybrid cloud computing environments.	
Minimum level of capacity	**Minimum one relevant reference**, with a minimum duration of 3 months executed after the 1st January 2017. **All** following minimum capacity requirements must be covered by the contract reference: - Project executed (at least) in English - Project's total contract value: at least €50,000 (fifty thousand euro) - Project's client: organisation/institution/company with over 10 staff members in total
Basis for assessment	This criterion applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.

Evidence	Candidates must provide **at least one contract reference** for a project which proves their capacity. Evidence must be provided in the form of a duly filled in contract reference per project. For each contract reference, the use of the template provided in Annex 1.5.2.1 to this document is mandatory. Only contract references submitted on these templates will be considered. The candidate must have executed the project under the capacity of sole contractor, consortium member, employee of the contractor or subcontractor. In the latter case, the proportion of the project executed by the candidate must have a value equal or higher than the minimum project's value (the minimum capacity requirement regarding the project's contract value for this technical domain).

The evidence must be provided at the moment of submission of the application in the DPS.

Technical domain 2: Digital Workplace Solutions

Criterion T1	
The candidate must prove experience in the field of **Digital Workplace Solutions**: technical support and engineering for Digital Workplace and user device management solutions The contract reference must cover **at least one** out of the following domains : - Multi-dimensional architecture design across heterogeneous and full-stack enterprise platforms - Security and data protection design, implementation and management - Provision of high-level and tactical technological assistance - Troubleshooting of complex product integration issues - Technological assistance and expertise in development, implementation, management and support of enterprise IT solutions for user services on premises and on the cloud.	
Minimum level of capacity	**Minimum one relevant reference**, with a minimum duration of 6 months executed after the 1st January 2017. **All** following minimum capacity requirements must be covered by the contract reference: - The minimum number of person-days working on the project (in the relevant technical domain) is 110. - Project was executed in English and/or French, with documentation delivered in electronic format and in English. - Project targeting a user population in excess of 5,000 members of staff. - Project's total contract value: at least €50,000 (fifty thousand euro) **At least one** of the following minimum capacity requirements must be covered by the contract reference: - Project focused on security and privacy design for the provision of digital workplace services in hybrid cloud context, with cloud services security constraints. - Project focused on the design, development and implementation of specific user device management solutions (typically in a hybrid cloud context). - Project integrating user device management tools and services running across devices with different operating systems (i.e. Windows, MacOs, iOS, Linux,

	Android) and accessing cloud services for the digital workplace (i.e. Microsoft 365 services, Azure, Amazon Web Services, Google Cloud). - Project focused on the design, implementation, and operations management of IT architectures for the digital workplace based on heterogeneous and full-stack enterprise platforms. - Provision of high-level technological assistance in complex integration environments for the digital workplace (typically in hybrid cloud context).
Basis for assessment	This criterion applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Candidates must provide **at least one contract reference** for a project which proves their capacity. Evidence must be provided in the form of a duly filled in contract reference per project. For each contract reference, the use of the template provided in Annex 1.5.2.2 to this document is mandatory. Only contract references submitted on these templates will be considered. The candidate must have executed the project under the capacity of sole contractor, consortium member, employee of the contractor or subcontractor. In the latter case, the proportion of the project executed by the candidate must have a value equal or higher than the minimum project's value (the minimum capacity requirement regarding the project's contract value for this technical domain).

The evidence must be provided at the moment of submission of the application in the DPS.

Technical domain 3: e-Business Solutions

Criterion T1	
The candidate must prove experience in the field of **e-Business Solutions:** technical support and engineering for e-Business security, custom standards-based identity and access management, blockchain implementation and cloud-native applications. The contract reference must cover **at least one** out of the following domains : - Secure business to business messaging protocols (EBMS3, SBDH, AS4, ebCore Party ID Type) - PKI - SAML - XML DSig - XAdES/CAdES/PAdES, hyperledger fabric - Ethereum and other blockchain protocols - Architecting and developing cloud-native applications (AWS or Azure based) - Messaging / event streaming technologies - API management, routing and proxying technologies and cloud services. - Container orchestration technologies (Docker/Kubernetes/Openshift/PKS) or cloud service for container orchestration. - Lightweight BPM/workflow engines (Camunda) and related cloud workflow services. - Service Monitoring and reliability : Prometheus, Grafana, Splunq, ELK, Zipkin and cloud equivalent services - Graph processing and storage technologies; NoSQL and caching - Serverless platforms and cloud services (Lambda, etc.) - Configuration management: Spring Cloud Config, Consul, Vault, Zookeeper.	
Minimum level of capacity	**Minimum one relevant reference**, with a minimum duration of 6 months executed after the 1st January 2018. **All** following minimum capacity requirements must be covered by the contract reference: - Project executed (at least) in English. - Project's total contract value: at least €120,000 (one hundred and twenty thousand euro). - Project's client: organisation/institution/company with over 100 staff members in total.
Basis for assessment	This criterion applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.

Evidence	Candidates must provide **at least one contract reference** for a project which proves their capacity. Evidence must be provided in the form of a duly filled in contract reference per project. For each contract reference, the use of the template provided in Annex 1.5.2.3 to this document is mandatory. Only contract references submitted on these templates will be considered. The candidate must have executed the project under the capacity of sole contractor, consortium member, employee of the contractor or subcontractor. In the latter case, the proportion of the project executed by the candidate must have a value equal or higher than the minimum project's value (the minimum capacity requirement regarding the project's contract value for this technical domain).

The evidence must be provided at the moment of submission of the application in the DPS.

2.2 Format of application

2.2.1 Timeline for application

Any economic operator, throughout the period of validity of the DPS, has the possibility to apply to participate in the system.

The contracting authority shall complete its assessment of valid and complete applications, which include all requested evidence, within 10 working days of their receipt. The deadline may be prolonged to 15 working days where justified. However, the contracting authority may extend the evaluation period provided that no invitation to tender is issued in the meantime.

The contracting authority informs the candidate as soon as possible of whether or not it has been admitted to the DPS.

2.2.2 Submission of application

Candidates must submit their application electronically via the Negometrix platform. The information contained in the application must be accurate and honest. Incorrect information may lead to the exclusion of the candidate.

2.3 Selection of participants

The Commission ascertains that the candidate is not subject to restrictive measures and assesses the candidate's compliance with the exclusion and selection criteria on the basis of the declarations on honour and, if applicable, the relevant supporting documents requested.

The contracting authority assesses the above-mentioned criteria in the order that it considers the most appropriate. If the assessment of one or more elements demonstrates that there are grounds for rejection, the candidate will be rejected and will not be subjected to further full assessment. The unsuccessful candidate will be informed of the ground for rejection without being given feedback on the non-assessed content of its application.

The assessment will be based on the information and evidence contained in the application and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the assessment related to exclusion and selection criteria, the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

Upon assessment of their applications, the contracting authority admits all candidates who satisfy the selection criteria, who are not in an exclusion situation and who are not subject to restrictive measures, to participate in the DPS.

2.4 Rules for participation

2.4.1 Acceptance in the DPS

The contracting authority sends an electronic notification to the candidates whose application in the DPS has been accepted.

Once admitted, a successful candidate becomes a participant to the DPS. The participant has access to the mini-competitions which are organised in the DPS after its admission. Past and on-going mini-competitions are not available to a new participant.

If after admission in the DPS, the attributes of the participant changed regarding the information contained in its application, it is the participant's responsibility to update the information in the Negometrix platform and notify the contracting authority in a reasonable amount of time. All information must be up to date before the participant submits a tender in a mini-competition.

The contracting authority may request the participant to provide updated information regarding their application on a regular basis.

2.4.2 Rejection of participants

An Application to the DPS is rejected in any of the following cases: the Candidate is subject to restrictive measures or is in an exclusion situation, does not have access to procurement or does not fulfil the selection criteria, or the request to participate is not administratively compliant.

The contracting authority sends an electronic notification to the candidates whose application in the DPS has been rejected.

If a candidate is rejected from the DPS or if a participant previously admitted into the DPS is subsequently withdrawn from the DPS, a new or revised application may be submitted.

2.4.3 Withdrawal from the DPS

The participant in the DPS can request from the contracting authority to be withdrawn from the DPS at any time by sending a formal notification.

Withdrawal from the DPS does not impact existing contracts between the participant and the contracting authority.

If an economic operator who withdrew from the DPS applies again as a sole candidate or in a group, the subsequent application will be considered a new application and all conditions for admission will be reviewed. If the new subsequent application is successful, the economic operator may once again become a participant in the DPS.

It is however important to note that if a new application is successful, and according to section 2.4.1 of the DPS Specifications, a new participant will only be invited to mini-competitions which are published in the DPS after its admission. Past and on-going mini-competitions are not available to a new participant. In practice, an economic operator cannot leave the DPS and return with a subsequent application for the purpose of an on-going mini-competition.

The contracting authority reserves the right to withdraw the approval of the participant in the DPS if the participant has been guilty of misrepresentation in supplying incorrect information when applying to the DPS or within mini-competitions (such as the absence of certificates or the experience of the service provider offered), or if the participant fails to comply with the contractual obligations. In this case, the contracting authority will inform the participant by sending a formal notification.

3 STAGE TWO – PUBLICATION OF MINI-COMPETITIONS

When the contracting authority identifies a need, it will organise through the DPS a mini-competition with specific Tender Specifications. Only economic operators who were admitted to participate in the relevant technical domain of the DPS for IT Consultancy (the participants) are invited to tender in the mini-competition. The participants may then submit a specific tender in the Negometrix platform. Tenders must be submitted electronically.

The contracting authority will evaluate the specific tenders and select the most economically advantageous tender on the basis of the award criteria set out in the Tender Specifications of the mini-competition. The contracting authority awards the direct contract to the most economically advantageous tender if the winning tenderer has access to procurement, is not subject to restrictive measures nor is not in an exclusion situation, and fulfils the selection criteria. One mini-competition could result in awarding one or more direct contracts as announced in the Tender Specifications of the mini-competition.

3.1 Content of tender

The following requirements apply to the technical and financial offer.

3.1.1 Technical offer

The technical offer must provide all the information needed to assess the compliance with the mini-competition specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

3.1.2 Financial offer

A complete financial offer, including the breakdown of the price needs to be submitted.

It is the responsibility of each participant to ensure that the total amount of the tender inserted in the relevant field in Negometrix corresponds to the amount indicated in the uploaded financial offer. In case of discrepancies, only the amount indicated in the financial offer will be taken into account.

The financial offer shall be:

1. Expressed in euros. All participants (including those from countries outside the euro zone) have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the participant to bear the risks or the benefits deriving from any variation.

2. Quoted free of all duties, taxes and other charges, i.e. also free of VAT[8]. The participant may indicate the amount of VAT but it must be shown separately[9].

[8] The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. 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.

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

Beyond the technical and financial offers, other documents to be submitted are listed in the details of the respective mini-competitions in the Negometrix platform.

3.2 Format of tender

3.2.1 Timeline of mini-competitions

The contracting authority will invite all participants to submit a tender within a reasonable time.

The time limit for receipt of tenders to be fixed by the contracting authority is at least 10 days following the date on which the invitation to tender is dispatched.

After the time limit for receipt of the tenders, the contracting authority opens the tenders and records if they comply with the submission rules.

3.2.2 Submission of a tender

Participants must submit their tender electronically via the Negometrix platform and within the deadline specified by the mini-competition. A tender received after a deadline is automatically rejected.

Participants may submit one tender. In case a participant submits more than one tender without withdrawing any of them, only the latest tender submitted before the time limit for receipt of tenders will be considered. In case of omissions in the latest submission, tenderers will not be able to refer to earlier submissions and may be rejected if mandatory information is missing.

The information contained in the tender must be complete, accurate and honest. Incorrect information may lead to the rejection of the tender from the mini-competition and to the exclusion of the participant from the DPS.

3.3 Questions about mini-competitions

Participants must always keep themselves informed on the status of the procedure on the section of the Negometrix platform dedicated to the mini-competition.

Questions from economic operators must be formulated within the Negometrix platform where their answers will also be published.

The purpose of the answers to the questions posed by tenderers is to provide clarifications on the procurement documents. In order to maintain equal treatment of all current and future participants in the DPS, answers provided by the contracting authority in a mini-competition are only applicable in the context of that specific mini-competition. However, the contracting authority reserves the right to publish answers which may also be relevant for future mini-competitions in the ‘Questions and Answers’ section at the level of the DPS. In particular, additional information provided on the legal sections of

the procurement documents may be published at the DPS level with the appropriate content in reference.

3.4 Award of tender

3.4.1 Compliance with specifications

By submitting an offer in the form of a tender in a mini-competition, a participant commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this DPS and of the Tender Specifications of the mini-competition.

Particular attention is drawn to the minimum requirements. Tenders in those mini-competitions that are not compliant with the applicable minimum requirements shall be rejected. Additionally, tenders must comply with the minimum requirements provided for in the Tender Specifications of the mini-competition.

Tenders may be considered non-compliant with the minimum requirements of the Tender Specifications if they:

- propose a solution different from the one prescribed in the Tender Specifications (variants are not allowed),
- do not comply with the applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU[10] and compliance with data protection obligations resulting from Regulation (EU) 2016/679 ("GDPR")[11] and Regulation (EU) 2018/1725[12];,
- contain an incomplete, conditional or non-compliant financial offer;
- do not cover all or deviate from other minimum requirements that will be included in the Tender specifications.

Further minimum requirements can be added at the level of the mini-competition.

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[10] OJ L 94 of 28.03.2014, p. 65.

[11] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG

[12] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39 21.11.2018, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a participant.

3.4.2 Award criteria

Mini-Competitions are awarded according to the lowest price principle or the best price quality ratio in accordance with the formula detailed in the Tender Specifications for each Mini-Competition.

3.4.3 Award of direct contract

Tenders are ranked according to the best price-quality ratio or lowest price as defined in the Tender Specification for the mini-competition.

The contract(/s) shall be awarded to the first one or more ranked tender(/s) which comply with the Tender Specifications and are submitted by participant(/s) having access to procurement, not subject to restrictive measures, not in an exclusion situation and fulfilling the selection criteria. The number of contracts to be awarded will be announced in the mini-competition. In case more than one contract are to be awarded, the ranking will determine the sequence in which the contracts will be awarded.

In direct contracts, all the terms governing the provision of the services or supplies are defined at the outset. Once signed, they can be implemented directly without any further contract procedures (e.g. order forms or specific contracts).

Participants need to take full account of the provisions of the full set of procurement documents, including the draft direct contract, as the procurement documents will define and govern the contractual relationship to be established between the contracting authority and the successful participant. Once this contractual relationship is established, the participant becomes a contractor. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, data protection, confidentiality, and checks and audits.

3.4.4 Validity of tenders submitted in mini-competitions

The period of validity of the tender during which participants may not modify the terms of their tenders in any respect, will be defined in the Tender Specifications of the mini-competition, and will be at least 6 months from the deadline for submission of tenders.

3.4.5 Online interviews

Online interviews may be conducted for all participants in a mini-competition or for a selection of participants, depending on their ranking. Further details will be provided at the level of each mini-competition.

4 GOVERNANCE

This section details how the DPS functions.

4.1 Documents in the DPS

All the documents related to this procedure are available on the Negometrix platform at:

- DPS for IT Consultancy in the field of Datacentre Operations:

https://platform.negometrix.com/PublishedTenders.aspx?tenderid=144921

- DPS for IT Consultancy in the field of Digital Workplace Solutions:

https://platform.negometrix.com/PublishedTenders.aspx?tenderid=144922

- DPS for IT Consultancy in the field of e-Business Solutions:

https://platform.negometrix.com/PublishedTenders.aspx?tenderid=144923

4.2 Electronic access to documents

From the date of publication, all documents are freely available on the purchasing system platform hosted by Negometrix B.V., a software company established in Utrecht, Netherlands. Negometrix is independent from the contracting authority.

The platform is accessible at https://platform.negometrix.com. Technical connection to the platform is established via Hypertext Transfer Protocol Secure (HTTPS), a network **protocol** relying on Secure Sockets Layer (SSL) and Transport Layer Security (TLS) to encrypt communication between clients and servers.

Access to the platform requires the creation of a free account secured by username and password.

It is the responsibility of the signatories designated to act on behalf of the economic operator to ensure that the Negometrix accounts established for the purpose of this DPS are only accessed by the person(s) properly authorised to do so.

Economic operators are responsible for keeping informed on the status of the procedure in the Negometrix platform.

4.3 Modifications of documents

Documents for this procedure such as these DPS specifications, the draft direct contract, are subject to modifications.

Each version of the documents is clearly labelled (e.g. “v1”, “v2”, etc.).

Economic operators are responsible for keeping themselves informed in the Negometrix platform on the status of the documents and the version applicable to the mini-competition of their interest.

4.4 Electronic submission

The DPS is a wholly electronic procedure. Only authorised representatives of an economic operator may submit information in the Negometrix platform.

Data sent or received through such a system shall have the legal presumption of the integrity of the data and the accuracy of the date and time of sending or receiving the data indicated by the system.

A document sent or notified through such a system shall be considered as equivalent to a paper document, shall be admissible as evidence in legal proceedings, shall be deemed original and shall enjoy legal presumption of its authenticity and integrity, provided that the document does not contain any dynamic features capable of automatically changing it.

4.5 Electronic signatures

Where a document needs to be signed, the signature must be a qualified electronic signature (QES) as defined in Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation).

The Contracting Authority will recognise QES in at least the formats or using methods defined in Commission Implementing Decision (EU) 2015/1506[13]. While signatures in any of these formats will be accepted[14], submissions of electronically signed documents are preferred in PDF format, electronically signed in the 'PAdES' format. Widely available electronic signature tools (including Adobe Reader) are capable of producing QES in this format.

You can find more background information regarding the QES here: https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eSignature+-+Businesses.

The qualified certificate used for the creation of an electronic signature must be obtained from a qualified trust service providers as defined in the eIDAS Regulation. The national lists of qualified trust service providers can be consulted using the European Commission's Trusted List Browser tool[15].

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[13] Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market.

[14] The Contracting Authority will accept formats of electronic signatures other than those referred to here only if the requirements set in Article 2 of Commission Implementing Decision (EU) 2015/1506 are satisfied and signature validation possibilities are offered that allow to validate the electronic signatures online, free of charge and in a way that is understandable for non-native speakers.

[15] Tool maintained by the European Commission to browse the national Trusted Lists and the European List of Trusted Lists. The information in the tool is based on the national lists with qualified trust service providers, maintained by the Member States pursuant to Article 22 of the eIDAS Regulation.

The Contracting Authority will check the validity of the QES on the submitted documents and, if documents are not found to be validly signed with a QES, the Application will be rejected. It is the responsibility of each Candidate to ensure that a valid QES is used.

For more information on the use of electronic signatures, please see Annex 1.6 to this document.

☝ Important

It is strongly recommended that you ***check the validity of the QES*** *with which you electronically signed your documents* ***before submitting them****.*

The validation tool of the European Commission's DSS Demonstration WebApp available at https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation *can help you check the validity of a QES by indicating the number and type of valid signatures in a document*[16].

4.6 Signatories

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, candidates must provide evidence for the delegation of the authorisation to sign:

a. The Application Cover Letter drawn up using the model provided in the Negometrix platform (document reference: "Application Cover Letter with appointment of contact person for sole candidate ");
b. The declaration on honour drawn up using the model provided in the Negometrix platform (document reference: "Declaration on honour");
c. In the case of a joint tender, the power(s) of attorney drawn up using the model provided in the Negometrix platform (document reference: "Application Cover letter with power of attorney and appointment of contact person for a group").

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

[16] Please note that the Contracting Authority is not responsible for the functioning of these tools. It remains the Candidate's responsibility to check compliance with the eIDAS Regulation.

4.7 Questions about the DPS

Requests for further information regarding an application to this DPS or other substantive and procedural aspects of this DPS must be made in a timely manner via the "Question & Answer" module in the Negometrix platform. Questions made in Tenders Electronic Daily (TED) and questions by telephone will not be processed.

For questions regarding the technical aspects of the Negometrix platform itself, you must contact the Negometrix help-desk via its e-mail (servicedesk@negometrix.com) or via the telephone number listed on the Negometrix website.

5 ROADMAP

The access and use of Negometrix by the contractor does not require any specific installation but only an internet connection, a specific e-mail address and a browser supporting TLS (transport layer security) for secure network transmission. All economic operators' documents should be uploaded in Negometrix.

The exchange of all documents preceding the signature of a direct contract or an amendment is normally done electronically (see section 4.5 Electronic Signatures).

Actors involved: Contracting Authority (CA) Economic Operator (EO)			
	ACTION	**ACTOR**	**NOTES**
1	**Publication of DPS (Stage 1)**		
1.1	Publish DPS and contract notice	CA	
2	**Submission of requests to participate (Stage 1) – entire duration of DPS**		
2.1	Ask questions on DPS	EO	Questions are asked through Negometrix. Questions about the Negometrix electronic exchange system itself must be asked via the Negometrix helpdesk (https://support.negometrix.com).
2.2	Publish replies to questions on DPS	CA	Questions are replied through Negometrix.

2.3	Submit request to participate	EO	After submitting the request to participate, the EO appears in the Offers/Applications section in Negometrix. Request to participate cannot be changed after submission.
3	**Assessment of requests to participate (Stage 1) – entire duration of DPS**		
3.1	Assess requests to participate and approve / reject EOs	CA	
3.2	Notify EOs of approval / rejection	CA	
4	**Publication of mini-competition (Stage 2)**		
4.1	Publish mini-competition in Negometrix, including Invitation to tender sent to all participants admitted in the DPS – Stage 1 for the concerned technical domain	CA	The participants of the DPS receive an email from Negometrix containing the Invitation to tender and the link to the mini-competition. The participant needs to click on the link to accept the invitation in order to have access to the mini-competition documents.
4.2	Ask questions on mini-competition	EO	The participants of the mini-competition have the possibility to ask questions in the Negometrix tool under the tab “Questions and Answers”.
4.3	Publish replies to EOs’ questions	CA	
4.4	Submit tender for a mini-competition	EO	The participants can start completing their offer as soon as they have accepted to participate in the mini-competition by following the instructions provided in the Tender Specifications for the mini-competition.
5	**Evaluation of offers in mini-competition (Stage 2)**		
5.1	Open the tenders	CA	
5.2	Evaluate the tenders	CA	An Evaluation Committee evaluates and ranks the tenders based on the award criteria defined in the Tender

			Specifications for the mini-competition. The winner(s) will be proposed for the award of the contract(s) by the awarding officer.
6	**Award of mini-competition (Stage 2)**		
6.1	Send notifications to all tenderers	CA	A notification will be sent to all participants who submitted a tender.
6.2	Publish award through Negometrix	CA	
7	**Signature phase**		
7.1	Send contract for winner's electronic signature	CA	The contract based on the draft contract published in Negometrix will be sent electronically to the mini-competition winner.
7.2	Sign the contract	EO	The winner signs the contract electronically within the deadline provided by the CA.
7.3	Counter-sign the contract	CA	The CA's responsible authorising officer signs the contract electronically within a reasonable time.
8	**Contract follow-up**		
8.1	Provide the services	EO	The contractor shall provide the services in accordance with the terms and conditions of the awarded contract.
8.2	Work acceptance	CA	Acceptance is based on deliverables or number of days performed, as defined in the mini-competition.
8.3	Submit invoice	EO	Invoice must be accompanied by work acceptance provided by the CA.
8.4	Authorise payment	CA	

6 LIST OF ANNEXES

	Document
Annex 1	Checklist of documents to be submitted with the application or during the procedure

Annex 2	Application cover letter 1. Application cover letter with appointment of contact person for sole candidate [*template*] 2. Application cover letter with power of attorney and appointment of contact person for a group [*template*]
Annex 3	Declaration on honour for exclusion and selection [*template*]
Annex 4	Commitment letter 1. Commitment letter by an identified Subcontractor [*template*] 2. Commitment letter by an entity for reliance [*template*]
Annex 5	Financial and technical selection templates 1. Financial selection [*template*] 2. Technical selection [*template*]
Annex 6	Guidelines on the use of electronic signatures

Annex 1 - Checklist of documents to be submitted with the application or during the procedure

Model documents can be found in the Negometrix platform

Description	Sole Candidate	Joint application		Identified Subcontractor	Entity on whose capacity is being relied	When and where to submit the document?	Instructions for uploading in Negometrix	
		Group leader	Member of the group				How to name the file?	Where to upload?
1. Identification and information about the Candidate								
Declaration on Honour on Exclusion and Selection Criteria **(see Section 2.1.4)** **Model in Annex 1.3 Declaration on honour**	☒	☒	☒	☒	☒	In Stage 1 With the application in Negometrix	'Declaration on Honour'	Negometrix (online) Section 1.8 Declaration on Honour
Evidence to prove the tenderer's country of establishment and to show that the person signing the documents is an authorised representative of the entity[1] **(see Sections 2.1.1 and 4.5)**	☒	☒	☒			In Stage 1 With the application in Negometrix	'Authorisation to sign documents'	Negometrix (online) Section 1.8 Declaration on Honour
Commitment letter[2] **(see Sections 2.1.3.2 and 2.1.3.3)**				☒	☒	In Stage 1 With the application in Negometrix	'Commitment letter subcontractor'	Negometrix (online) Section 1.4 Joint application and

[1] A document that the Contracting Authority can access on a national database free of charge does not need to be submitted if the Contracting Authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

[2] Two templates are provided: commitment letter template for identified subcontractors and a commitment letter template for entities on whose capacity is being relied

				(Model in Annex 1.4.1)	**(Model in Annex 1.4.2)**		'Commitment letter entity relied upon'	subcontracting
Evidence of non-exclusion **(see Section 2.1.4)**	☒	☒	☒	☒	☒	Upon request by the Contracting Authority At any time during the procedure	N/A	N/A
Evidence of legal existence and status	☒	☒	☒			Only upon request by *the EU Validation services* At any time during the procedure In the Participant Register	N/A	N/A
Evidence of economic and financial capacity F1 **(see Section 2.1.5.1)** **Template for "Statement of turnover" in Annex 1.5.1**	**The documents must be provided only by the entities who contribute to reaching the minimum capacity level for criterion F1**					In Stage 1 With the application in Negometrix	'Statement of turnover_Entity name' 'Financial statements_ entity_year'	Negometrix (online) Section 1.6 Economic and financial capacity
Evidence of technical and professional capacity T1 **(see Section 2.1.5.2)** **Template for "Project Reference" in Annexes 1.5.2.1, 1.5.2.2 and 1.5.2.3**	**The documents must be provided only by the entities who contribute to reaching the minimum capacity level for criterion T1**					In Stage 1 With the application in Negometrix	'Project_ reference_1' 'Project_ reference_2' Etc. (see also requirements in Negometrix)	Negometrix (online) Section 1.7 Technical and professional capacity
2. Application								
Application cover letter[3]	☒	☒	☒			With the application in Negometrix	'Application cover letter'	

[3] Two templates are provided: a cover letter in the case of a sole candidate, and a cover letter with Power of Attorney in the case of an application by a group.

DYNAMIC PURCHASING SYSTEM

FOR IT CONSULTANCY IN THE FIELDS OF DATACENTRE OPERATIONS, DIGITAL WORKPLACE SOLUTIONS AND E-BUSINESS SOLUTIONS

DIGIT/A3/PR/2019/028 – DPS FOR IT CONSULTANCY

APPLICATION COVER LETTER FOR A SOLE CANDIDATE - APPOINTMENT OF CONTACT PERSON

I, the undersigned:

Signatory information
Name
Function
Company (if applicable)
Registered address
VAT Number

having the legal capacity required to act on behalf of my Company,

HEREBY AGREES TO THE FOLLOWING:

1) To submit an application to the Dynamic Purchasing System (DPS) for IT Consultancy with reference DIGIT/A3/PR/2019/028 – DPS FOR IT CONSULTANCY, in accordance with the conditions specified in the DPS Specifications and the terms specified in the invitation to participate to the DPS.

2) To appoint the following individual as single point of contact authorised to communicate officially with the Contracting Authority in connection with the submitted application to

the DPS and, in the second stage of the DPS, Tender(s) to be submitted on behalf of the Company, including in connection with all relevant questions, clarification requests, notifications, invitation to the Mini-Competitions held in the second stage, etc., that may be received during the selection, evaluation, award and until the contract signature:

Name
Address
Email address

Any modification to the present Power of Attorney will be subject to the Contracting Authority's express approval. This Power of Attorney will expire when all the contractual obligations of the Group have ceased to exist. The parties cannot terminate it before that date without the Contracting Authority's consent.

Electronic signature:[1]

…

[1] This document must be signed with a qualified electronic signature.

DYNAMIC PURCHASING SYSTEM

FOR IT CONSULTANCY IN THE FIELDS OF DATACENTRE OPERATIONS, DIGITAL WORKPLACE SOLUTIONS AND E-BUSINESS SOLUTIONS

DIGIT/A3/PR/2019/028 – DPS FOR IT CONSULTANCY

APPLICATION COVER LETTER FOR A SOLE CANDIDATE - APPOINTMENT OF CONTACT PERSON

I, the undersigned:

Signatory information
Name
Function
Company (if applicable)
Registered address
VAT Number

having the legal capacity required to act on behalf of my Company,

HEREBY AGREES TO THE FOLLOWING:

1) To submit an application to the Dynamic Purchasing System (DPS) for IT Consultancy with reference DIGIT/A3/PR/2019/028 – DPS FOR IT CONSULTANCY, in accordance with the conditions specified in the DPS Specifications and the terms specified in the invitation to participate to the DPS.

2) To appoint the following individual as single point of contact authorised to communicate officially with the Contracting Authority in connection with the submitted application to the DPS and, in the second stage of the DPS, Tender(s) to be submitted on behalf of the

Company, including in connection with all relevant questions, clarification requests, notifications, invitation to the Mini-Competitions held in the second stage, etc., that may be received during the selection, evaluation, award and until the contract signature:

Name
Address
Email address

Any modification to the present Power of Attorney will be subject to the Contracting Authority's express approval. This Power of Attorney will expire when all the contractual obligations of the Group have ceased to exist. The parties cannot terminate it before that date without the Contracting Authority's consent.

Electronic signature:[1]

...

[1] This document must be signed with a qualified electronic signature.

DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA

Procedure

Procedure title and reference:

Representative

The undersigned's full name:

representing the following legal person:

Company

Full official name:
Official legal form:
Statutory registration number**:**
VAT registration number:
Full official address:
Role in procedure:

Referred to below as **'the person'**

A. DECLARATION ON HONOUR ON EXCLUSION CRITERIA

I – SITUATIONS OF EXCLUSION CONCERNING THE PERSON

(to be completed by all involved entities[1])

	YES	NO
(1) declares that the person is in one of the following situations:		
(a) it is 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 Union or national law;	☐	☐
(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 applicable law;	☐	☐

[1] An **"involved entity"** is each economic operator involved in the Application/tender. This includes the following four categories of economic operators:

- ✓ Sole Candidate/Tenderer;
- ✓ Group Members (including Group Leader) in case of a joint Application/tender;
- ✓ identified subcontractors; and
- ✓ other entities (that are not subcontractors) on whose capacity the Candidate/Tenderer relies to fulfil the selection criteria.

	YES	NO
(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 eligibility or selection criteria or in the performance of a contract or an agreement;	☐	☐
(ii) entering into agreement with other persons or entities 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 3 of Directive (EU) 2017/1371 and 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 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable laws;	☐	☐
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	☐	☐
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;	☐	☐
(v) terrorist offences or offences related to terrorist activities as well as of inciting, aiding, abetting or attempting to commit such offences as defined in Articles 3, 14 and Title III of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism;	☐	☐
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	☐	☐

	YES	NO
(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement 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 a contracting authority, the European Anti-Fraud Office (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) it has been established by a final judgment or final administrative decision that the person has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;	☐	☐
(h) it has been established by a final judgment or final administrative decision that the person has been created with the intent referred to in point (g).	☐	☐
(2) declares that, for the situations referred to in points (1) (c) to (1) (h) above, in the absence of a final judgement or a final administrative decision, the person is[2]:		
i. subject to facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office, the Court of Auditors, or the internal auditor, 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. subject to non-final judgments or 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. subject to facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;	☐	☐
iv. subject to information transmitted by Member States implementing Union funds;	☐	☐
v. subject to decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law;	☐	☐
vi. informed, by any means, that it is subject to an investigation by the European Anti-Fraud office (OLAF): either because it has been given the opportunity to comment on facts concerning it by OLAF, or it has been subject to on-the-spot checks by OLAF in the course of an investigation, or it has been notified of the opening, the closure or of	☐	☐

[2] The declaration under this point (2) is voluntary and it cannot have adverse legal effect on the economic operator until the conditions of Article 141(1) (a) FR are met.

	YES	NO
any circumstance related to an investigation of the OLAF concerning it.		

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON AND BENEFICIAL OWNERS

Not applicable when 'the person' is a natural person, a Member State or a local authority. In all other cases to be filled in by all involved entities

	YES	NO	N/A
(3) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the person, or who has powers of representation, decision or control with regard to the person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as defined by point 6 of Article 3 of Directive (EU) No 2015/849) is in one of the following situations:			
Situation (1)(c) above (grave professional misconduct)	☐	☐	☐
Situation (1)(d) above (fraud, corruption or other criminal offence)	☐	☐	☐
Situation (1)(e) above (significant deficiencies in performance of a contract)	☐	☐	☐
Situation (1)(f) above (irregularity)	☐	☐	☐
Situation (1)(g) above (creation of an entity with the intent to circumvent legal obligations)	☐	☐	☐
Situation (1)(h) above (person created with the intent to circumvent legal obligations).	☐	☐	☐

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON

Not applicable when 'the person' is a natural person, a Member State, a local authority or legal persons with limited liability. In all other cases to be filled in by all involved entities

	YES	NO	N/A
(4) declares that a natural or legal person that assumes unlimited liability for the debts of the person is in one of the following situations:			
Situation (a) above (bankruptcy)	☐	☐	☐
Situation (b) above (breach in payment of taxes or social security contributions)	☐	☐	☐

IV – OTHER GROUNDS FOR REJECTION FROM THIS PROCEDURE

(to be filled in individually by the sole Candidate/Tenderer or all members in case of a joint Application/tender)

	YES	NO
(5) declares that the person:		
(a) was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	☐	☐

V – REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it may indicate remedial measures it has taken to remedy the exclusion situation, in order to allow the authorising officer to determine whether such measures are sufficient to demonstrate its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence, which illustrates the remedial measures taken, must be provided in annex to this declaration. This does not apply for situations referred in point (1) (d) of this declaration.

VI –EVIDENCE ON EXCLUSION CRITERIA

The DPS Tender Specifications set out in detail which involved entities must provide the appropriate evidence to prove that they are not in an exclusion situation referred to in (1) and when the evidence needs to be provided.

The following evidence could serve as evidence:

- For situations described in points (1): (a), (c), (d), (f), (g) and (h) above, a recent extract from the judicial record 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 situations described in point (1) (a), (b), recent certificates issued by the competent authorities of the the country of establishment. 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 of establishment, 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.

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority[3]. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date. The signatory declares that the person has already provided the

[3] The same EU institution, agency, body or office.

documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure

The person is not required to submit the evidence if it can be accessed on a national database free of charge.

The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

Internet address of the database	Identification data of the document
Insert as many lines as necessary.	

B. DECLARATION ON HONOUR ON SELECTION CRITERIA

I – SELECTION CRITERIA

Selection criteria applicable to the Candidate/Tenderer as a whole - consolidated assessment

(to be completed only by the sole Candidate/Tenderer or the Group Leader in case of a joint Application/tender)

The person, being a sole Candidate/Tenderer/the Group Leader of a joint Application/tender, submitting an Application/tender for the above procedure:

	YES	NO
(6) declares that the Candidate/Tenderer, including all Group Members in case of a joint Application/tender, subcontractors and entities on whose capacity the Candidate/Tenderer intends to rely if applicable:		
(a) fulfil(s) all the selection criteria for which a consolidated assessment will be made as provided in the DPS Specifications	☐	☐

Selection criteria applicable individually to the involved entities - individual assessment

(to be completed individually by the involved entities to whom selection criteria apply individually according to the DPS Tender Specifications)

The person, being a sole Candidate/Tenderer/a member of a joint Application/tender/a subcontractor, submitting/participating in an Application/tender for the above procedure:

	YES	NO	N/A
(7) declares that the person complies with the selection criteria applicable to it individually:			

	YES	NO	N/A
(a) has the legal and regulatory capacity to pursue the professional activity needed as required in the DPS Specifications;	☐	☐	☐
(b) fulfills the applicable economic and financial criteria indicated in the DPS Specifications;	☐	☐	☐
(c) fulfills the applicable technical and professional criteria indicated in the DPS Specifications.	☐	☐	☐

II – SELECTION CRITERIA –PROFESSIONAL CONFLICTING INTERESTS

(to be completed by all involved entities)

The person, being a sole Candidate/Tenderer/ a member of a joint Application/tender/a subcontractor, submitting/participating in an Application/tender for the above procedure:

	YES	NO
(8) declares that the person		
(a) is subject to conflicting interests which may negatively affect the contract performance.	☐	☐

III – EVIDENCE ON SELECTION CRITERIA PROVIDED FOR ANOTHER PROCEDURE

The DPS Tender Specifications set out in detail what evidence, when, and by which involved entity needs to be provided in order to prove that the Candidate/Tenderer fulfils the selection criteria.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority[4] and the documents are still up to date. The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure

The person is not required to submit the evidence if it can be accessed on a national database free of charge.

The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

Internet address of the database	Identification data of the document

[4] The same EU institution, agency, body or office.

C. DECLARATION ON HONOUR ON ESTABLISHED DEBT TO THE UNION

(to be completed by the sole Candidate/Tenderer or each Group Member in case of a joint Application/tender)

The person, being a sole Candidate/Tenderer/a member of a joint Application/tender, submitting an Application/tender for the above procedure:

	YES	NO
(9) declares that the person		
(a) has an established debt to the Union, European Atomic Energy Community or an executive agency when the latter implements the Union budget.	☐	☐

D. DECLARATION ON HONOUR ON SUBMITTING TENDERS

(to be completed individually by the sole Candidate/ Tenderer, or the Group Leader in case of a joint Application/tender)

	YES	NO
(10) declares that the person:		
(a) undertakes to prepare the tender as part of the Mini Competition at Stage 2 of the DPS (if invited to submit a tender) in complete independence and autonomously from the other tenders submitted within the same Mini Competition.	☐	☐

The person must immediately inform the contracting authority of any changes in the situations as declared.

The person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Qualified Electronic Signature:[5]

[5] This declaration must be signed with a qualified electronic signature (QES). Please note that only the qualified electronic signature (QES) within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted. Please consult DPS Specifications for additional information regarding signature requirements. Before sending back your electronically signed document, please check the signature and validity of the certificate.

DYNAMIC PURCHASING SYSTEM (DPS)
FOR
IT CONSULTANCY IN THE FIELDS OF DATACENTRE OPERATIONS, DIGITAL WORKPLACE SOLUTIONS AND E-BUSINESS SOLUTIONS

DIGIT/A3/PR/2019/028 – DPS FOR IT CONSULTANCY

COMMITMENT LETTER BY IDENTIFIED SUBCONTRACTOR TEMPLATE

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders DPS FOR IT CONSULTANCY

Ref. DIGIT/A3/PR/2019/028

Attn: …

[Insert date]

Commitment letter by identified subcontractor

I, the undersigned,

Name: **…**

Function: **…**

Company: **…**

Registered address: **…**

VAT Number: **…**

having the legal capacity required to act on behalf of the company *[insert name of the entity]* hereby confirm that our company agrees to participate as subcontractor in the offer of *[insert*

name of the tenderer] for the Call for Tenders **DIGIT/A3/PR/2019/028 – DPS for IT Consultancy**.

In the event that a tender of the aforementioned tenderer is successful, ***[insert name of the subcontractor]*** commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance and that it accepts the conditions attached to the Contract template for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at: **…**

Name: **…**

Position: **…**

Signature: **…**

DYNAMIC PURCHASING SYSTEM (DPS)
FOR
IT CONSULTANCY IN THE FIELDS OF DATACENTRE OPERATIONS, DIGITAL WORKPLACE SOLUTIONS AND E-BUSINESS SOLUTIONS

DIGIT/A3/PR/2019/028 – DPS FOR IT CONSULTANCY

COMMITMENT LETTER BY ENTITY FOR RELIANCE TEMPLATE

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders DPS FOR IT CONSULTANCY

Ref. DIGIT/A3/PR/2019/028

Attn: …

[Insert date]

Commitment letter by entity on whose capacity is being relied

I, the undersigned,

Name: **…**

Function: **…**

Company: **…**

Registered address: **…**

VAT Number: **…**

having the legal capacity required to act on behalf of the company ***[insert name of the entity]*** hereby confirm **that our company authorises *[insert name of the candidate]* to rely on its *[financial and economic capacity and/or technical and professional capacity]*[1] in order to meet the minimum levels** required for the Call for Tenders **DIGIT/A3/PR/2019/028 – DPS for IT Consultancy**.

In the event that a tender of the aforementioned candidate is successful, ***[insert name of the entity]*** commits itself to make available the resources necessary for performance of the contract.

[***Please fill-in this paragraph only in case you chose "technical and professional capacity" above and select one or more options, from a) to f), as applicable.*** In regards to technical and professional capacity, we hereby confirm that, in the event that the tender of ***[insert name of the candidate]*** is successful, our company will be involved in the performance of the contract and that the following case(s) will apply:

☐ a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

☐ b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

☐ c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer) .

☐ d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract.[2]

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[1] Please choose one or both of these options, as applicable.
In case you choose "technical and professional capacity", please note that a tenderer may only rely on the capacities of other entities where the latter will perform the services for which these capacities are required (i.e. the latter will assume the role of subcontractor or falls within the exceptions listed in Section 2.4.2 of the Tender specifications). In case the entity relied upon will assume the role of subcontractor, you are required to submit Annex 5.1 (Commitment letter by identified subcontractor) and Annex 4 (List of identified subcontractors). **Please use this model for reliance on technical and professional capacity only if you fall within the exceptions listed in Section 2.4.2 of the Tender specifications!**

[2] The self-employed persons can be either individuals (self-employed natural persons who do not employ other IT service providers), or service providers in one of the following situations: i) sole proprietorships in which only one person (employee or not) is active in providing IT services; ii) companies in which only one person (employee or not) is active in providing IT services and iii) companies in which maximum two persons (employees or not) with family ties are active in providing IT services.

☐ e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance[3].

☐ f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.]

[Insert name of the entity] further declares that it is not subject to conflicting interests which may negatively affect the contract performance and that it accepts the conditions attached to the Contract template for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at: **…**

Name: **…**

Position: **…**

Signature: **…**

[3] In case the economic activities of the suppliers and/or the transporting services are within the subject of this call for tender the suppliers and/or transporters will be considered subcontractors and would not fall within the exceptions listed in Section 2.4.2 of the Tender specifications.

EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Directorate A – Strategy & Resources
DIGIT A3 – ICT Procurement & Contracts

European Commission

Call for Tenders

DIGIT/A3/PR/2019/028 – DPS for IT Consultacy

Financial Selection Template

All technical domains

STATEMENT OF TURNOVER

Full and precise name of the concerned entity: …….

Currency: …….

TURNOVER YEAR ***[insert year]***	**TURNOVER YEAR** ***[insert year]***
[insert overall turnover amount]	***[insert overall turnover amount]***
AVERAGE YEARLY TURNOVER FOR THE ABOVE-MENTIONED TWO YEARS: *[insert amount]*	

By submitting this statement of turnover, the concerned entity certifies that the information given is correct and declares that *[insert year]* is the last financial year for which the accounts have been closed.

EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Directorate A – Strategy & Resources
DIGIT A3 – ICT Procurement & Contracts

European Commission

Call for Tenders

DIGIT/A3/PR/2019/028 – DPS for IT Consultacy

Technical Selection Template

Technical Domain:

Datacentre Operations

CONTRACT REFERENCE TEMPLATES

The contract reference templates below must be used to give details about relevant contracts the tenderer wishes to present as evidence for the technical selection criteria.

The use of these contract reference templates is mandatory. Only projects submitted on these contract reference templates will be considered. A new contract reference template must be completed for each contract/project.

The Contracting Authority may request statements issued by the clients, public or private, as supporting documents for each contract reference. These documents should be ready to be provided within five working days of the Contracting Authority's request. The contact persons for the clients indicated in the contract reference template may be contacted in the context of this call for tenders.

Reference n° _____

Full and precise name of the concerned entity that provided the services (referred to hereunder as "concerned entity"): …….……..

Contract name: …….

Start date (mm/yy): ……. **Finish date** (mm/yy): …….

Client's name: …….

Contact person for the client: ……. **Phone:** …… **e-mail:** ……

By submitting this contract reference, the concerned entity declares that the contract has been executed according to the contractual terms [up to now].

Value of the contract (in Euro): ……

Role of the concerned entity in the referenced contract:

☐ Sole contractor ☐ Consortium member ☐ Subcontractor___%*

☐ Employee of the contractor

* Please indicate the % of work carried out if you are a subcontractor on this project.

Technology domains covered by this contract reference - the contract reference must cover at least one out of the following domains:

☐ IT Operations Management: design, implementation, management and operation of data centre processes and services.

☐ Datacentre Management and Platforms: design, implementation, management and operation of data centre facilities, infrastructures, data storage, highly available computing platforms, including operating systems, virtualization, applications, relational and non-relational database systems.

☐ IT Security, Identity & Access Management: design, implementation, management and operation of identity-related services, security procedures, security monitoring, detecting and handling of security events.

☐ Cloud Management: design, implementation, management and operation of private, public and hybrid cloud computing environments.

Minimum capacity requirements covered by this contract reference – all following requirements must be covered:

☐ The reference project was executed after the 1st of January 2017.

☐ The reference project has been executed for a minimum duration of 3 months.

☐ Project executed (at least) in English

☐ Project's total contract value: at least €50,000 (fifty thousand euro)

☐ Project's client: organisation/institution/company with over 10 staff members in total
Detailed task description (maximum 2 pages): **Technologies involved (hardware, software and tools):**

EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Directorate A – Strategy & Resources
DIGIT A3 – ICT Procurement & Contracts

European Commission

Call for Tenders

DIGIT/A3/PR/2019/028 – DPS for IT Consultacy

Technical Selection Template

Technical Domain:

Digital Workplace Solutions

CONTRACT REFERENCE TEMPLATES

The contract reference templates below must be used to give details about relevant contracts the tenderer wishes to present as evidence for the technical selection criteria.

The use of these contract reference templates is mandatory. Only projects submitted on these contract reference templates will be considered. A new contract reference template must be completed for each contract/project.

The Contracting Authority may request statements issued by the clients, public or private, as supporting documents for each contract reference. These documents should be ready to be provided within five working days of the Contracting Authority's request. The contact persons for the clients indicated in the contract reference template may be contacted in the context of this call for tenders.

Reference n° _____

Full and precise name of the concerned entity that provided the services (referred to hereunder as "concerned entity"): …….……..

Contract name: …….

Start date (mm/yy): ……. **Finish date** (mm/yy): …….

Client's name: …….

Contact person for the client: ……. **Phone:** …… **e-mail:** ……

By submitting this contract reference, the concerned entity declares that the contract has been executed according to the contractual terms [up to now].

Value of the contract (in Euro): ……

Role of the concerned entity in the referenced contract:

☐ Sole contractor ☐ Consortium member ☐ Subcontractor___%*

☐ Employee of the contractor

* Please indicate the % of work carried out if you are a subcontractor on this project.

Technology domains covered by this contract reference - the contract reference must cover at least one out of the following domains:

☐Multi-dimensional architecture design across heterogeneous and full-stack enterprise platforms

☐ Security and data protection design, implementation and management

☐ Provision of high-level and tactical technological assistance

☐ Troubleshooting of complex product integration issues

☐ Technological assistance and expertise in development, implementation, management and support of enterprise IT solutions for user services on premises and on the cloud.

Minimum capacity requirements covered by this contract reference - the contract reference must cover at least one out of the following requirements:

☐ Project focused on security and privacy design for the provision of digital workplace services in hybrid cloud context, with cloud services security constraints

☐ Project focused on the design, development and implementation of specific user device management solutions (typically in a hybrid cloud context)

☐ Project integrating user device management tools and services running across devices with different operating systems (i.e. Windows, MacOs, iOS, Linux, Android) and accessing cloud services for the digital workplace (i.e. Microsoft 365 services, Azure, Amazon Web Services, Google Cloud)

☐ Project focused on the design, implementation, and operations management of IT architectures for the digital workplace based on heterogeneous and full-stack enterprise platforms

☐ Provision of high-level technological assistance in complex integration environments for the digital workplace (typically in hybrid cloud context)

Minimum capacity requirements covered by this contract reference – all following requirements must be covered:

☐ Project was executed after the 1st January 2017 and during at least 6 months.

☐ The minimum number of person-days working on the project (in the relevant technical domain) is 110.

☐ Project was executed in English and/or French, with documentation delivered in electronic format and in English

☐ Project targeting a user population in excess of 5,000 members of staff

☐ Project's total contract value: at least €50,000 (fifty thousand euro)

Detailed task description (maximum 2 pages):
(Please explain why you consider this reference represents relevant experience for the Digital Workplace domain)

Technologies involved (hardware, software and tools):

EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Directorate A – Strategy & Resources
DIGIT A3 – ICT Procurement & Contracts

European Commission

Call for Tenders

DIGIT/A3/PR/2019/028 – DPS for IT Consultacy

Technical Selection Template

Technical Domain:

E-BUSINESS SOLUTIONS

CONTRACT REFERENCE TEMPLATES

The contract reference templates below must be used to give details about relevant contracts the tenderer wishes to present as evidence for the technical selection criteria.

The use of these contract reference templates is mandatory. Only projects submitted on these contract reference templates will be considered. A new contract reference template must be completed for each contract/project.

The Contracting Authority may request statements issued by the clients, public or private, as supporting documents for each contract reference. These documents should be ready to be provided within five working days of the Contracting Authority's request. The contact persons for the clients indicated in the contract reference template may be contacted in the context of this call for tenders.

Reference n° _____

Full and precise name of the concerned entity that provided the services (referred to hereunder as "concerned entity"): …….……..

Contract name: …….

Start date (mm/yy): ……. **Finish date** (mm/yy): …….

Client's name: …….

Contact person for the client: ……. **Phone:** …… **e-mail:** ……

By submitting this contract reference, the concerned entity declares that the contract has been executed according to the contractual terms [up to now].

Value of the contract (in Euro): ……

Role of the concerned entity in the referenced contract:

☐ Sole contractor ☐ Consortium member ☐ Subcontractor___%*

☐ Employee of the contractor

* Please indicate the % of work carried out if you are a subcontractor on this project.

Technology domains covered by this contract reference - the contract reference must cover at least one out of the following domains:

- Secure business to business messaging protocols (EBMS3, SBDH, AS4, ebCore Party ID Type)
- PKI
- SAML
- XML DSig
- XAdES/CAdES/PAdES, hyperledger fabric
- Ethereum and other blockchain protocols
- Architecting and developing cloud-native applications (AWS or Azure based)
- Messaging / event streaming technologies
- API management, routing and proxying technologies and cloud services.
- Container orchestration technologies (Docker/Kubernetes/Openshift/PKS) or cloud service for container orchestration.
- Lightweight BPM/workflow engines (Camunda) and related cloud workflow services.
- Service Monitoring and reliability : Prometheus, Grafana, Splunq, ELK, Zipkin and cloud equivalent services
- Graph processing and storage technologies; NoSQL and caching
- Serverless platforms and cloud services (Lambda, …)
- Configuration management : Spring Cloud Config, Consul, Vault, Zookeeper.

Minimum capacity requirements covered by this contract reference – all following requirements must be covered:

☐ The reference project was executed after the 1st of January 2018.

☐ The reference project has been executed for a minimum period of six months.

☐ Project executed (at least) in English. ☐ Project's total contract value: at least €120,000 (one hundred and twenty thousand euro) ☐ Project's client: organisation/institution/company with over 100 staff members in total.
Detailed task description (maximum 2 pages): **Technologies involved (hardware, software and tools):**

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DIRECTORATE-GENERAL FOR INFORMATICS

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DIGIT A.3 - ICT Procurement and Contracts

DIGIT/A3/PR/2019/028 – DPS for IT Consultancy

Annex 6

Guidelines on the use of electronic signatures

This document is designed to help and guide the economic operations by providing additional explanations and by publishing a list of Frequently Asked Question regarding electronic signatures.

According to the provisions of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (the Financial Regulation, "FR"), a DPS is a completely electronic process. Accordingly, where a document needs to be signed, the signature must be a Qualified Electronic Signature (QES) as defined in Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation).

Documents signed with a QES benefit from the highest level of security and legal certainty under the eIDAS Regulation. You can find more background information here: https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eSignature+-+Businesses.

QES is the only type of electronic signature recognised to have equivalent legal effect to a handwritten signature in all EU Member States, under the eIDAS Regulation. It is therefore used by the Commission in its contractual relationships.

The qualified certificate used for the creation of a QES must be obtained from a qualified trust service provider as defined in the eIDAS Regulation. The national lists of qualified trust service providers can be consulted using the European Commission's Trusted List Browser tool[1].

Before sending/uploading your signed document, we recommend that you check the validity of the QES with the validation tool of the European Commission: DSS Demonstration WebApp, available at https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation.

[1] Tool maintained by the European Commission to browse the national Trusted Lists and the European List of Trusted Lists. The information in the tool is based on the national lists with qualified trust service providers, maintained by the Member States pursuant to Article 22 of the eIDAS Regulation.

The validation tool can help you check the validity of a certificate by indicating the number and type of valid signatures in a document.

The expected results of the DSS Demonstration WebApp are the following:

- The field “Qualification” indicates “QESig”[2]
- The field “Indication” indicates “TOTAL_PASSED”
- The field “Certificate Chain” indicates the full name(s) of the person(s) who signed the document
- The field “Signatures status: 1 valid signatures, out of 1” (or plural, depending on the amount of signatories)

If the name of the signatory/ies and the indication QESig do not appear in the test result, then the document was not signed with a valid QES.

[2] Signatures and seals whose qualification level in the DSS report is QESeal, AdESeal-QC, AdESig-QC, AdESig or AdESeal will not be accepted.

Qualified electronic signatures – Frequently Asked Questions (FAQ)

1) How can we obtain a QES?

The qualified certificate used for the creation of an electronic signature must be obtained from a qualified trust service providers as defined in the eIDAS Regulation (Regulation (EU) No 910/2014). The national lists of qualified trust service providers can be consulted using the eIDAS Trusted Lists and the EU List of eIDAS Trusted Lists (LOTL) at https://webgate.ec.europa.eu/tl-browser/#/.

In order to sign documents with a valid QES, we encourage you to contact one of the entities included in the LOTL. The providers tagged with the mention "QCert for ESig" offer services which allow to sign documents with QES. It is important that you request the specific service which will allow a natural person to sign documents with a QES.

Once you obtain qualified certificate from one of the qualified trust service providers, you can sign documents with a QES.

2) How can we check that the signature we use is a valid QES that will be accepted by the Commission?

It is strongly recommended that you check the validity of the certificate with which you electronically signed your documents before submitting them to the Commission.

The validation tool of the European Commission's DSS Demonstration WebApp available at https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation can help you check the validity of a certificate by indicating the number and type of valid signatures in a document. The expected results of the DSS Demonstration WebApp are the following:

- The field "Qualification" indicates "QESig"
- The field "Indication" indicates "TOTAL_PASSED"
- The field "Certificate Chain" indicates the full name(s) of the person(s) who signed the document
- The field "Signatures status: 1 valid signatures, out of 1" (or plural, depending on the amount of signatories)

If the name of the signatory/ies and the indication QESig do not appear in the test result, then the document was not signed with a valid QES.

3) Why do you not accept other types of electronic signatures than QES?

Qualified Electronic Signature (QES) compliant to eIDAS Regulation (Regulation (EU) No 910/2014) benefits from the highest level of security and legal certainty and is recognised to have equivalent legal effect to a handwritten signature in all EU Member States. It is therefore used by the Commission in its contractual relationships.

You can find more background information here:

https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eSignature+-+Businesses.

4) We have a document signed by DIGIT, but we do not see any signature if the document, we cannot accept it.

In order to see the Qualified Electronic Signature (QES) present in the document, you should open the signed document in Adobe and check the properties of the signature.

To see detailed signature properties, go to 'Signature Panel', right click on the name of the signatory and select 'Show Signature Properties". You will be able to see the properties of the signature, including the date of signing. The signature properties of the document indicate that DIGIT signed the document with a valid QES compliant with the to eIDAS Regulation (Regulation (EU) No 910/2014). According to Article 25 of the eIDAS Regulation, a qualified electronic signature shall have the equivalent legal effect of a handwritten signature.

5) Can we sign documents with DocuSign?

DocuSign can be used to sign documents with a QES. However, it is not sufficient to have a DocuSign workflow within your company to sign documents with a valid QES. What needs to be checked is whether the service used for qualified certificate generation is also included in the eIDAS Trusted Lists and the EU List of eIDAS Trusted Lists (LOTL) at https://webgate.ec.europa.eu/tl-browser/#/.

Each service provider can offer both qualified and non-qualified services. All qualified services are listed in the LOTL. To make sure you use a qualified electronic signature compliant to eIDAS Regulation ((Regulation (EU) No 910/2014), you need to check that both the service provider and the qualified certificate generation service are in the LOTL.

DocuSign France is included in the LOTL and provides the following qualified certificate generation services (CA/QC): KEYNECTIS ICS QUALIFIED CA and DocuSign Premium Cloud Signing CA - SI1.

Therefore, if you want to use a qualified electronic certificate provided by DocuSign France, you have to purchase a certificate generated by one of the above two valid certificate generation services.

Any other certificate provided by Docusign France or another DocuSign entity for signing documents and that is not include in the LOTL, is not qualified and therefore cannot be used to generate a qualified electronic signature compliant to eIDAS Regulation.

6) Can we sign documents with AdobeSign?

AdobeSign is a platform that allows signing documents with QES and with other types of electronic signatures. Depending on the third-party certificate used for signing, the signature applied through AdobeSign can be a QES or not. Therefore, it is not enough for a signature to be applied via AdobeSign to be considered a valid QES. In order to make sure you use a qualified electronic signature compliant to eIDAS Regulation ((Regulation (EU) No 910/2014), you need to check that both the service provider and the qualified certificate generation service are in the eIDAS Trusted Lists and the EU List of eIDAS Trusted Lists (LOTL) at https://webgate.ec.europa.eu/tl-browser/#/.

7) Can we sign documents with ITSME?

ITSME is a platform that can be used to sign documents with a QES. However, it is not sufficient for a signature to be applied with ITSME to be considered a valid QES. What needs to be checked is whether the service provider and the service used for qualified certificate generation is included in the eIDAS Trusted Lists and the EU List of eIDAS Trusted Lists (LOTL) at https://webgate.ec.europa.eu/tl-browser/#/.

Each service provider can offer both qualified and non-qualified services. All qualified services are listed in the LOTL. Therefore, to make sure you use a qualified electronic signature compliant to eIDAS regulation, you need to check that both the service provider and the qualified certificate generation service are in the LOTL.

The following certificate generation service for qualified certificates (CA/QC) linked to ITSME is included in the LOTL: itsme Sign Issuing CA G1.

This service is provided by qualified trust service provider QuoVadis Trustlink BVBA. If you request a QES certificate generated by this service from QuoVadis Trustlink BVBA, you should be able to sign documents with a valid QES.

It should be noted that ITSME can be also used as a platform to sign documents with other third-party certificates. For example, ITSME can be used to sign documents with a valid QES linked to the Belgian ID card.

It is strongly recommended that you check the validity of the certificate with which you electronically signed your documents before submitting them to the Commission.

8) We have signed a document with a valid Belgian ID card. Why EC electronic signature validation tools do not recognise this as a valid QES?

When a document is signed electronically, it needs to be signed with a Qualified Electronic Signature (QES) as defined in Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation.

The DSS tool checks compliance of electronic signatures with the eIDAS Regulation. As set out in the Commission Implementing Decision (EU) 2015/1506 laying down the specifications relating to formats of advanced electronic signatures to be recognised by public sector bodies, the verification of validity is based on the ETSI (European Telecommunications *Standards* Institute) standards.

Belgian electronic ID cards can generate electronic signatures. The validity of a QES generated by a Belgian ID card depends on the type of card, it does not depend on the validity of the card itself.

Electronic signatures generated with older Belgian ID cards are based on the SHA-1 cryptographic algorithm. It is important to understand that the SHA-1 is an outdated algorithm that is no longer considered secure according to the ETSI standards. Electronic signatures generated with this algorithm are therefore not recognised by the DSS tool as valid QES. In this respect, we refer you to the following ETSI Technical Specifications that provide detailed information regarding the ETSI standards for electronic signature algorithms:

- ETSI TS 102 176-1 v2.1.1 (2011-07) *"Electronic Signature and Infrastructures (ESI); Algorithms and Parameters for Secure Electronic Signatures; Part 1: Hash functions and asymmetric algorithms"* available for consultation at:

https://www.etsi.org/deliver/etsi_ts/102100_102199/10217601/02.01.01_60/ts_10217601v020101p.pdf;

- ETSI TS 119 312 v1.3.1 (2019-02) *"Electronic Signatures and Infrastructures (ESI); Cryptographic Suites"* available for consultation at: https://www.etsi.org/deliver/etsi_ts/119300_119399/119312/01.03.01_60/ts_119312v010301p.pdf.

The fact that the DSS tool does not identify signatures generated by older Belgian ID cards as valid QES is therefore due to the invalidity of the algorithm used in generating the signature. An electronic signature based on the SHA-1 algorithm is not recognised as a valid QES as it is not considered secure according to the ETSI standards.

Adobe mentions this type of electronic signatures as QES compliant with the Directive 1999/93/EC. This is however not an indication that a signature is a valid QES compliant with the eIDAS Regulation. The Directive 1999/93/EC is no longer in force as it was repealed by the eIDAS Regulation. Therefore, the validity of an electronic signature needs to be checked against the requirements set out in the eIDAS Regulation and in the related implementing decisions and not against the requirements of the earlier Directive that is now obsolete.

More recent Belgian electronic ID cards use the SHA-256 algorithm and are able to generate electronic signatures that are valid QES, compliant with the eIDAS Regulation. Therefore, in case you would like to have the documents signed with a Belgian ID card, we recommend you to ensure that a more recent ID card model is used.

Other methods are also available in order to sign with a valid QES. To find another method, we encourage you to contact one of the entities included in the browser of national eIDAS Trusted Lists and EU List of eIDAS Trusted Lists (LOTL) at https://webgate.ec.europa.eu/tl-browser/#/. The providers tagged with the mention "QCert for ESig" offer services which allow to sign documents with QES. It is important that you request the specific service which will allow a natural person to sign a document with a QES.

9) We will send you the link to the signed document via the DocuSign (or other) platform. Please sign using the provided link.

No, the Contracting Authority will not sign any documents using an external platform. Please send us the document signed by your authorised representative by email. Once we counter-sign the document, we will send it back to you by email.

10) What about electronic seals? Can we apply a qualified electronic seal instead of a QES?

Electronic seals serve as evidence that an electronic document was issued by a legal person, ensuring certainty of the document's origin and integrity. According to eIDAS Regulation (Regulation (EU) No 910/2014) when a transaction requires a qualified electronic seal from a legal person, a qualified electronic signature from the authorised representative of the legal person is equally acceptable across the European Union.

We do not require economic operators to possess electronic seals or to seal documents sent to us. For signing a contract, an electronic seal is not sufficient and you need to have the contract signed by your legal representative using a qualified electronic signature (QES). In case you are faced with a requirement to provide an electronic seal in the scope of an EU or national tender or contract, a qualified electronic signature of a legal representative can be

used as well and is equally accepted. Therefore, a valid qualified electronic signature can be used in both cases (for signing documents and also as an equivalent or an electronic seal, if such requirement arises), however a qualified electronic seal cannot be used as an equivalent of a valid QES.