



Specifications attached to the Invitation to Tender

No. SJU/LC/0049-CFT

***Selection of Large Account Reseller (LAR)
services for the acquisition of Microsoft
software products and licences***

22nd October 2010

Edition 00.01.00

1. INTRODUCTION

1.1. ACRONYMS AND TERMINOLOGY

ATM:	Air Traffic Management
SESAR:	Single European Sky ATM Research Programme
SJU:	SESAR Joint Undertaking (European Union body under Council Regulation (EC) No 219/2007 as amended by Council Regulation (EC) No 1361/2008)
LAR:	Large Account Reseller
ERP:	Estimated Retail Price
OJEU:	Official Journal of the European Union
SLA:	Service Level Agreement
SLR:	Service Level Requirements

1.2. THE SESAR JOINT UNDERTAKING

The purpose of the SJU created under Article 187 of the Treaty on the Functioning of the European Union, is to ensure the modernisation of the European air traffic management system through the coordination and concentration of all relevant research and development efforts.

The SJU is responsible for the implementation of the ATM Master Plan and for carrying out specific activities aimed at the development of a new generation air traffic management system capable of ensuring the safety and fluidity of air transport worldwide over the next thirty years. Further information on the activities of the SJU is available at www.sesarju.eu.

In order to carry out its mission, the SJU is implementing a harmonised and consistent ATM R&D work programme established on the basis of the SESAR Definition Phase findings, preparing for the development and implementation of the relevant improvements and systems as from 2013.

2. OVERVIEW OF THIS CALL FOR TENDER

2.1. OBJECTIVE OF THIS CALL FOR TENDER

The objective of this call for tender is to establish a framework contract with a Large Account Reseller (LAR) who will act as single source purchase channel for the acquisition of Microsoft software products and licences. The future contractor has to provide a unique interface between Microsoft and the SJU.

2.2. NATURE OF THE CONTRACT TO BE AWARDED

The SJU will sign a supply framework contract with the successful tenderer. A draft framework contract is attached to the present document as Annexe V.

The framework contract to be placed will be implemented through purchase orders issued according to the requests of the SJU (please refer to Article I.4 of the draft framework contract).

2.3. DURATION OF THE CONTRACT

The framework contract resulting from the present call for tenders will have an initial duration of one (1) year as from the date of signature, and may be renewed up to 3 times, each for an additional period of 1 year.

2.4. PLACE OF DELIVERY

SESAR Joint Undertaking
Avenue de Cortenbergh 100
1000 Brussels
Belgium

2.5. VOLUME

In 2009, the SJU spent for Microsoft products and licences purchases through the LAR approximately 100 000, 00 EUR.

The current number of named users at the SJU is **80**.

The current total number of internal and external people using the SJU Extranet implemented using SharePoint technology (SharePointS 2007 Enterprise Extranet User CAL's) is **2000**.

2.6. SUB-CONTRACTING

Sub-contracting is allowed under this tender procedure but the main contractor retains full liability towards the SJU for the performance of the contract as a whole. Accordingly:

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

The tender must indicate clearly, which parts of the services will be sub-contracted.

Sub-contractors must satisfy the exclusion criteria as listed in Section 5.2 of the present call specifications.

If the identity of the intended sub-contractor(s) is already known at the time of submitting the tender, the tender must furnish a statement guaranteeing the compliance of the sub-contractor(s) with the exclusion criteria.

If the identity of the sub-contractor(s) is not known at the time of submitting the tender, the tender who is awarded the contract will have to seek and receive SJU's prior written authorisation before entering into a sub-contract.

Where no sub-contractor is given, the services will be assumed to be carried out directly by the contractor.

2.7. TIMETABLE

Milestone	Deadline
Launch of this call for tender	22 nd October 2010
Deadline for requesting additional information/clarification from the SJU	No later than 15 calendar days before the closing date for submission of tenders
Last date on which clarifications are issued by SJU	No later than 7 calendar days before the closing date for submission of tenders
Closing date for submission of tenders	13th December 2010 at 12h00 noon (Brussels time)
Notification of contract award	January 2011
Contract signature	January 2011

2.8. CONTACTS BETWEEN THE SJU AND THE TENDERERS

2.8.1. Before the opening of the offers

Upon request of the tenders, the SJU may provide additional information solely for the purpose of clarifying the content of this call for tender. Any request for additional information must be made by e-mail at the following e-mail address: procurement@sesarju.eu. Requests for additional information should indicate the reference number of the call for tender and its title.

Please note that requests for additional information received after the date mentioned in the timetable (Section 2.7 hereabove) will not be processed.

The SJU may, on its own initiative, inform interested parties of any error, inaccuracy, omission or other clerical error in the text of the call for tender. Any additional information and/or corrigendum will be published in the SJU website <http://www.sesarju.eu/about/procurement> as well as on the Official Journal of the European Union (OJEU).

The tenderers are invited to make regular visits to the SJU website to check for updates.

2.8.2. After the opening of the offers

If, after the offers have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted offer must be corrected, the SJU may contact in writing the tenderer. Such contact may not lead to any alteration of the terms of the submitted offer since the submitted offers will be considered as final and will not be subject to change or negotiation. Any clarification to be provided in this context by the tenderer shall not involve substantial changes to the basic features of the tender submitted.

2.9. PERIOD DURING WHICH THE TENDERS ARE BINDING

The period of validity of the tenders, during which tenderers may not modify the terms of their tenders in any respect, is ninety (90) days after the deadline for the submission of tenders.

In exceptional cases and before the period of validity expires, the SJU may ask each tender to extend the period of validity of its tender for a specific number of days, which may not exceed forty (40) days.

The selected tender must maintain its tender for a further sixty (60) days from the date of notification that its offer has been recommended for the award of the contract.

The further period of sixty (60) days is added to the initial period of ninety (90) days irrespective of the date of notification.

2.10. CONTRACT PROVISIONS

In drawing up its tender, the tenderer should bear in mind the provisions of the draft service contract (see Annexe V of these call specifications), which details in particular the method and conditions for payment of the selected contractor.

Please note that the attached draft service contract has been developed to cover the specificities of the SESAR Programme and its Development Phase taking into consideration the Union Body status of the SJU. Therefore, the SJU reserves the right to reject offers stating that the provisions of the draft service contract are accepted subject to a number of conditions.

2.11. VARIANTS

Variants on the Technical Specifications or terms and conditions of the Draft framework contract are not permitted.

2.12. CONFIDENTIALITY, PROCESSING OF PERSONAL DATA AND PUBLIC ACCESS TO DOCUMENTS

In the general implementation of its activities and for the processing of procurement procedures in particular, the SJU observes the rules established in:

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regards to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

3. TERMS OF REFERENCE

The terms of reference will become part of the service contract that may be awarded as a result of this call for tender.

3.1. BACKGROUND

There exist currently several Framework Contracts between the European Commission and other European Union Institutions/Agencies/Bodies on one hand and Microsoft on the other, including:

- a **“Business Agreement”** applicable to any contractual relations between Microsoft and the participating European Union Institutions, Agencies and Bodies¹;
- an **“Enterprise Subscription Agreement”** establishing an “Estimated Retail Price” (ERP) for named users for the usage of a list of Microsoft products;
- a **“Select Agreement”** containing the list of the rest of Microsoft products (not covered by the Enterprise Subscription Agreement) which can be purchased through the LAR.

This open call for tenders aims at selecting a LAR for the acquisition of the Microsoft software products and licenses listed in the Enterprise & Select Agreements, in accordance with the existing contractual framework between the European Commission and Microsoft.

3.2. DESCRIPTION OF SUPPLIES & SERVICES COVERED BY THIS CALL FOR TENDERS

The supplies and services covered by the present call for tenders are listed in the Enterprise Subscription Agreement and Select Agreement.

¹ By signature of the Amendment n°5 to the Business Agreement on 29 October 2009, the SJU was included in the list of European Institutions qualifying as an affiliate to the Business Agreement.

4. FORM AND CONTENT OF THE OFFER

4.1. GENERAL

The offers must be presented in the requested format and include all the requested information and documents.

Failure to respect these requirements will constitute a formal incompliance and may result in the rejection of the offer.

4.1.1. Format of the offers

Offers must be **written in English or in French** and submitted:

- in **paper format**:
 - one (1) original and four (4) copies of the cover letter,
 - one (1) original of the Administrative Proposal,
 - one (1) original and four (4) copies of the Technical Proposal,
 - one (1) original of the Financial Proposal,
- in **one (1) CD-ROM** containing the electronic version of the offer, in PDF format.

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

4.1.2. Identification of the original offer

The original paper copy of the offer must be marked “**ORIGINAL**” and signed by the tenderer.

4.1.3. Practical procedure

Each offer must be submitted in accordance with the double envelope system:

- The outer envelope or parcel should be sealed with adhesive tape and signed across the seal and carry the following information:
 - o **the reference number of the call for tender (SJU/0049-CFT)**,
 - o the name of the tenderer,
 - o the indication “Offer - Not to be opened by the internal mail service”.
- The inner envelope must contain the following elements:
 - o One (1) CD-ROM containing the information as described in section 4.1.1. above
 - o The paper copies as described in section 4.1.1. above

4.2. STRUCTURE OF THE OFFER

All offers must include a cover letter (see section 4.2.1 below) and three volumes, i.e.:

- Volume 1 – Administrative Proposal (see section 4.2.2 below);

- Volume 2 – Technical Proposal (see section 4.2.3 below);
- Volume 3 – Financial Proposal (see section 4.2.4 below).

4.2.1. Cover letter

The cover letter shall be signed and contain the following elements:

- The names, telephone and fax numbers of the persons who will be responsible for the technical and contractual management of any resulting contract and who would be nominated as such in the contract,
- The name, address, fax and telephone number of the contact person to whom all communications relating to this call for tender should be addressed,
- A reference number for the offer, identical throughout all parts of the offer,
- The reference number of the SJU call for tender,
- The name of the person empowered to sign a potential contract with the SJU, and
- **The tenderer's acceptance of the SJU proposed contractual terms and conditions.**

4.2.2. Volume 1 - Administrative Proposal

This section must provide the following information, set out in the standard identification form attached to these tender specifications:

- Tenderer identification form (the form is available and can be filled in online on the following web page: http://ec.europa.eu/budget/info_contract/legal_entities_en.htm);
- Financial identification form (the form is available and can be filled in online on the following web page: http://ec.europa.eu/budget/info_contract/ftiers_en.htm);
- Declaration on Honour regarding the exclusion criteria (please refer to Section 5.2 below and to the template form provided in Annexe I);
- Documentary evidence for the establishment of the legal capacity of the tenderer (please refer to Section 5.3.1 below);
- Documentary evidence for the establishment of the economic and financial capacity of the tenderer (please refer to Section 5.3.2).

4.2.3. Volume 2 - Technical Proposal

Tenderers are requested to draw up their Technical Proposal by filling the following two Questionnaires:

- **Questionnaire A** on the establishment of the technical and professional capacity of the tenderer attached to the call specifications as Annexe II , and
- **Questionnaire B** on the ability of the tenderer to meet the award criteria set in Section 5.3 below attached to the call specifications as Annexe III

Answers must be complete. Where a question has not been answered, the SJU will make no assumption as to what the answer might have been and will award no point for it.

Similarly, where only a partial answer is given, the SJU will award points only for the part of the question answered.

Please do not alter the numbering of the questions.

4.2.4. Volume 3 - Financial Proposal

The financial quotation must be drawn up on the form included in **Questionnaire C** annexed to the present call specifications (Annexe IV).

Please note that if you change this form in any way, your offer will be disqualified.

Prices must be quoted:

- in EURO, including the countries which are not in the EURO area. Where applicable, the tenderer chooses the exchange rate and assumes all risks for opportunities relating to the rate fluctuation,
- free of all duties and taxes (in particular VAT), as the SJU is exempt from such charges under Article 3 and 4 of the Protocol on the Privileges and immunities of the EC.
- inclusive of all costs and expenses directly and indirectly connected with the goods and services to be supplied.

Your financial quotation should be completely unambiguous. Your offer will be disqualified if it contains any statements preventing an accurate and complete comparison of the offers (such as “to be discussed”, “depending on”, etc.).

Please note that costs incurred in preparing and submitting offers are borne by the tenderer and shall not be reimbursed.

Please note that the Financial Proposal must be submitted in a separate binder or folder which must be clearly labelled “*Financial Proposal*”. Please ensure that the information related to the financial quotation is given nowhere else in the offer.

5. ASSESSMENT AND AWARD OF THE CONTRACT

5.1. GENERAL

The assessment will be strictly based on the content of the received offers and in the light of the criteria set out hereunder.

The assessment procedure will be carried out in three consecutive stages:

- Stage 1 – assessment in the light of exclusion criteria (see section 5.2 below),
- Stage 2 – assessment in the light of selection criteria (see section 5.3 below) and
- Stage 3 – assessment in the light of award criteria (see section 5.4 below).

The aim of each of these stages is:

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

5.2. STAGE 1 – ASSESSMENT IN THE LIGHT OF EXCLUSION CRITERIA

To be eligible for participating in this contract award procedure, none of the components of the tenderer can be in any of the following exclusion grounds:

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

Accordingly, tenderers must provide a **Declaration on their honour** (see Annexe I), duly signed and dated, stating that they are not in one of the situations referred to above.

Nota Bene:

The tenderer to which the contract is to be awarded shall provide, within 15 days following notification of award and preceding the signature of the contract, the following documentary proofs (**originals**) to confirm the declaration referred to above:

- For points a) and b) 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 origin or provenance showing that those requirements are satisfied.
- For point d) recent certificates issued by the competent authorities of the States concerned.

Where the document or certificate referred to above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in its country of origin or provenance.

The SJU may waive the obligation of a tenderer to submit the documentary evidence referred to if such evidence has already been submitted to the SJU for the purposes of another procurement procedure and provided that the documents are not more than six (6) months old starting from their issuing date and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

Please refer to the following web page for additional information regarding the relevant requirements and model documents under national laws of the EU Member States:

http://ec.europa.eu/internal_market/publicprocurement/2004_18/index_en.htm.

5.3. STAGE 2 – ASSESSMENT IN THE LIGHT OF SELECTION CRITERIA

The tenderer must have the overall capabilities (legal, economic, financial, technical and professional) to perform the contract. All the requirements listed under Sections 5.3.1, 5.3.2 and 5.3.3 below must be met in order to enter the next phase of the assessment.

Please note that in the selection phase, assessment focuses on the quality of your track record and not on the quality of your offer.

5.3.1. Legal capacity

Tenderers are requested to prove that they are authorised to perform the contract under the national law as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

The tenderer shall provide a dully filled in and signed **Legal Entity Form** (see Section 4.2.2.) **accompanied by the documents requested therein**, for each of its components.

5.3.2. Economic and financial capacity

In order to prove its sufficient economic and financial capacity to perform the contract, the tenderer will be asked to present the following documentation:

- Evidence of professional risk indemnity insurance;
- Balance sheets (or extracts from balance sheets) for at least the last two years for which accounts have been closed;
- Statement of overall turnover and turnover concerning the services/supplies to be covered by the contract(s) during the last three financial years;
- If the tenderer relies on the capacity of other entities (e.g. partners in a joint offer or subcontractor(s)), a written undertaking on the part of those entities confirming that they will place the resources necessary for performance of the contract, at the tenderer's disposal.

If, for some exceptional reason which the SJU considers justified, the tenderer is unable to provide the references requested here above, the tenderer may prove its economic and financial capacity by any other means which the SJU considers appropriate.

5.3.3. Technical and professional capacity

Tenderers are required to prove that they have sufficient technical and professional capacity to perform the contract. To that end, they shall fill in the attached **Questionnaire A** and present documentation as to the following criteria:

- Evidence of being a LAR for Microsoft
- Organisation structure (average manpower, managerial staff or others...)
- References involving similar experience, contracts volumes
- Capacity to provide support and maintenance
- Capacity to deliver software products
- Quality control (mechanisms, certifications, conformity to standards)
- Capacity of operating in full compliance with the applicable environmental rules and standards
- Capacity to advice on optimal licensing and maintenance schemas
- Capacity to advice on optimal software based on the SJU requirements.

5.4. STAGE 3 - ASSESSMENT IN THE LIGHT OF AWARD CRITERIA - EVALUATION IN TERMS OF QUALITY & PRICE

5.4.1 Technical evaluation of the offers

Only the offers meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price for the award of the contract.

The contract will be awarded according to the specific criteria given below, on the basis of the **economically most advantageous offer**.

<i>Criteria</i>	<i>Maximum points</i>	<i>Minimum points to obtain</i>
Quality of procedures and infrastructure for ordering and delivery (i)	40	20
Quality of supporting services (ii)	40	20
Quality and completeness of <u>proposed</u> Service Level Agreement (iii)	20	10
<i>Overall Result</i>	<i>Maximum points</i>	<i>Minimum points to obtain</i>
Total	100	60

- i. *Quality of procedures and infrastructure proposed for ordering and delivery (relative weight of criterion: 40%)*

The following elements will be taken into consideration:

- price list: availability of up-to-date price list,
- Product information website. Availability of a website that lists products available for purchase through the Select Agreement. The website must be maintained by the contractor and be operational by the time the contract is in place. Information contained on this website will need to be changed and/or updated to reflect any changes in product availability and pricing. Specific details for each product listed,

must include at minimum title, order code and description of product, price and product availability/delivery time,

- Ordering process. Tenderers will specifically describe how they handle order forms (create, fill in, check, sign). At least, a paper-based process must be implemented,
- Delivery: description of the flow between Microsoft, the LAR and the SJU. In particular, description of how schedules will be met, quantities, releases and completeness of a delivery will be checked, product software will be packaged (DVD, CD, downloading, etc.),
- Order tracking database (containing at least: type and quantity of software product ordered, version(s), SJU order reference number, value and date of order received, date and order delivery, compliance with delivery service level as set in the Service Level Requirements attached hereto as Annexe VI (yes/no/reasons), etc.);
- Contractual management: procedure in place for the management of the contract (e.g., notification of the customer before expiration of the maintenance services, information of the customer on the supported software becoming obsolete and new software being released);
- Procedure in place for the supply of emergency licenses in case of infrastructure failure.

ii. Quality of supporting services (relative weight of criterion: 40%)

The following elements will be taken into consideration:

- Dedicated sales representatives who will advise the SJU on possible purchase options and will ensure the follow-up and management of the contract to be placed,
- Interface between Microsoft and the SJU: extent and practicalities,
- Comprehensive license management services for new acquisitions, including management of Microsoft MVLS (Microsoft Volume Licences Site),
- Management of other Microsoft sites (such as Technet or MSDN) and of benefits associated to Software Assurance (such as e-learning, training vouchers, Technet subscriptions, etc.),
- External reporting. The contractor must comply with all reporting obligations to Microsoft and will be required to maintain all information relevant to the proper administration of the license agreements,
- Internal reporting. Ability to produce monthly and/or ad hoc reports on the order tracking database as defined, concerning content and format, by DI-FCL. Regularly within 5 working days after end of the month or within a short time frame (2 days) for ad hoc reports. (for example: sales/delivery report, exception report, summary report, etc.);

iii. Quality and completeness of proposed Service Level Agreement (relative weight of criterion: 20%)

The following elements will be taken into consideration:

- The quality and the completeness of procedures and tools defined to meet the service level requirements,
- The improvements proposed to the Minimum Service Level Requirements (Annexe VI), if any.

5.4.1 Financial evaluation of the offers

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

The financial evaluation will be performed on the basis of the prices stated in **Questionnaire C** attached hereto as Annexe IV

The future Large Account Reseller (LAR), for which this call for tenders is organised, will have to offer a discount of the Enterprise Agreement Estimated Retail Price (ERP).

The financial evaluation will be conducted based on the following formula:

$\text{Price Offer Y} = (100\% - \text{Discount})$
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5.4.3. Recommendation of award of the contract

The contract will be awarded to the offer which offers the highest ratio quality/cost by applying the following formula:

$(\text{Lowest price/Price of Offer Y} \times 95\%) + (\text{Total quality score of Offer Y/Highest quality score} \times 5\%)$

ANNEXE I - DECLARATION ON HONOUR

To be completed and signed by the tenderer

The undersigned:

Name of the individual/company/ organisation:

Legal address:

Registration number/ID Card No.:

VAT number:

Declares on oath that the individual/company/organisation mentioned above is not in any of the situations mentioned below:

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

I the undersigned understand that contracts may not be awarded if during the procurement procedure the individual/company/organisation mentioned above:

- is subject to a conflict of interest;
- is guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information;

Full name:

Date & Signature:

ANNEXE II

Questionnaire A

TECHNICAL SELECTION

ESTABLISHMENT OF THE TECHNICAL AND PROFESSIONAL CAPACTIY

*(Available in Word format on the SJU website at the following address:
<http://www.sesarju.eu/about/procurement>)*

ANNEXE III

Questionnaire B TECHNICAL PROPOSAL

ABILITY OF THE TENDERER TO MEET THE AWARD CRITERIA

*(Available in Word format on the SJU website at the following address:
<http://www.sesarju.eu/about/procurement>)*

ANNEXE IV

Questionnaire C

FINANCIAL PROPOSAL

*(Available in Word format on the SJU website at the following address:
<http://www.sesarju.eu/about/procurement>)*

ANNEXE V

DRAFT SERVICE FRAMEWORK CONTRACT

*(Available in PDF format on the SJU website at the following address:
<http://www.sesarju.eu/about/procurement>)*

ANNEXE VI

MINIMUM SERVICE LEVEL REQUIREMENTS

*(Available in PDF format on the SJU website at the following address:
<http://www.sesarju.eu/about/procurement>)*