



Specifications attached to the Invitation to Tender

14.CAT.OP.034

“Requirements and Landscaping Study on Maritime Surveillance Networking (MARSUR) extension”

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Introduction to EDA

Pursuant to Council Decision 2011/411/CFSP of 12 July 2011 defining the statute, seat and operational rules of the European Defence Agency (hereinafter “the EDA” or “the Agency”) and repealing Joint Action 2004/551/CFSP, the mission of the European Defence Agency is “to support the Council and the Member States in their effort to improve the EU’s defence capabilities in the field of crisis management and to sustain the Common Security and Defence Policy (CSDP) as it currently stands and as it develops in the future.”

Functions and tasks

The EDA, within the overall mission set out in the Agency’s constituent act, is ascribed four functions, covering:

- developing defence capabilities;
- promoting defence research and technology (R&T);
- promoting armaments cooperation;
- creating a competitive European Defence Equipment Market and strengthening the European Defence, Technological and Industrial Base.

All these functions relate to improving Europe's defence performance, by promoting coherence. A more integrated approach to capability development will contribute to better defined future requirements on which collaboration - in armaments or R&T or the operational domain - can be built. More collaboration will, in turn, provide opportunities for industrial restructuring and progress towards the continental-scale demand and market, which industry needs.

Further information can be found on the Agency’s web site at <http://www.eda.europa.eu>.

1 Overview of this tender

1.1 Description of the contract

The services required by EDA are described in the terms of reference in part 2 of the present tender specifications.

1.2 Timetable

Summary timetable	Date	Comments
Launch date	08/07/2014	
Deadline for request of clarifications from EDA	26/08/2014 (10 days before the deadline)	
Site visit or clarification meeting (if any)	Not applicable	
Last date on which clarifications are issued by EDA	01/09/2014, 17:00h, Brussels local time (6 days before the deadline)	
Deadline for submission of tenders	09/09/2014¹	Tenders delivered by hand shall be submitted not later than 17:00h Local Time
Opening session	10/09/2014 ²	At 10:00h Brussels local time
Interviews	Not applicable	
Completion date for evaluation of tenders	19/09/2014	Estimate
Signature of contract(s)	30/09/2014	Estimate

1.3 Participation in the tender procedure

Tenderers must not be in any of the exclusion criteria indicated in section 3.1 of these tender specifications and must have the legal capacity to allow them to participate in this tender procedure (see section 3.2.1).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the EDA

¹ The deadline for submission of tenders shall be considered to be the **date of receipt by the Agency of the tender**.

² Maximum one legal representative per participating tenderer may attend the opening session. Tenderers shall inform the Agency of their intention to attend, at least 5 days prior to the opening session.

during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his tender and may result in administrative penalties.

1.4 Participation of consortia

Consortia, may submit a tender on condition that it complies with the rules of competition.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure.

Such grouping (or consortia) must specify the company or person heading the project (the leader) and must also submit a copy of the document authorising this company or person to submit a tender. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (see **Section 3** of these tender specifications).

The participation of an ineligible person will result in the automatic exclusion of that person.

1.5 Sub-contracting

The tenderer must indicate clearly, which parts of the work will be sub-contracted.

Sub-contractors must satisfy the eligibility criteria applicable to the award of the contract. If the identity of the intended sub-contractor(s) is already known at the time of submitting the tender, all sub-contractors must provide the required evidence for the exclusion and selection criteria as detailed in **Section 3** of these tender specifications.

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

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

1.6 Presentation of the tenders

The tenders must comply with the following conditions:

1.6.1 Tenders 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:

- the reference number of the invitation to tender **14.CAT.OP.034**
- the project title “**Requirements and Landscaping Study on Maritime Surveillance Networking (MARSUR) extension**”
- the name of the Tenderer
- the indication “***Tender - Not to be opened by the internal mail service***”
- the address for submission of tenders (*as indicated in the letter of invitation to tender*)
- the date of posting (*if applicable*) should be legible on the outer envelope.

The outer envelope must contain **three inner envelopes**, namely, **Envelope A, B and C**.

The content of each of these three envelopes must be as follows:

Envelope A – Administrative documents

- the **Tender Submission Form** found in **Annex VII**
- the duly filled in, signed and dated **Exclusion Criteria Declaration(s)** as requested in section 3.1 and using the standard template in **Annex IV**
- the duly filled in, signed and dated **Legal Entity Form(s)** as requested in section 3.2 and using the standard template in **Annex V**
- the duly filled in, signed and dated **Financial Identification Form³** using the template in **Annex VI**
- The **Economic & Financial Capacity** criteria documents as requested in section 3.2
- The **Technical & Professional Capacity** criteria documents as requested in section 3.2 - **One signed original and 3 (three) copies.**
- **Duly authorised signature**, i.e. an official document (e.g. statutes, power of attorney, notary statement, etc.) proving that the person who signs on behalf of the tenderer is duly authorised to do so.
- In case of **consortia**, the consortium agreement or a duly signed and dated consortium statement by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the consortium.

³ in case of consortia, only **one** Financial Identification Form for the whole consortium shall be submitted, nominating the bank account into which payments are to be made under the contract in the event that the respective tender is successful

Envelope B – Technical proposal

One signed original and 3 (three) copies of the technical proposal providing all information requested in point 4.2.

Envelope C – Financial proposal

One signed original of the financial proposal based on the format found in **Annex II**.

1.6.2 The original tender must be signed, dated and marked “**ORIGINAL**”, and the copies marked “**COPY**”.

1.6.3 Tenders should be drafted in one of the official languages of the European Union, **preferably** English. Requested documents not available in English should be accompanied by an English courtesy translation. The contract shall be entered into in English.

It is extremely important that tenders be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender.

1.7 Period during which the tenders are binding

Period of validity of the tenders, during which tenderers may not modify the terms of their tenders in any respect is 120 days after the deadline for the submission of tenders. In exceptional cases, before the period of validity expires, the EDA may ask tenderers to extend the period for a specific number of days, which may not exceed 40.

The selected tenderer must maintain its tender for a further 60 days from the date of notification that his tender has been recommended for the award of the contract. The further period of 60 days is added to the validity period irrespective of the date of notification.

1.8 Contacts between the EDA and tenderers

Contacts between the EDA and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

A. Before the final date for submission of tenders:

- At the request of the tenderer, the EDA may provide additional information solely for the purpose of clarifying the nature of the contract. Any request for additional information must be made in writing by **e-mail** at procurement@eda.europa.eu or

at the **Fax No.: +32 (0)2 504 29 75** and should indicate the reference number and the title of the tender.

- Requests for additional information received after the deadline for request of clarifications from the EDA as specified in point 1.2 – *Timetable* will not be processed.
- The EDA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tender.
- Any additional information including that referred to above will be published on the EDA's website. Please ensure that you visit regularly the site for updates.

B. After the opening of tenders:

- If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, the EDA may contact the tenderer, although such contact may not lead to any alternation of the terms of the submitted tender.

1.9 Visits to EDA premises

No site visit/information meeting at EDA's premises is deemed necessary for this procedure.

1.10 Division into lots

This tender is not divided into lots. The tenderer must be in a position to be able to provide all the services requested.

1.11 Variants

In the absence of any such indication in the terms of reference your tender should not deviate from the services requested.

1.12 New services

In accordance with Article 31 of the Council decision 2007/643/CFSP of 18 September 2007 on the financial rules of the European Defence Agency and on the procurement rules and rules on financial contributions from the operational budget of the European Defence Agency, the EDA may have recourse to the negotiated procedure without prior publication of a contract notice for additional contracts involving services similar to those assigned to the party that was awarded this contract.

1.13 Security standards

In the general implementation of its activities and for the processing of tendering procedures in particular, the EDA observes the Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information.

1.14 Contract provisions

In drawing up your tender, you should bear in mind the provisions of the draft contract (see **Annex I** to the present tender specifications). In particular, the draft contract indicates the method and the conditions for payments to the contractor.

2 Terms of Reference

The Terms of Reference will become part of the contract that may be awarded as a result of the tender.

Used abbreviations in the term of Reference :

CISE	Common Information Sharing Environment
C2	Command and Control
CONOPS	Concept of Operations
CSDP	Common Security and Defence Policy
EDA	European Defence Agency
ESA	European Space Agency
EEZ	Exclusive Economic Zone
EU	European Union
IMO	International Maritime Organization
MARSUR	Maritime Surveillance (Networking)
NATO	North Atlantic Treaty Organisation
pMS	Participating Member State(s) of EDA
SAR	Search and Rescue
UNCLOS	United nations Convention on the Law of the Sea
WP	Work Package
WPI	Wise Pen International

2.1 Introduction: background of the invitation to tender

Short overview of the political strands of the MARSUR NETWORKING Project :

Maritime situational awareness is the effective understanding of activities, associated with and occurring in the maritime domain, which could impact on the security, safety and environment of the European Union and its Member States.

Following a tasking by the EU Defense Ministers in late 2005, EDA launched the Maritime Surveillance project (MARSUR) in September 2006 to create a network using existing naval and maritime information exchange systems. The overall goals are to avoid unnecessary duplication of effort and the use of available technologies, data and information; to enhance cooperation in a simple, efficient

and low-cost solution for civil-military cooperation; and to support safety and security. It contributes to an important capability in the context of the EU Maritime Security Strategy.

The MARSUR Networking Project has successfully highlighted and addressed the fundamental need to manage information in the maritime domain. Member States recognize information sharing in the maritime domain as a strategic issue and, as such, wish to build on the synergies and successes achieved so far. The MARSUR-networking is open to cooperation with defense sectors of other EU Member States, Maritime Security Regimes or any other legal system.

The MARSUR-networking has been built by the navies and is intended to enhance the exchange of data and information also for the conduct of maritime CSDP-operations. Regarding the area of Maritime Surveillance in the field of the EU Integrated Maritime Policy, MARSUR will be the defence layer in the planned Common Information Sharing Environment (CISE).

In October 2011, a Technical Arrangement (TA) was signed for Maritime Surveillance Networking. This was subsequently amended in 2012 to cover new pMS. At present 18 Member States are participating. The purpose is to further develop a capability that fulfils the Maritime Surveillance need, principally information sharing and networking, whilst at the same time utilising and standardising best practices so as to ensure maximum interoperability. The practical output of these activities will be a comprehensive maritime picture that increases national maritime situational awareness.

An important dimension of the TA is the improvement of civilian-military cooperation. It is vital for the development of maritime surveillance that EU civilian and military authorities explore and develop opportunities for interoperability and information sharing. This is stated in the Technical Arrangement outlining the purpose of MARSUR in order to “produce and share a maritime picture, improve interoperability and co-operation between EU military and civilian maritime authorities and other international maritime actors”⁴. The TA has provided a platform and facilitates interaction with wider international and governmental authorities.

In parallel to the TA, a separate Project Arrangement (PA) that addresses the technical dimension was setup in October 2012. The outputs of this PA include the automatic exchange of information, improved user interface, secure connections and deployable access. This supports the activities of the TA and will aid any extension of information sharing and improved interoperability with other international actors.

The MARSUR networking has begun its operational validation within the community of the 18 Navies for the MARSUR Live Phase.

Short technical description of MARSUR NETWORKING project:

⁴ Maritime Surveillance Networking, Technical Arrangement Oct. 2011, Section 2 Purpose and Scope, para 2.5

Maritime Surveillance has been a work strand in the EDA since 2005, and in September 2006 a Project Team (PT) was set up. This PT consisted of several Working Groups (WG) and WG1 addressed the question of maritime surveillance networking (MARSUR) with the aim to “develop a solution that fulfills the need for a coherent common Recognized Maritime Picture (RMP) for Common Security and Defense Policy (CSDP) maritime missions and tasks, whilst maximizing inter pillar interoperability through the use of best practice” (as in the MARSUR Common Staff Target (CST) dated 01 July 2008).

WG1 supported the definition and development of the MARSUR Exchange System (MEXS) interface, which enables the exchange of specific information between different national maritime surveillance operational systems, and which provides a defined set of services. The MEXS is already used to connect some European Member States on a permanent basis, in the framework of cooperation named MARSUR Live Phase.

In the process of defining the MEXS, WG1 has delivered a whole set of documents, ranging from the Common Staff Target (CST) to the Common Staff Requirement (CSR).

It has also engaged into three relevant studies, the first on the MARSUR Architecture, the second on “MARSUR Networking interface requirement” – which has prepared the deliverables for the third “10-CAP-008 MARSUR Network – Architecture Experimentation”. This latest Study delivered an actual functioning MEXS, provided respective documentation, and supported the integration of this MEXS in 6 Member States - namely ES, IT, FI, FR, SE, UK in the framework of a live demonstration.

All respective documentation will be available on written request to procurement@eda.europa.eu and will require a non-disclosure and confidentiality declaration of the interested companies (available and attached in the annex of this invitation to tender).

- MARSUR Common Staff Requirements
- MARSUR Common Staff Target
- MARSUR 1st Study : Mapping of existing system- May 2008
- MARSUR 2nd Study : Interface definition –May 2010
- MARSUR 3rd Study : creation of interface – Sept 2011
- MARSUR Terms of reference V1.0
- MARSUR CONcept of OPerationS
- MARSUR Standard Operational Procedures
- MARSUR Technical Arrangement
- MARSUR Project Arrangement
- Maritime Security Regime Manual

Following a technical demonstration on 30 June 2011, 13 Member States participated in a Cat B project in order to improve the functionalities, the level of confidentiality of the MARSUR-network, and

to accommodate potential new requirements proposed by the Member States. These Member States have developed the technical specifications through a dedicated contract with the successful company: CSC Deutschland Solutions GmbH have been tasked with addressing the following points:

- Improve MEXS (Maritime EXchange System) functionalities;
- Develop a Graphical user Interface to connect the service of the MEXS (MARSUR User Interface);
- Develop deployable access for mobile unit (MEXS Mobile for mission critical);
- solution to secure/encrypt connections;
- recommendations about bandwidth requirements for common and complex operations.

The technical development outlines the tools necessary to implement a secure network for the exchange of classified information in support of CSDP operations so that the users can interface in such a way as to maximize cooperation whilst maintaining the appropriate levels of security. A successful demonstration in November 2013 has shown its efficiency of interconnection.

2.2 Scope of the contract

In the context of the multiplication of Information Exchange System, the recurrent statement is the lack of coherence and effectiveness; that explains the coherence of projects of common information sharing such as MARSUR Networking.

In those states that do possess a robust capability it tends to exist in isolation, and for others just self-sufficiently by using only national means. Nowadays, no single nation can ensure access to the wider global community. A key feature of the EU Maritime Security Strategy will be to have an effective Maritime Surveillance network. It is with these requirements in mind that a landscaping study will be on great advantage. Its purpose will be to assess the degree of interdependence that exists between networks and to provide the necessary information that will unlock some of the challenges in developing more regional maritime access.

The purpose is to list and evaluate the potential for the MARSUR Networking to be connected to relevant strategic maritime actors, with a specific tropism on neighbouring countries of Europe, on North Atlantic, on African Union, on the wider Indian Ocean region as well as the East and South-East Asia.

The proposed study will :

- Undertake a global landscaping exercise of different existing maritime security authorities systems of operation; in order to conduct an interoperability assessment on connectivity with MARSUR, to identify the technical requirements of any interconnectedness required to support also maritime operations; identify areas where synergies between systems can be maximised;

- Conduct an analysis on the issues surrounding interconnectivity (also legal aspects);
- propose a strategy and roadmap for the MARSUR community with recommendations and suitable priorities for a way ahead with relevant Maritime Security Regimes;
- address the legal status applicable to new members be it formal Maritime Security Regimes, governmental data sharing systems or legal entities.

Maritime Security Regime (MSR) is the common term to define group of States or organisations acting together, with a global agreement to share rules and procedures, to ensure security within the maritime environment. Many kinds of MSR exist and they take many forms, and vary in terms of abilities in gaining maritime situational awareness, and address or resolve regional access or threats/challenges. Regional actors are largely unable to respond in a coherent and common way or in a timely manner.

The concept has been defined already as an outgrowth of the Multinational Experiment 7 (MNE 7), followed by the Multinational Capability development Campaign (MCDC).

Improving the existing MSRs' ability to address regional maritime access and security challenges is the essential indicator of efficiency for comprehensive maritime awareness and is the core of the study "Landscaping on Maritime Surveillance Networking Extension".

The study will be conducted via four work packages :

Work Package 1 : LANDSCAPING - Analysis of performances of all kinds of current Maritime Security Regimes and the operational usage of their current existing systems

This work package is intended to answer the following question: regarding the large and numerous systems of data sharing around the world in use by maritime organisation – what are the most relevant systems for international maritime operations, and what are the most efficient MSRs that would be compatible with the others. The question is to evaluate the effectiveness of regional and operational cooperation between different MSRs and by defining the potential strands of cooperation in the field of the data sharing policy, why and how the MARSUR Networking could play a significant role. After a broad approach in the landscaping analysis, with no limitation of scales or technical constraints, an accurate list of effective MSRs is required with their principal characteristics (operational use, legal framework, level of interoperability, endurance) with an estimation focusing of effectiveness in support of governmental/military operations. It is expected that the awarded company will visit different organisations all over the world for in depth analysis with this dual approach: a large landscaping envisioning compatibility for any types of maritime data sharing systems and then a focus on cooperation for governmental use.

Typically, this analysis should also estimate the potential for cooperation between MSRs involved in different types of operational scenarios (from current constabulary missions, through disaster or illegal activities, up to high level intensity conflicts).

As an example, typical scenarios could be considered as (the bidding company can propose any other approach):

- Natural resources exploitation - illegal activities :the pressure for exploitation of natural resources will increase all over the world (mineral, oil, gas, fishing, seabed granulates, etc..) The lack of permanence of watch keeping of the maritime traffic will encourage illegal and smuggling activities (fishing, drug trafficking, waste dumping, oil spills). The purpose is to insure the monitoring of a common picture in order to be able to identify the early signs of unlawful exploitation of the resources or illegal activities, to assess existence and activity in the area.
- Technological disaster – industrial activities - Search and rescue: the continuing exploitation of oil via offshore platforms increasing and can be attributed to the pressure of on-going energy needs of the world. Sea traffic usage will become more and more important. The fishing zones, and touristic usage will boost the need of surveillance and assistance. It could be the scene of accidental damage (collision, human errors, and industrial risk,) containing a number of possibilities. The purpose is to prevent, monitor the evolution of catastrophic situations, and bring assistance via common networking.
- Contest – military friction – crisis management: With confrontations resulting from competition for resources and the prevention, containment and interposition postures that will be carried out ,friction could occur.

Work package 2 : ASSESSMENT of possible interconnections with MARSUR and technical requirements for support of regional maritime operations

This work package is intended to answer the following question: What are the requirements for both the formerly listed MSRs and the MARSUR Networking, so as to enable an operational connectivity in support of maritime information exchange and maritime operations.

To clarify, based on a technical analysis of the MEXs and its connection with the national surveillance system of each member of the MARSUR community, define in detail what would be the technical requirements and an estimated price for each country to be connected with the different listed MSRs.

The MARSUR community (18 Member States) will welcome the awarded company subject matter experts, supported officially by EDA, for deep analysis by sampling some significant national systems (for example UK, FR, FIN, GR, NL, IT, ES, CY, PT, IE + NO).

Work Package 3 : LEGAL SUITABILITY ANALYSIS

The report of the previous work packages shall address the potential opportunities between the current situation (WP1) and the identified requirements (WP2). One of the main criteria will be the legal suitability to permit connectivity and to foster fluidity regarding the current Intellectual Property Rights and source coding, by a proposed proper and based on consensus strategy keen to avoid any blockage and following the international rules. The requirement is to evaluate and assess the pertinence by a recommended road map of cooperation through the tropism of a legal analysis, which will be an essential part for the Work Package 4 (WP4).

Typically, this Work Package 3 shall perform a first evaluation of relevant parameters to which any technical solution would need to respond to in order to meet identified operational requirements under the criteria of legal suitability.

Work Package 4 : ROAD MAP AND STRATEGY:

This Work Package should answer the following question: What strategy can be proposed to each Member State and Norway belonging to the MARSUR community with clear recommendations and targeted priorities for a way ahead with relevant MSRs. The study will also address a proposition of legal status applicable to new comers (difference between legal entity and governmental partners).

Based on this evaluation, the contractor should define guidelines and recommendations and to set a possible programme of cooperation within the 18 MARSUR cMS.

Required will be an assessment to which extent the different MSR would cooperate in the future.

2.3 Use of the Results

Based on the proposed road map, the study will address the requirements for the MARSUR community to extend its European networking but also assess the possibilities for further development of new space of operational cooperation remaining in accordance with the Technical Arrangement signed by Members States.

The study will also be relevant to the implementation of the EU Maritime Security Strategy (endorsed in June 2014). It could also provide direct support for the improvement of maritime cooperation for the CISE project.

The study will be available without restriction to all of the 27 EDA's Member States plus Norway and for governmental use.

2.4 Outline of the services required

The awarded entity will be expected to travel extensively in order to visit officials and governmental institutions. An EDA official letter will cover and facilitate the task of the awarded subject matter experts.

2.5 Management and Contractual Deliverables

2.5.1 Management

A draft management plan is to be elaborated at the tendering stage, building upon the information provided in these specifications :

The management plan shall :

- Provide evidence that the contractor endorses responsibility for the general objectives of the project and will produce the required results;
- Propose any potential relevant modification in the logic of the project to improve its results;
- Include a statement of the work (a fist iteration of various tasks, with particular emphasis on the methodology to be followed to gather and consolidated requirements);
- Explain the organization, methodology and means intended to be used in the project;
- Provide a GANTT chart with logical dependencies for the production of the project;
- Explain the monitoring structure proposed to ensure appropriate decisions in due time, including interaction with EDA and its representatives for project orientation matters.

This management plan considered as a living document will be updates during the duration of the contract and will be part of the deliverables.

2.5.2 Meetings

Nr	Title	Description	Timelines	Format deliverables
1	Kick-off presentation	Presentation of the study including a draft project plan	T0	Power point Electronic Copy Not classified

2	Intermediate support	Intermediate status report Validation of scenarios of WP 1 preparation of WP 2	T0 + 6 months	Electronic copies
3	Intermediate support	Intermediate status report Validation of WP2 preparation of WP3 and WP 4	T0 + 8 months	Interim payment after acceptance of WP1&2
4	Final presentation and final report	Presentation of the reports.	T0 + 10 months	5 hard paper copies of final electronic copies

2.5.3 Deliverables

The following deliverables must be produced by the contractor :

- Minutes of the meeting. The contractor is responsible for the preparation and the distribution of the minutes of all meetings held in connection with the contract
- A documentation list. The contractor shall create and maintain a documentation list, recording all the documents produced during the work, including reports, specifications, plans and minutes. A PDF viewer is required in order to ease exploitation.
- An action list. The contractor shall maintain an action list (to do list) reviewed on regular basis, recording all actions agreed with EDA.
- An intermediate report and a final report: the contractor is responsible of making reports on all work packages and supported presentation.

All deliverables shall be submitted in MSWord and Adobe PDF format or compatible solution.

Presentation shall be submitted in MS Power point and Adobe Format.

EDA will have 20 (twenty days) to approve the above mentioned reports or to make comments and request for amendments. The contractor will have 20 (twenty) days to amend them accordingly.

2.6 Specific Security Issues

None

2.7 Volume of the contract

The maximum contract value is 250 000 EUR (VAT excluded).

2.8 Duration of the contract

The contract implementation period is: 10 months starting from the date of the kick off meeting (T0).

2.9 Place of delivery/execution

Deliverables shall be delivered at EDA premises in Brussels, Belgium. Meetings and training shall normally be held at EDA premises.

2.10 Terms of Payment

One single interim payment of 40 % of the global amount shall be made after the acceptance of the Work Package 1 and 2.

2.11 Variant solutions

Not applicable.

3 Exclusion and selection criteria

3.1 Exclusion criteria

Participation to this tender is only open to tenderers who are not in one of the situations listed below:

- a) 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) have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organization or any other illegal activity detrimental to the Union's financial interests;
- f) following another procurement procedure or grant award procedure financed by the Union's budget, they have been declared to be in a serious breach of contract for failure to comply with their contractual obligations.

In addition to the above, contracts may not be awarded to tenderers who, during the procurement procedure:

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

Means of proof required

Tenderers, **including all consortium members and all sub-contractors where applicable**, shall provide a declaration on their honour (see model in **Annex IV**), duly signed and dated, stating that they are not in one of the situations referred to above.

Nota bene:

The tenderer to whom 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 to confirm the declaration referred to above:

- For points a), b) and e) 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) a recent certificate issued by the competent authority of the State 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 his country of origin or provenance.

3.2 Selection criteria

The tenderers must submit evidence of their legal, economic, financial, technical and professional capacity to perform the contract.

3.2.1 Legal capacity

Requirement

The tenderers, **including all consortium members and all sub-contractors where applicable**, are asked to prove that they are authorised to perform the contract under their 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.

Evidence required

Each tenderer, **including every consortium member and every sub-contractor where applicable**, shall provide a duly filled in and signed **Legal Entity Form** (see **Annex V**) accompanied by the documents requested therein.

3.2.2 Economic & Financial capacity

Requirement

The tenderer, **including every consortium member where applicable**, must be in a stable financial position and have the economic and financial capacity to perform the contract.

Evidence required

Proof of economic and financial capacity shall be furnished by the tenderer, including every consortium member, as follows:

Where publication of the Balance sheet is required under the law of the country where the economic operator is established, the tenderer shall complete and include in the offer a financial statement form (Annex VIII) to these tender specifications.

Please observe the following aspects in completing this financial statement (Annex VIII):

- It should be certified by means of a signature of the chief accounting officer of the tendering organisation
- EDA has the right during the tendering process and before awarding the contract to request further evidence on the tenderer's compliance with the economic & financial capacity requirement, in which case balance sheets and profit & loss accounts for the past financial years may be requested.
- In the case of a consortium submitting an offer, the financial statement should be included in the offer for all consortium partners.
- In the case of a physical person the financial statement should be included in the offer for where only the lines 16 and 17 need to be filled in and the financial statement can be signed by the physical person only.

If, for some exceptional reason which the EDA considers justified, the tenderer is unable to provide the information requested by the contracting authority, he may prove his economic and financial capacity by any other means which the EDA considers appropriate. EDA reserves the right to ask sub-contractors to prove their financial capacity should their share of work is substantial.

3.2.3 Technical and professional capacity

The usability of the study results will depend in particular on the quality, depth and detail of information/data provided by relevant stakeholder to the contractor. Therefore, access to the relevant stakeholder on working, but in particular, on decision maker level will be the key criterion for selection of the appropriate contractor. Also, a balanced neutral view without triggering potential arguments of bias or one-sided views will determine the acceptance of the findings. Own naval and/or joint experience in higher command functions in a national and NATO and/or Eu context, a track history of delivering assessments, concepts and/or documents on the strategic and operational level will follow as criteria as does the quality of the proposed outline of the work plan.

Requirement(s)

Based on these guidelines the technical and professional capacity assessment will look especially at :

- Proven access to relevant national, international military, civilian and company stakeholder on decision maker level (access to several Navy Chiefs, Military staff,

MIIReps of NATO, EU and Arctic Nations, civil national authorities, companies, international organizations)

- Proven access to relevant Space domains and references and experiences on satellite communications
- Knowledge of the EU environment, military and civilian structures and/or involvement in CSDP crisis management structure will constitute a particular advantage

Evidence required

The following documents or information must be presented as evidence of compliance with the technical and professional capacity:

- A list of the principal services, contracts, studies, etc. provided by the legal entity or entities submitting the offer in the last five years corresponding in terms of scope and complexity to the present call for tenders.
- Any other evidence that the tenderer may present in support of his complying with the above mentioned criteria.
- A list of CVs of project team members, EDA strongly recommend in the EU CV format (see in Annex III)
- Information on which part or tasks of assignments will be assumed by a consortium partner or a subcontractor. The respective subcontractor or consortium partner should be specified for each part or task if applicable
- All such documents shall be provided in English, or with English courtesy translations.
- Any other document which could demonstrate tenderer's technical and professional capacity according to the requirements set in this section;

The technical and professional capacity will be assessed in relation to the combined capacities of all the Consortium members [leader and member(s)] and the subcontractor(s), if any, as a whole.

4 Award of the contract

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The contract shall be awarded to the tenderer submitting the tender offering the best-value-for-money (best quality-price ratio).

4.1 Technical evaluation

The quality of each technical offer will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid below.

No	QUALITY CRITERIA	DETAILS OF THE QUALITY CRITERIA	Max points
1	Quality of proposed methodology	The quality of the proposed methodology will be assessed, against the following requirements : balance/neutrality of the proposed work plan methodology . Methodology must guarantee a multinational approach without injected national interests. Maritime/ Naval/ industry interests must also be excluded as drivers for the study result)	30%
2	Quality of work plan outline	Adequacy of the proposed work programme and reporting structure will be assessed in light of the following : logic timelines, defined list or required and intended contacts (level of contact/ organisation)	35%
3	Quality of the team proposed	1..Understanding of maritime operations and the specific challenges of cooperation in the international maritime domain 2 Multinationality and diversity/complementarity of the team addressing all aspects of the study. 3. understanding of European Maritime Security stakes	35%
	TOTAL		100

Interviews

The Evaluation Committee does not expect to conduct any interviews.

4.2 Technical proposal

The Tenderers shall present evidence that they are capable to deliver a high quality of training, support and written deliverables. Tenderers shall also include in their tender all detailed information and documentation to allow the Evaluation Committee to assess all the quality criteria mentioned above. The Evaluation Committee reserves the right not to attribute points when insufficient evidence is provided.

To do so, tenderers shall include in their bids, at least the following elements/information:

- A detailed methodology for implementation of the study ;
- A detailed analytical outline (on how the key aspects of the study will be approached) that demonstrates a good understanding of the challenges in this area of the world and its driving factors ;
- A detailed work programme and reporting structure that explain how much and how requirements will be measured ;

The whole document shall not exceed 15 pages (excluding CV, and list of already delivered studies connected to the purpose of this contract).

In addition to the above the tenderer must provide the information concerning subcontracting as requested in point 1.5.

4.3 Technical quality threshold

Only tenders scoring 70 points or more (of a maximum of 100) points against the technical award criteria will have their financial proposal evaluated.

4.4 Financial evaluation

The evaluation will be made on the basis of the price offered in the model financial offer (Annex II) and based on the following formula:

Financial Score for “offer X” = (cheapest bid price received/price of “offer X”) * 100

Where a maximum budget is mentioned in these tender specifications, any tenderer submitting a financial proposal exceeding this budget will be rejected.

4.5 Financial proposal

- The financial proposal should be presented in the format found in **Annex II**.

- Prices must be quoted in **EURO** and include all expenses necessary to perform the contract.
- The price quoted is fixed and is subject to **NO revision**.
- Prices must be quoted free of all duties, taxes and other charges (including VAT) as the EDA is exempt from such charges under Article 3 of the Protocol on the Privileges and Immunities of the European Union.
- Costs incurred in preparing and submitting tenders are borne by the tenderer and shall not be reimbursed.

4.6 Choice of the selected tender

The most economically advantageous tender is established by weighing technical quality against price on an **70/30** basis.

The consolidated score for each candidate shall be calculated as follows:

Consolidated score= Technical Score*0,7+Financial Score*0,3

ANNEX I - DRAFT CONTRACT

ANNEX II - MODEL FINANCIAL OFFER

Prices should be all-inclusive; the Agency will not pay expenses for any additional costs incurred from the execution of the contract.

Financial proposals exceeding the amount indicated in Section 2.7 shall be excluded outright.

Name of Tenderer:	
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TOTAL COST OF ASSIGNMENT, INCLUDING ALL ASSOCIATED EXPENSES AND EXCLUDING VAT :	€
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Name: (of the Tenderer or authorised representative)	Signature:	Date:
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ANNEX III - CURRICULUM VITAE

To be downloaded from the following URL address:

<http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

ANNEX IV - DECLARATION ON EXCLUSION CRITERIA

(To be completed and signed by each Consortium member and by each Sub-contractor, where applicable)

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 EDA can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;
- f) following another procurement procedure or grant award procedure financed by the European Union or the Agency's general budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.
- g) they are subject to a conflict of interest;
- h) they are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information

Full name:

Date & Signature:

ANNEX V - LEGAL ENTITY FORM

To be downloaded from the following URL address:

http://ec.europa.eu/budget/info_contract/legal_entities_en.htm

ANNEX VI - FINANCIAL IDENTIFICATION FORM

To be downloaded from the following URL address:

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

ANNEX VII - TENDER SUBMISSION FORM

14.CAT.OP.034

“Requirements and Landscaping Study on Maritime Surveillance Networking (MARSUR) extension”

One signed original of this tender submission form must be supplied.

1. SUBMITTED by (i.e. the identity of the Tenderer)

	Name(s) of legal entity or entities submitting this tender	Nationality ⁵
Leader		
Member 2		
Etc ... ⁶		

2. SUBCONTRACTORS (if applicable)

	Name(s) of the legal entity or entities identified as sub-contractor(s)	Nationality
Sub-contractor 1		
Etc ... ⁷		

⁵ Country in which the legal entity is registered

⁶ If this tender is being submitted by an individual legal entity, the name of the legal entity should be entered as “Leader” (and all other lines should be deleted)

⁷ Add / delete additional lines for sub-contractors as appropriate

3. CONTACT PERSON for this tender (to act as focal point for all communication which may take place between the EDA and the Tenderer)

Name and position	
Organisation	
Address	
Telephone	
Fax	
e-mail	

4. STATEMENT

I, the undersigned, being the authorised signatory of the above Tenderer (including all consortium members, in the case of a consortium), hereby declare that we have examined and accept without reserve or restriction the entire contents of the tender specifications for the tender procedure referred to above.

We are fully aware that, in the case of a consortium, the composition of the consortium cannot be modified in the course of the tender procedure except with the prior written authorisation of the EDA. We are also aware that the consortium members would have joint and several liability towards the EDA concerning participation in both the above procedure and any contract awarded to us as a result of it.

Our tender is subject to acceptance within the validity period stipulated in point 1.7 of the Tender Specifications and is made up of the following documents:

ENVELOPE A - ADMINISTRATIVE DATA:	
▪ This Tender Submission Form	<input type="checkbox"/>
▪ The duly filled in, signed and dated Exclusion Criteria Declaration(s) by every legal entity identified under point 1 and point 2 of this Tender Submission Form	<input type="checkbox"/>
▪ The duly filled in, signed and dated Legal Entity Form (<i>using the standard template referred to in Annex V to the Tender Specifications</i>) and the supporting documents requested therein, by every legal entity identified under point 1 and point 2 of this tender submission form	<input type="checkbox"/>
▪ The duly filled in, signed and dated Financial Identification Form (<i>using the standard template in Annex VI to the Tender Specifications</i>) to nominate the bank account into which payments would be made in the event that our tender is successful	<input type="checkbox"/>
▪ Documents proving the economic and financial status (as requested in point 3.2.2 of the Tender Specifications) of every legal entity identified under point 1 and point 2 of this tender submission form	<input type="checkbox"/>
▪ Documents proving our technical and professional capacity (as requested in point 3.2.3 of the Tender Specifications) - One signed original and three copies	<input type="checkbox"/>
▪ Duly authorised signature , i.e. an official document (<i>statutes, power of attorney, notary statement, etc.</i>) proving that the person who signs on behalf of the Tenderer is duly authorised to do so	<input type="checkbox"/>
▪ Our consortium agreement/ duly signed and dated consortium statement by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the, as requested in point 1.4 of the tender specifications	<input type="checkbox"/>
ENVELOPE B - TECHNICAL PROPOSAL (one signed original and three copies and providing all information requested in point 4.2 of these specifications).	<input type="checkbox"/>
ENVELOPE C - FINANCIAL PROPOSAL (one signed original using the template in Annex II), which is submitted in a separate, sealed envelope.	<input type="checkbox"/>

Signed on behalf of the Tenderer

Name	
Signature	
Date	

ANNEX VIII – ECONOMIC AND FINANCIAL CAPACITY

(Please fill in the excel file uploaded together with the tender documents)

See attached excell document

ANNEXE IX
NON-DISCLOSURE AND CONFIDENTIALITY DECLARARATION



NON- DISCLOSURE AND CONFIDENTIALITY DECLARATION

I hereby declare that I am aware of my obligations relating to confidentiality and non-disclosure of information.

I undertake to treat the strictest confidence all information provided and will only use it for the purposes of the "Requirements and Landscaping Study on Maritime Surveillance Networking (MARSUR) extension" study.

List of documentation provided :

- MARSUR Common Staff Requirements
- MARSUR Common Staff Target
- MARSUR 1st Study : Mapping of existing system- May 2008
- MARSUR 2nd Study : Interface definition –May 2010
- MARSUR 3rd Study : creation of interface – Sept 2011
- MARSUR Terms of reference V1.0
- MARSUR CONcept of OPerationS
- MARSUR Standard Operational Procedures
- MARSUR Technical Arrangement
- MARSUR Project Arrangement
- Maritime Security Regime Manual

I undertake not to disclose any information to Third Parties without prior agreement from EDA.

I undertake to respect the confidentiality of all documents and electronic files received and will treat these accordingly.

I undertake to protect the European Union Classified Information (EUCI) received following the basic principles and minimum standard of security laid down in the Council Decision 2011/292/EU of 31 March 2011.

I shall dispose of all documents which were provided to me by December 2015 and I will notify the destruction of it to the EDA MARSUR Project Officer.

I acknowledge that I might be held liable for any damage resulting from non-compliance with the provisions prescribed herein. Likewise, in the case of EUCI, I acknowledge that any individual who is responsible for compromising or losing EUCI shall be liable to legal action in accordance with the applicable laws, rules and regulations.

Signed.....

Name.....

Title.....

Company.....

Date.....