

## **Open Call for tender OC/004/2012/EITPROC**

### ***Provision of digital communications services***

**Contracting Authority:** EIT - European Institute of Innovation and Technology

## **Tender Specifications**

### **1. IDENTITY OF THE TENDERER**

Participation in tendering procedures is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement.

Where the Multilateral Agreement on Government Procurement concluded within the World Trade Organization (WTO) applies, the contracts are also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down.

All Tenders must be submitted by a clearly identified Tenderer. Tenderers must indicate in which state they have their registered office or residence, providing the necessary supporting documents in accordance with their national law.

Therefore, the Tenderer must complete Annex 3, Information concerning the Tenderer, and the forms required therein. These forms must be signed by the Tenderer or a person duly authorised by them. They must be accompanied by all the supporting documents described in the relevant forms.

#### **1.1. Sub-contracting**

Sub-contracting is permitted. All sub-contracting must be approved by the Contracting Authority (by accepting the Tenderer's offer).

The Tenderer must indicate clearly in their offer, which tasks will be sub-contracted, and the identity of all sub-contractors. The following documents shall therefore be provided:

- A document, signed by the Tenderer:
  - stating clearly the identity, roles, activities and responsibilities of the sub-contractor(s) and;
  - specifying the volume/proportion for each sub-contractor.
- Point 6 of Annex 3 must be completed for each sub-contractor proposed to undertake more than 10% of the tasks (by value).
- A letter of intent by each sub-contractor undertaking more than 10% of the tasks (by value), stating their undertaking to collaborate with the Tenderer if they are awarded the contract and the extent of the resources that they will put at the Tenderer's disposal for the performance of the contract.

When requested by the Contracting Authority, the Tenderer shall submit a declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest from the intended subcontractor according to Articles 93 and 94 of the Financial Regulation (Council Regulation 1605/2002 of 25/06/2002, as amended). In case of doubt on this declaration on honour, the Contracting Authority shall request the evidence (see point 4 Exclusion Criteria).

If your offer includes sub-contracting, it is recommended that contractual arrangements with sub-contractors include mediation as a method of dispute resolution.

## **1.2. Consortia/Joint offers**

Groups of economic operators, having or not having a legal existence, are allowed to submit a tender. If a group of economic operators does not have a legal existence, the leader of the group must be clearly designated by all the other members of the group to act as leader with full authority to bind the grouping and each of its members. The composition and constitution of the grouping and the allocation of the scope of tasks amongst the members, shall not be altered without prior written consent of the EIT which can be withheld at discretion.

*In case of contract awarding, in order to protect the contractual interest of the EIT, the Contracting Authority will sign a contract with the leader of the group, duly authorised by the others (a power of attorney is to be attached to the offer). All the members of the group shall be jointly and severally liable to the EIT for the fulfilment of the terms and conditions of the contract.*

Each member of the group or a person duly authorised by them must complete and sign the Legal Entity form required in Annex 3, Information concerning the Tenderer. It must be accompanied by all the supporting documents described in the form.

A declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest and information on selection criteria of each member of the group must also be included in the offer (see points 4 and 5).

**2. VARIANTS**

Tenderers may not submit bids for only part of the services required. Variants are not allowed.

**3. LOTS**

Not applicable

**4. EXCLUSION CRITERIA**

The purpose of these criteria is to determine whether a Tenderer is authorised to participate in the tendering procedure according to Articles 93 and 94 of the Financial Regulation (Council Regulation 1605/2002 of 25/06/2002, as amended). Tenderers shall be excluded from participation in a procurement procedure if:

- (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;
- (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) they are currently subject to an administrative penalty referred to in Article 96 (1) of the Financial Regulation (Council Regulation 1605/2002 of 25/06/2002, as amended).

Contracts may not be awarded to candidates or 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 tender procedure or fail to supply this information.

Tenderers must certify that they are not in one of the situations listed above, by completing and signing the form in Annex 4, Declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest.

(1) The winning Tenderer will **also** provide **evidence** that they are not in any of the situations described in points **(a), (b), (d) and (e)** above. This evidence must be in one of the forms described in (2), (3) and (4) below and must be provided within two weeks from the receipt of the communication of the result of the evaluation. If the requested evidence is not submitted in due time, the Contracting Authority can award the Contract to the Tenderer evaluated as the next-best.

(2) For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

(3) For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the Tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

(4) For any of the situations (a), (b), (d) or (e), where any document described in (2) or (3) 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.

(5) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in paragraphs (1) to (4) if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or 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.

Administrative or financial penalties may be imposed by the Contracting Authority on Tenderers who are in one of the cases of exclusion provided for above, in

accordance with Articles 93, 94 and 96 of the Financial Regulation (Council Regulation 1605/2002 of 25/6/02, as amended) and Article 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/2002, as amended).

## 5. SELECTION CRITERIA

The purpose of these criteria is to determine whether a Tenderer has the necessary economic, financial, technical and professional capacity to carry out the tasks. Tenderers who are not considered to have the required capacity will not proceed to the award phase.

Tenderers must provide evidence of economic, financial, technical and professional capacity. Tenderers who do not provide the documentation specified, or who are judged, on the basis of the documentation provided, not to have fulfilled the criteria specified below, will be excluded.

Where the Tenderer wishes to sub-contract or otherwise rely on the capacities of other entities, they must in that case prove that they will have at their disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

If, for some exceptional reasons which the Contracting Authority considers justified, the Tenderer is unable to provide the references requested by the Contracting Authority, he may prove his economic and financial capacity by any other means which the Contracting Authority considers appropriate.

### 5.1. Economic and Financial capacity

5.1.1. The Tenderer must demonstrate sufficient economic and financial resources to be able to execute the tasks within the time schedule specified in the Terms of Reference in Annex 1 and according to the payment schedule specified in the draft Contract in Annex 2. *The tenderer must have an average annual turnover of at least 300 000 (three-hundred-thousands) EUR in the last three years for provision of services equivalent to those subject of this Open call. In case of consortia, the lead company must provide proof of annual turnover of at least 60 % of the above figure.*

5.1.2. The following documents must be provided in evidence of economic and financial capacity:

i) the presentation of balance sheets including the profit and loss accounts for the last three years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;

ii) a statement of the average annual turnover of the last three financial years related to the services covered by the contract.

## 5.2. Technical and Professional capacity

5.2.1. The Tenderer must comply with the following criteria:

5.2.1.1. have at its disposal the following profiles:

- Web Project manager: having minimum professional experience of 3 years in web project management (excluding internships) and familiar with international and multi-cultural work (proven experience)
- Web designer: having minimum of 4 years professional experience of graphical design of which minimum 3 years in graphical web design. The web designer shall 1) be proficient with Adobe Creative Suite, especially Photoshop, Illustrator, InDesign and Flash or their equivalent open source; 2) be proficient in HTML and CSS 5; 3) know browser compatibility and web design standards; 4) know mobile adaptations (CSS stylesheets).
- Usability expert: Professional experience of minimum 2 year in web usability field
- Web Developer/Programmer: Professional experience of minimum 3 years in web development. In addition (s)he shall be proficient with PHP / MySQL / Javascript / ActionScript / XML / CSS / HTML and proficient with usability and accessibility considerations in web development, W3C
- Content Integrator: Professional experience of minimum 2 years of use of Web Content Management System and HTML editing
- Social Media Expert: Professional experience of minimum 2 years in Social Media Marketing; High level of expertise on Social Media platforms such as Twitter, Facebook, YouTube, blogs.

- 5.2.1.2. have the ability to offer all deliverables in regards to requested services as outlined in the Terms of reference “Scope of Work”
  - 5.2.1.3. be equipped with the following technical facilities: Adobe Suite or equivalent as long as able to provide EIT with standard source files (.PSD, INDD, EPS, etc), contract with hosting company or in-house hosting facilities
  - 5.2.1.4. have an excellent command of written and spoken U.K. English, at least for the key direct contacts (account/project manager(s), support contacts)
  - 5.2.1.5. proof that the Tenderer is authorised to perform the contract under 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.
- 5.2.2. The following documents must be presented as evidence of compliance with the above criteria:
- 5.2.2.1. the educational and professional qualifications (CV's) of the experts mentioned in point 5.2.1.1. At least 3 experts shall be part of the tenderer’s staff (no freelancers or sub-contractors) forming the team providing the services of the present contract.
  - 5.2.2.2. a list (summary) of the principal services provided in the past three years, with the volume of the project (in EUROS), dates when the services/projects have been rendered and recipients, being it public or private entities.
    - At least 5 website redesign or developments (please include URLs or screenshots) for projects with 10000 visitors per month at least or minimum 25000 Euros budget including at least 2 developments using the CMS TYPO3.
    - At least 2 social media campaigns or products on most visited social media platforms (The tenderer shall submit URLs or screenshots)
    - At least 1 hosting service for a website with a minimum of 10,000 visitors per month (The tenderer shall submit proof or declaration of the service provided)
    - At least 2 examples of audit/recommendation for a website makeover. Criteria: 20,000 visitors per month OR

audit for an institution/administration/public body or innovation institution.

(a description of the client, the budget and a summary of the tasks shall be included)

5.2.2.3. a description of the technical equipment (Softwares, Hosting facilities)

5.2.2.4. a statement in the above CVs about the English level (mother-tongue or fluency); or a diploma stating English level of the employee.

## **6. AWARD CRITERIA**

The purpose of these criteria is to choose between the best offer out of those submitted by tenderers which are not excluded and which meet the selection criteria.

Important Note:

The Tenderers are invited to carefully study the Tender Specifications and its annexes and to address all information requested in their offer. It must be noted that any total or partial omission of information or non-conformity with requirements described in the Tender Specifications and its annexes may lead the EIT to exclude the offer from the award procedure.

The contract will be awarded to the Tenderer submitting the tender offering the best value for money, on the basis of the following criteria:

### **6.1. Qualitative criteria (100 points)**

#### **Criterion 1– 50 points**

Understanding of the objectives of the website makeover project: the tenderer shall submit a concise audit of the EIT online presence (1 page minimum and 5 pages maximum). To this end the tenderer shall consider the EIT website ([eit.europa.eu](http://eit.europa.eu)) and the 3 “KICs” websites<sup>1</sup> and provide recommendations for a new online strategy: improvements in terms of organization and consistency of the contents (30 points), the look (10 points) and the usability (10 points).

#### **Criterion 2 – 50 points**

Quality and relevance of the proposal for a promotional page (mini-site) advertising an EIT event, in terms of graphic design: the tenderer shall

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<sup>1</sup> [eit.ictlabs.eu](http://eit.ictlabs.eu) / [climate-kic.org](http://climate-kic.org) / [kic-innoenergy.com](http://kic-innoenergy.com)



provide with a design (mock-up) for the mini-site based on the information provided in following link

<http://eit.europa.eu/activities/events/single-view/article/youth-and-entrepreneurship-drivers-of-innovation.html>.

Offers which score a total of fewer than 65 points for the qualitative criteria will be rejected. In addition, any offer which scores below 50% of the maximum number of points available for any of the two criteria will be rejected.

### **6.2. Price (50 points)**

The lowest acceptable offer (according to Evaluation Table – Annex 6) will receive the maximum number of points. The remaining offers will receive a number of points corresponding to the ratio between their offer and the lowest acceptable offer, such that the more expensive is the offer, the fewer points it receives.

$$P = (\text{lowest acceptable offer}/\text{offer}) \times 50$$

### **6.3. Awarding**

The offer will be awarded to the tenderer reaching the highest score according to the following formulae:

$$C = \text{points qualitative criteria} + \text{points price}$$

## **7. NO OBLIGATION TO AWARD A CONTRACT**

Initiation of a tendering procedure imposes no obligation on the Contracting Authority to award the Contract.

This Invitation to Tender is in no way binding on the EIT. The EIT's contractual obligation commences only upon signature of the contract with the successful Tenderer.

Up to the point of signature, the Contracting Authority may either abandon the procurement or cancel the award procedure, without the Tenderers being entitled to claim any compensation. This decision must be substantiated and the Tenderers notified.

## **8. CONTRACT**

Tenders must be drawn up in accordance with the draft Contract attached to these Tender Specifications (Annex 2).

The Tenderer accepts the terms set out in the draft Contract.

## **9. PUBLICATION**

Rights concerning the reports and those relating to their reproduction and publication will remain the property of the EIT. No document based, in whole or in

part, upon the work undertaken in the context of the Contract awarded following this tender may be published except with the prior formal written approval of the EIT.

**10. ANNEXES**

The following documents are annexed to these Tender Specifications and form an integral part of them:

Annex 1: Terms of Reference

Annex 2: Draft Contract (for information)

Annex 3: Information concerning the Tenderer

Annex 4: Declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest

Annex 5: Price Table

Annex 6: Evaluation table