

Ref. Frontex/NP/15/2020

**Business analysis and IT-project support for
IRMA 2.0**

**Annex I
Tender Specification**

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I. GENERAL INFORMATION

I.1 General Information on Frontex

The European Border and Coast Guard Agency - Frontex (hereinafter referred to as “Frontex” or “Contracting Authority”) was established by the Council Regulation (EC) 2016/1624 with a view to improve the integrated management of the external borders of the Member States of the European Union.

Further information about Frontex can be found on the Agency’s web site www.frontex.europa.eu

I.2 Procurement procedures

For its fast growing organisation and performance, Frontex is in constant need of goods and services. Tendering is the structured way to consult the market for the purchase of these goods and services.

The purpose of competitive tendering for awarding contracts is two-fold:

- To ensure the transparency of operations;
- To obtain the desired quality of services and supplies at the best possible price.

The procurement procedure is governed by the following legal provisions: Title VII of Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union (Financial Regulation), repealing Regulation (EU, Euratom) No 966/2012 and Annex I to the same regulation.

I.3 Eligibility

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

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

- Under the Stabilisation and Association Agreements (SAA) economic operators established in FYROM, Albania, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo have been granted access to procurement procedures of the Union institutions, agencies and bodies regardless of the value of the purchase.
- Under the EEA Agreement, economic operators established in Iceland, Norway and Liechtenstein have full access to procurement procedures of the Union institutions, agencies and bodies regardless of the value of the purchase.

The rules on access to procurement do not apply to subcontractors. Economic operators are free to choose their subcontractors from any country. Thus, in principle all economic operators can act as subcontractors of other economic operators who have themselves access to the EU procurement procedures. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

For tenderers established in the United Kingdom:

Please be aware that following the entry into force of the EU-UK Withdrawal Agreement* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. **UK residents and entities are therefore eligible to participate under this call.**

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (https://ec.europa.eu/commission/publications/agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community_pl).

Participation is open to all natural and legal persons as defined above, under the condition that:

- a) They are not in any of the situations excluding them from participation and that they have no conflict of interest in connection with this contract;
- b) They have all the necessary knowledge and experience as well as technical and human resources to implement the contract; and
- c) They possess adequate economic and financial capacity to perform the required services.

I.4 Penalties

Without prejudice to the application of liquidated damages laid down in the contract, Tenderers and Contractors who have been guilty of making false declarations concerning situations referred to in point III.3 shall be subject to the administrative and financial penalties set out in Article 135 and 138 of the above mentioned Regulation No 2018/1046.

I.5 Joint Tenders

No special legal form is required but, in the event a group of Contractors submits an acceptable offer, it shall be necessary to provide an undertaking that each company shall be jointly and severally responsible for the due performance of the contract. In the case of a consortium bid, the Contractor shall be required to act on behalf of the consortium.

Statements saying, for instance, that:

- a) "...one of the partners of the joint tender shall be responsible for part of the contract and another one for the rest...", or
- b) "...more than one contract shall be signed if the joint tender is successful..."

are thus incompatible with the principle of joint and several liability.

Frontex shall disregard any such statement contained in a joint tender, and further reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the tender specifications.

I.6 Sub-contracting

Sub-contracting is allowed, provided that the subcontractor(s) and his scope of work shall be clearly indicated in the tender. Nevertheless, the responsibility for the full execution of the contract rests with the Contractor, as Frontex has no direct legal commitment with the subcontractor(s).

Accordingly:

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

If subcontracting is envisaged in the tender it shall include a complete documentation that:

- a) defines clearly the roles, activities and responsibilities of subcontractor(s);
- b) specifies the volume / proportion of the tender being subcontracted for each subcontractor; and
- c) contains a letter of intent by each subcontractor stating its intention to collaborate in case the contract is awarded.

All members of the consortium and subcontractors shall meet the eligibility and exclusion criteria given in points I.3 and III.3.

I.7 Cost of preparing tenders

The invitation to participate in a tender procedure does not constitute any commitment on behalf of Frontex for award of the contract to a company. Frontex shall not reimburse any costs incurred by Tenderers in preparing and submitting offers.

I.8 Misrepresentation and corruptive practices

The contract shall not be awarded to Tenderers who, during the procurement procedure:

- a) are subject to a conflict of interest;
- b) are guilty of misrepresentation in supplying the information required by Frontex as a condition of participation in the contract award procedure or fail to supply this information;
- c) attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or Frontex during the process of examining, clarifying, evaluating and comparing tenders.

All the above-mentioned circumstances shall lead to the rejection of this offer and may result in administrative penalties.

I.9 Confidentiality and public access to documents

In the general implementation of its activities and for the processing of tendering procedures in particular, Frontex observes the following EU regulations:

- a) Regulation (EC) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Details concerning the processing of personal data are available in the privacy statement at: https://ec.europa.eu/info/data-protection-public-procurement-procedures_en;
- b) Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

Once the Contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the Contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the Contracting authority or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the Financial Regulation, who are not rejected under Article 141 of the Financial Regulation, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. The Contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets.
- For the specific case of framework contract in cascade, the second ranked in the cascade may ask for comparative advantages of the tender ranked first, but not about the tender ranked third and so forth if there are more than three contractors in the cascade. For specific contracts awarded following reopening of competition, the unsuccessful contractors can ask for the name of the winning contractor but not for the characteristics and relative advantages of the winning tender and the price paid, since the receipt of such information by parties to the same framework contract each time competition is reopened might prejudice fair competition between them.
- The Contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure, the Contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.
- The Contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The Contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

For the purpose of tender preparation and potentially for the execution and/or performance of the contract, the Contractor is required to sign the Declaration of Confidentiality (see Annex VII).

All Contractor's staff engaged in the implementation of the Contract as the result of this procedure, will be required to sign the Declaration of Confidentiality (Appendix 5 of Annex II Terms of Reference) before the commencement of work.

II. SPECIFIC INFORMATION

II.1. Scope and contractual information

II.1.1 Scope of Contract

The subject of the contract is the provision of business analysis services and IT-project support to the Integrated Return Management Application 2.0 (IRMA 2.0) on Time and Means basis. Detailed description of requirements is presented in the Annex II Terms of Reference document, hereinafter referred to as "ToR".

II.1.2 Type of contract and venue

The envisaged contract is a "Time and Means" Service Contract. Frontex intends to conclude a Contract with the selected Tenderer on the basis of the draft Service Contract included in the Annex III to the Invitation to Tender. The provisions of the draft Contract are subject to minor modifications prior to the signature.

As a default, the works contracted under this Contract shall be performed by the Contractor "Intra muros" at Frontex Headquarters (Plac Europejski 6, Warsaw, Poland). The exceptional cases are indicated in chapter 5.2 of the ToR (Annex II).

II.1.3 Duration of the contract

The Contract shall enter into force on the day of its signature by the last contracting party.

This Contract duration is 110 man-days and is expected to have an initial duration of 6 months for the performance of all tasks, starting from the date of entry contract into force (Stage A).

The Contract can be extended, if needed, for additional 70 man-days corresponding to additional 4 months on the same conditions, under the sole discretion of Frontex (Stage B). In this case, the entire duration of the Contract including the optional renewal shall not exceed 12 calendar months from the entry of the Contract into force.

The period of execution of the tasks may be extended only with the express written agreement of the parties before such period elapses.

II.1.4 Volume of the contract

The maximum value (excluding VAT) estimated for the whole duration of the contract is 139,000 EUR.

II.2. Form and content of the tender

The tender shall be clear and concise, with continuous page numbering, and assembled so as to constitute a coherent whole.

The tender shall include all the information and documents required by Frontex for the appraisal of tenders on the basis of the exclusion, selection and award criteria, and in accordance with these specifications and Terms of Reference, in the absence of which, Frontex may decide to exclude the tender from the awarding procedure for the contract.

The tender for this Contract shall be submitted according to the rules set out in the Letter of Invitation to tender.

II.2.1 Documents to be included in the offer

The Tenderer's proposal shall contain the following information and documents:

1. Technical Proposal
2. Financial Proposal
3. Supporting documents

The detailed list of all documents/information required for this Procurement Procedure are listed below.

1. Technical proposal

Technical Proposal shall be prepared in accordance with Annex II Terms of Reference document. The Technical Proposal shall be consistent with Terms of Reference and provide all information needed to apply the award criteria. It must contain at least the following elements:

- a) Description of the Tenderer's project approach in relation to the Tasks under the Contract. The proposed method shall take into account information provided in ToR, offer the most practical, effective, easy to control and measure approach and cover at least the following aspects:
 - i) Work breakdown structure and deliverables - decomposition of the total scope of work related to provisioning business analysis services and IT-project support to the IRMA 2.0 solution.
 - ii) Frame schedule - the schedule shall be aligned with proposed work breakdown structure and present the relative timeline for all activities, their synchronization.
 - iii) Stakeholders and communication - initial stakeholder analysis with communication plan.
 - iv) Quality assurance - description of comprehensive and effective of the proactive and reactive quality assurance measures for the Tasks under the Contract.
- b) Description of similar projects completed by the Tenderer, including dates of the projects and brief description of the tasks undertaken.
- c) Description of risks and mitigations for the Tasks under the Contract - assessment of important risks specific for the Tasks under the Contract and the recommended mitigation actions in a form and scope recommended by the Tenderer.
- d) CV of the of at least one eligible Consultant, preferable two, including the following:
 - v) The CV shall be prepared using the form attached in Appendix 2 to the ToR (Annex II);
 - vi) The CV shall address all the requirements and requested documents mentioned in chapter 6 of the ToR (Annex II) and shall be supplemented with:
 - Copy of diploma proving the candidate's highest relevant educational degree as declared in the CV;
 - Copies of professional certificates required or copies of equivalent certificates accompanied with justification of equivalency which is a subject of Frontex unilateral acceptance;
 - Detailed description of the past experience to demonstrate the compliance with required profile;
 - Copies of any other certificates or documents relevant to the CV.
- e) Filled in and signed by the candidate "Statement of Intent" form that is attached in Appendix 3 to the ToR (Annex II),
- f) Filled in and signed by the candidate "Statement of Compliancy to the Profile" form that is attached in Appendix 4 to the ToR (Annex II).

2. Financial proposal

Financial Proposal shall be prepared using the form in Annex VI Financial Proposal to the Letter of Invitation to tender.

The financial proposal shall contain all necessary information, **shall be consistent with the Technical Proposal** and shall contain at least the following elements:

- a) Unit price of business analysis and IT-project support services - i.e. price of one man-day of Tenderer's Consultant work.
- b) The total price per each Stage and overall total for all Stages.

In preparing the Financial Proposal, the Tenderer should take into account that Frontex is, in general, exempt from all taxes and dues, including VAT, pursuant to the Protocol on the Privileges and Immunities of the European Union, annexed to the Treaty on the Functioning of the European Union¹. Therefore, VAT will not be taken into account in evaluation of tenders.

The Tenderer, if established outside of Poland, shall take the necessary steps in order to obtain, from the competent national authorities, exemption from VAT in respect of the purchase to be provided under the Contract concluded with Frontex. Frontex may assist the Tenderer by issuing "VAT and excise Duty Exemption Certificate - 1510 form" used for this purpose by the European Union.

Prices shall be quoted in Euro net amount (excluding VAT) and be all inclusive, i.e. include all costs related to the execution of the Contract. If the Tenderer is subject to VAT (which is the case in Poland) and is required to pay that tax, the offer should clearly show the price excluding VAT. Nevertheless, the VAT amount shall not be taken into consideration in the financial evaluation.

3. Supporting documentation

The supporting documentation is an important part of the offer and shall be complete to guarantee that the technical proposal shall be evaluated. The supporting documentation shall contain the following elements:

1. Tenderer's Declaration of Honour (Annex V to the Invitation to Tender),
2. Tender Submission Form - duly filled and signed by the authorised representative of the Tenderer (Annex IV to the Invitation to Tender),
3. Documents confirming fulfilment of legal, economic and financial, and technical and professional capacities as requested in points III.4.1, III.4.2 and III.4.3.
4. Before the signature of the contract the winning Tenderer shall be also required to submit the duly completed and signed Financial Identifications bank account forms for the prospective registration of the company in the EC Accounting System. The forms are available under: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial-id_en.cfm
5. Declaration of Confidentiality (see Annex VII).

III. EVALUATION OF OFFERS

Following opening, the admissible offers will be evaluated by duly designated Evaluation Committee, possessing the technical and administrative capacities necessary to give an informed opinion on the offers.

III.1 Offer opening session

No public opening session shall be held for this procedure; however Frontex will check whether the offer received is compliant with the following formal requirement:

- a) Submitted within the deadline.
- b) Confidentiality of the offer guaranteed until the opening.

¹ OJ C 83, 30.03.2010, p.266 - 272).

III.2 Offer evaluation session

Offers complying with the formal requirements checked during the offer Opening Session shall be considered eligible and shall be evaluated in three stages:

- a) Exclusion criteria
- b) Selection criteria
- c) Award criteria

The Evaluation Committee's deliberations are held in closed sessions and its decisions are collective. The members of the Evaluation Committee are bound to secrecy.

III.3 Exclusion criteria

In line with the Regulation (EU, Euratom) 2018/1046 (with all amendments) on the financial rules applicable to the general budget of the Union, Tenderers shall be excluded from participation in a procurement procedure if they are in any of the situations as described therein.

In order to fulfil the eligibility criteria, the Tenderer or in case of consortium all member of consortium (and also all subcontractors, if applicable) shall provide within their bids the European Single Procurement Document (ESPD) or, as long as the ESPD is not available, a declaration on their honour, duly signed and dated stating that they are not in one of the situations referred above (see Annex V - the Tenderer's Declaration of Honour).

The Tenderer which will be selected for the award of the Contract shall provide in due time, preceding the signature of the Contract, the evidence confirming fulfilment of the Exclusion Criteria, as requested by the contracting authority.

III.4 Selection criteria

Each offer shall be verified against the criteria specified below. Incomplete Tenders shall be rejected. However, Frontex may request that missing formal documents are submitted by e-mail or fax. Normally these are to be submitted within 48 hours following the request.

III.4.1 Legal capacity

Requirement

The Tenderer shall provide evidence that is authorised to perform the Contract under the national law by provision of the evidence that the Tenderer is already established as a recognised legal entity and is registered in a relevant professional or trade register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

Evidence required

The tenderer shall provide a duly filled in and signed Legal Entity form (see the link below) accompanied by the documents requested therein.

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

III.4.2 Economic and financial capacity

Requirement

The Tenderer shall provide evidence of its economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the Contract.

Evidence required

The Tenderer shall provide Frontex with the declaration (free-format) of the company's total yearly turnover from the past three years for which accounts have been closed (information shall be provided separately for each year) . The total yearly turnover shall be minimum equivalent of 100 000 EUR (separately for each year).

If the currency of the tenderer's accountancy is other than Euro, the equivalent will be calculated on the basis of the exchange rates applicable for the month of tender submission published by the European Commission at: http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm

The obligation of a tenderer to submit the documentary evidence referred to in this point is waived for a particular year if such evidence has already been submitted to Frontex for that year for the purposes of another procurement procedure and still complies with requirements of this point. The tenderer is in such cases obliged to indicate the reference number of that procurement procedure.

Frontex reserves the right to request any additional documentary evidence it deems necessary or useful in order to verify a tenderer's economic and financial standing.

III.4.3 Technical and professional capacity

Requirement

The Tenderer shall prove its technical and professional capacity to perform the contract. The following selection criteria will be applied by Frontex to identify eligible offers:

A. Company experience

The Tenderer must have successfully completed in the most recent four years at least two projects which included delivery of business analysis services. Each of these projects shall have the following minimal characteristics:

- The business analysis and IT-project support included at least one of the following aspects:
- Agile project methodology;
- The value of business analysis and IT-project support services was at least 100 000 EUR.

B. Personnel capacity

The Tenderer should possess the relevant necessary human resources for the implementation of the project. The following criteria must be met:

- The Candidates must be fully compliant with mandatory requirements set in chapter 6 of the ToR (Annex II)

Evidence required

The following documents or/and information shall be presented as evidence of compliance with the technical and professional capacity criteria listed above:

- A.1 short presentation of the Tenderer's portfolio/background details, displaying the relevant professional experience from the last four years with sums and dates (number of years in operation, related company experience and projects, number of consultants employed and/or contracted);
 - A.2 a list of projects performed by the Tenderer of the similar services, with a minimum of two projects of similar characterisation (i.e. which included delivery of business analysis services) completed within the last four years of the net value of minimum equivalent of 100 000 EUR each. A list with names and short descriptions of projects as well as sums, dates, recipients and contact details should be provided. Selected projects from the list should be accompanied by reference letters from clients confirming the satisfactory completion of the projects;
- B. by submission of a CVs of at least one compliant Consultant. **Frontex requires that the Consultants (Business Analyst) offered for performance of this Contract are fully compliant with mandatory requirements set in chapter 6 of the ToR (Annex II) which will be verified based on the submitted CV and required supplementing documentation.** The compliance check will be performed in accordance with the criteria and the related scoring mechanism described in Appendix 1 Personnel Evaluation Grid (Phase 1: Eligibility check, Appendix 1 of Annex II TOR).

Shortages in fulfilment of the mandatory requirements will result in rejection of a candidate. Only successful candidates will be invited to the next phase of the evaluation. No points will be assigned during this step.

III.4.4 Compliance

The tenderer must be compliant with applicable obligations in the fields of environmental, social and labour law.

Frontex may reject Tenderers at selection criteria compliance stage in case of presence of professional conflict of interest that may negatively affect the performance of the contract.

Only the offers that clearly demonstrate that they meet the Selection Criteria shall pass to the next stage of the evaluation.

The obligation of a Tenderer to submit the documentary evidence referred to in this point is waived for particular year if such evidence has already been submitted to Frontex for that year for the purposes of another procurement procedure and still complies with requirements of this point. The Tenderer is however obliged to indicate the reference number of that procurement procedure.

The proposal shall be evaluated for its compliance with the technical specifications and in particular with the minimum requirements presented in the ToR (Annex II). The compliance of presented Consultant(s) shall be verified against the Personnel Evaluation Grid presented in Appendix 1 of ToR (Annex II). The criteria presented in the table will be used during the technical evaluation.

III.5 Award criteria

Once the Tenderer has demonstrated the capacity to perform the contract on the grounds of the selection criteria, and its technical offer has been evaluated as compliant with technical requirements, the offer will be assessed on the basis of the award criteria.

The award criteria serve to identify the most economically advantageous tender. The quality of each offer will be evaluated in accordance with the award criteria and the associated weighting. No award criteria and sub-criteria others than those detailed below will be used to evaluate the offer.

The contract shall be awarded to the Tenderer offering the best value for money, where the technical quality score shall account for 70% and the price shall constitute another 30% of the final score.

III.5.1 Technical evaluation

Once the Tenderer has demonstrated the capacity to perform the contract on the grounds of the selection criteria, and its technical offer has been evaluated as compliant with technical requirements, the offer will be assessed on the basis of the award criteria.

The evaluation of Technical Proposal will be done in accordance with the below criteria:

1. Qualifications, skills, expertise, suitability and professional competences of the proposed Consultant(s) for the delivery of the services affecting the quality and effectiveness of the performance of the contract, based on compliance with the requirements of the personnel:
 - 1.1. The Candidate(s) successfully evaluated in selection evaluation step must successfully passed the suitability check (Phase 2: Suitability check, Appendix 1 of Annex II TOR). The Candidate(s) will be invited for an interview and a written/practical technical test in order to evaluate Candidate(s) skills as well as his/her suitability for the tasks described in the Terms of Reference document. The interview will take place in Frontex premises. The Candidate(s) will be offered with 2 alternative dates for the interview and one of them must be accepted.
 - 1.2. The suitability check will be performed in accordance with the criteria and the related scoring mechanism described in Appendix 1 Personnel Evaluation Grid.
 - 1.3. In order to be considered eligible, the Candidate(s) must collect during the Phase 2: Suitability check:

(1) at minimum 60% of the maximum of 20 points during technical test (ref. Appendix 1 of Annex II TOR Personnel Evaluation Grid)

(2) at minimum 60% of the maximum of 80 total points for the Personnel Evaluation Grid (ref. Appendix 1 of Annex II TOR Personnel Evaluation Grid).

Candidates not reaching this threshold will be rejected.

2. Suitability of the proposed project approach in relation to the Tasks under the Contract, including quality assurance and continuous service improvement.

3. Adequacy of risks identified by the Tenderer in relation to the Tasks under the Contract and quality of the proposed counter-measures

Technical evaluation will be score in accordance with the below table. The minimum TOTAL SCORING for a proposal shall be greater than 60 points out of the total number of 100 points that can be granted, otherwise the offer is disqualified as unacceptable.

Technical Evaluation Grid				
Criterion		Minimum score	Maximum score	Scoring
1	<p>Qualifications, skills, expertise, suitability and professional competences of the proposed Consultant(s) for the delivery of the services, based on compliance with the requirements of the personnel.</p> <p>The score will be calculated based on Personnel Evaluation Grid (using the pattern for Technical score indicate in this chapter multiplied by 70 points).</p>	0	70	
2	<p>Suitability of the proposed project approach in relation to the Tasks under the Contract, including quality assurance and continuous service improvement.</p> <p>The highest score will be granted to the project approach which should cover main aspects like: scope, schedule, quality, adequacy of tools and methods used, stakeholder and communication, well-integrated, well-reasoned, and appropriate to the aims of the project, quality assurance and continuous service improvement.</p>	0	20	
3	<p>Adequacy of risks identified by the Tenderer in relation to the Tasks under the Contract and quality of the proposed counter-measures.</p> <p>Highest score will be granted to the offer presenting the highest understanding of the:</p> <ul style="list-style-type: none"> risk mitigation approach including proposed replacement of personnel, planned and unplanned leave or underperformance clear and appropriate management of requests for changes and conflicting requirements quality of the proposed counter-measures including flexibility, adaptability, relevance and clarity of the solution offered 	0	10	
Total			100	
TOTAL SCORING				
Is TOTAL SCORING greater than the minimum threshold of 60 points (Y/N)?				

The total scoring of the evaluated proposal shall be calculated as the sum of points earned in the column Scoring of Technical Evaluation Grid, per criteria described in rows 1 - 3.

The Technical score shall be calculated on the basis of the sum of the points received in relation to the components of the technical proposal as above and then technical scores shall be calculated for each tender based on the following formula:

$$\text{Technical score} = \frac{\text{Total technical score of the evaluated tender}}{\text{The highest technical score earned in the tender}}$$

III.5.2 Financial Evaluation

The Financial evaluation will be conducted on the basis of the Financial Proposals. The points will be awarded to the tenders eligible to participate in the financial evaluation on the basis of the following formula (based on the total net price offered indicated in Annex VI - Financial offer):

$$\text{Financial score} = \frac{\text{Lowest total Reference Price of an eligible offer}}{\text{Total Reference Price of the evaluated proposal}}$$

III.5.3 Final Evaluation

The contract will be awarded to the tenderer offering most economically advantageous offer. The most economically advantageous offers are established by weighting technical quality against price on 70/30 basis. It will be established by the application of the following formula:

$$\text{Final score} = (70 \times \text{Technical score}) + (30 \times \text{Financial score})$$

The Contract as a result of the competition will be awarded to the Tenderer who submitted proposal with the highest Final Score.

III.5.4 No obligation to award

Completing the procedure of the call for tenders in no way imposes on the Frontex an obligation to award the contract. Frontex shall not be liable for any compensation with respect to tenderers whose offers have not been accepted, nor shall Frontex be liable when deciding not to award the contract.

III.5.5 Notification of outcome

Each Tenderer will be informed in writing about the outcome of the call for tender. If Tenderers are notified that a tender has not been successful, Tenderers may request additional information by mail. This information can be given in a follow-up letter providing further details in writing, such as the name of Tenderers to whom the contracts are awarded and a summary of the characteristics and relative advantages of the successful tenders in comparison to the unsuccessful offer of the Tenderer requesting such further information.

III.6 Assessment of joint tenders and tenders involving sub-contracting

Joint tenders shall be assessed as follows:

- a) The exclusion criteria and the selection criteria for economic and financial capacity shall be assessed in relation to each company individually².
- b) The selection criteria for technical and professional capacity shall be assessed in relation to the combined capacities of all members of the consortium, as a whole.
- c) The award criteria shall be assessed in relation to the tender, irrespective of whether it has been submitted by a single legal or natural person or by a tendering group.

Joint offers in the stage following the award:

² For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with the respect to the specific procurement, a consolidated assessment of all members of consortium together shall be made.

If the Tenderer submits a joint offer but has not yet set up an entity with a legal form, and if he is awarded the contract, the contracting authority may require the Tenderer to give a formal status to his collaboration before the contract is signed, if this change is necessary for proper performance of the contract. This can take the form of an entity with or without legal personality but offering sufficient protection of Frontex contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract shall be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the group (a power of attorney or sufficient authorisation has to be provided and shall be attached to the contract as an annex), when the Tenderers have not formed a legal entity.

Tenders involving subcontracting shall be assessed as follows:

- a) The exclusion criteria and the selection criteria for economic and financial capacity shall be assessed in relation to each company individually².
- b) The selection criteria for technical and professional capacity shall be assessed in relation to the combined capacities of the Tenderer and the subcontractor, as a whole, to the extent that the subcontractor puts its resources at the disposal of the Tenderer for the performance of the contract.
- c) The award criteria shall be assessed in relation to the tender. Subcontracting as such cannot be an award criterion.

² For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with the respect to the specific procurement, a consolidated assessment of a Tenderer plus subcontractor together shall be made, to the extent that the subcontractor puts its resources at the disposal of the Tenderer for the performance of the contract.