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| **Pre-Qualification Document** |
| **PQD Ref. No.: CLP/18/EST/LC/2021** |
| **e-Sourcing Tool** |
| **26/11/2021 - PQD Published** |

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# Introduction

The European Stability Mechanism (the “ESM”) is a permanent crisis resolution mechanism established by the euro area Member States as an intergovernmental organisation under public international law. Its purpose is to ensure the financial stability of the euro area as a whole, and of its Member States experiencing severe financing problems, by providing financial assistance through a number of instruments.

More background information about the ESM may be found on the website: <https://www.esm.europa.eu/>

**Neither Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 nor Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 (as amended) apply to the ESM. The ESM procures supplies, services and works on its own behalf and for its own account pursuant to the ESM Procurement Policy as published on the ESM website. Please refer to the ESM website for more information.**

This Pre-Qualification Document (the “PQD”) sets out the eligibility, exclusion and selection criteria, as part of a pre-qualification stage (“Stage 1”) of the two-stage procurement procedures of the ESM (i.e. Restricted Procedures and Negotiated Procedures), in order to assess the suitability of a Candidate to participate further in this procurement procedure. Candidates, which are successful at Stage 1 (pre-qualified Candidates) and, if applicable, chosen by the ESM among the eligible and suitable Candidates, will be invited to participate in the subsequent Request for Proposal stage of the procurement procedure (“Stage 2”).

For the purposes of this PQD, economic operators who wish to apply to this procurement procedure are referred to as “Candidate” or “Candidates” and their response is referred to as an “Application” or “Applications”.

Unless otherwise defined in this PQD, all capitalised terms used in this PQD have the meanings ascribed to them in the ESM Procurement Policy.

# Contents of this PQD

The PQD consists of the following documents:

|  |  |  |
| --- | --- | --- |
| **No.** | **Document Title** | **Comment** |
|  | Prequalification Document – Core Document | This document |
|  | Annex 1 – Terms of Reference | Included as Annex 1 to this PQD |
|  | Annex 2 – Eligibility, Exclusion & Selection Criteria  | Included as Annex 2 to this PQD  |
|  | Annex 3 – Other required information and documents | Included as Annex 3 to this PQD  |

# Overview of the Procurement Requirement

The ESM intends to establish a framework agreement (the “**Framework Agreement**” or “**Contract**”) for an e-Sourcing Tool and the associated Support Services. The Framework Agreement to be awarded as a result of this procurement procedure will have a four (4) year term.

Further information can be found in Annex 1 to this PQD.

## **2.1** *Type of Procurement Procedure*

This procurement procedure is carried out by the ESM under a Negotiated Procedure in accordance with Article 9.1 (1) and (2) of the ESM Procurement Policy and is referred to in this PQD as a procurement procedure or a procurement process.

## *2.2 Procurement Process Steps and Timelines*

The ESM plans to carry out the procurement process in accordance with the steps defined in the table below. The ESM reserves, at its sole discretion, the right to vary the steps and timelines.

| **No.** | **Procurement Process Steps** | **Timeline** |
| --- | --- | --- |
|  | **PQD publication date** | **26/11/2021** |
|  | **Deadline for submission of clarifications/questions on the contract notice and the PQD** | **17/12/2021** 11:00 hrs (local Luxembourg time) |
|  | **Response to the clarifications/questions on the contract notice and the PQD** | Regularly |
|  | **Deadline for submission of Applications (the “Applications Deadline”)** | **06/01/2022** 11:00 hrs (local Luxembourg time) |
|  | **Target date of notification of the ESM’s decision on pre-qualification to unsuccessful Candidates and dispatch of the RFP to the pre-qualified Candidates** | **20/01/2022** |

## *2.3 The ESM “Sole Contact” Details*

Unless notified otherwise, the person indicated below shall be the Candidates’ single point of communication with the ESM for the duration of this procurement process.

Commercial Legal and Procurement

European Stability Mechanism

6a, Circuit de la Foire Internationale

L-1347 Luxembourg

Email: procurement@esm.europa.eu

Attention: **Liz Cockburn**

The ESM shall not be bound by and the Candidates agree not to rely upon any written or verbal statements or representations of any other persons, whether employed by the ESM or not.

## *2.4 Clarification Matters*

During the procurement procedure, Candidates are entitled to submit in writing questions to the ESM within the deadline above indicated. The ESM may provide additional information solely for the
purpose of clarifying the procurement documents and taking into account the following aspects:

1. Queries can be raised to the Sole Contact as identified in this PQD.
2. Queries can be raised on any matter in the contract notice or this PQD, including the Annexes. However, the ESM reserves the right not to answer any particular query.
3. The ESM will endeavour to respond to all queries and issue responses in a timely and professional manner. The ESM reserves the right not to answer any queries received after the deadline for submission of the queries.
4. Subject to point e) below, responses to the queries will be uploaded on the ESM website if they are of relevance to all of the Candidates.
5. If the ESM receives a query from a Candidate which, in the sole discretion of the ESM, constitutes a query relevant to that Candidate only, the ESM will provide response to that Candidate only.
6. Clarifications are to clarify the procurement documents. The ESM will not provide a qualitative judgment during the clarification period.

## *2.5 Application Structure and Response Instructions*

When preparing Applications, Candidates should observe the following:

* All documents must be submitted in English.
* Note limitations on any page/word limits are specified. Any response exceeding the specified limits may be disregarded beyond that limit.
* Answers should be as concise as possible, complete and comprehensive.
* The ESM does not wish to receive any marketing or other promotional materials.
* Responses to the eligibility, exclusion and/or selection criteria will be evaluated independently and cross-references between response elements are not permitted.
* The Candidate should clearly identify in the Application any requirements specified in this PQD that the Candidate cannot satisfy.

|  |
| --- |
| **Application Structure** |
| **#** | **Section** | **Template and instructions** | **Document format** |
|  | Cover Certification Form | Candidates are requested to provide a cover certification form dated and duly signed by an authorised representative on the Candidate’ s company letterhead (no. 3.1 of Annex 3) | Fully scanned copy with signature in PDF  |
|  | Declarations | Candidates are requested to submit completed, dated and duly signed declarations (nos. 1.1 and 1.2 of Annex 3) | Fully scanned copy with signature in PDF  |
|  | General Response | Candidates are requested to respond to the questions posed in this PQD as instructed (see Annex 2 Section 2. Selection Criteria). One of the selection criteria question requires the Candidate to fill out an Excel sheet. | PDF and Excel |
|  | Attachments  | Candidates are requested to include any attachments, as requested in Annex 2 section 2.3 | PDF |

|  |  |  |  |
| --- | --- | --- | --- |
| **Forms to fill in** | **Candidate (including Consortium Lead)** | **Consortium members**  | **Key Subcontractors** |
| Declaration on Eligibility Annex 2 1.1 | To be completed | To be completed | N/A |
| Declaration of Non-Collusion Annex 2 1.2 | To be completed | To be completed | N/A |
| Cover Certification form Annex 3 3.1 | To be completed | N/A | N/A |
| Consortium declaration Annex 3 3.2 | To be completed | To be completed | N/A |
| Subcontractor commitment letter Annex 3 3.3 | N/A | N/A | To be completed |

## *2.6 Coordinates and Guidelines for Submission of Applications*

Applications shall be submitted no later than the Applications Deadline specified at point #4 of the Procurement Process Steps and Timeline table and must be submitted only **via e- mail** to the Sole Contact listed in section 3.3:

Only Applications received through these means will be accepted.

All digital copies of Applications shall be submitted in compliance with the following guidelines:

1. One file per section as described above in the “Application Structure” table.
2. Any supporting or additional files must be clearly named.
3. All files should be named clearly with a sequential number and a relevant file name, e.g.

“Annex 2: 1.1 – Declaration on the eligibility, exclusion criteria, economic, financial and operational capacity and the absence of conflict of interest”

“Annex 2: 1.2 – Non-Collusion Declaration”

“Annex 3: 3.1 – Cover Certification Form”

1. All files must be provided in a standard non-editable format, such as PDF.

## *2.7 Eligibility, Exclusion and Selection Criteria*

In order to be eligible to participate in this procurement process, Candidates must be either natural persons or legal persons and state that they are not in one of the exclusion situations listed in the declarations nos. 1.1 and 1.2 included in Annex 2.

If such circumstances arise in the course of the procurement process, the Candidate concerned must inform the ESM thereof without undue delay. Candidates may submit evidence to demonstrate their eligibility despite the existence of grounds for exclusion. The ESM may, in its sole discretion, decide whether such evidence is satisfactory.

Candidates must comply with all eligibility and exclusion criteria to be assessed further.

|  |  |
| --- | --- |
| **ELIGIBILITY AND EXCLUSION CRITERIA – elements of the evaluation** |  |
| Duly executed declarations as requested in Annex 2 nos. 1.1 and 1.2.\* If responding as part of a Consortium, each member of the Consortium must sign these Annexes. | Pass / Fail |

In order to assess a Candidate’s capacity to perform the Contract the ESM will apply the following selection criteria (full information can be found in **Annex 2 Section 2. Selection Criteria**).

In the event that the Candidate submits an Application together with a third party/-ies and/or with sub-contractor(s), the combined capacities of the Candidate and all such third party/-ies and/or subcontractor(s) will be assessed for the purpose of meeting the selection criteria.

|  |  |
| --- | --- |
| **SELECTION CRITERIA – elements of the evaluation** |  |
| Economic and financial standing | Pass / Fail |
| Technical or professional ability | Pass / Fail  |
| Authorisation and suitability to carry out the relevant professional activity | Pass / Fail |

Candidates must achieve a rating of “Pass” for all the “Pass / Fail” criteria to be considered successful at Stage 1 (pre-qualified Candidates).

# Terms and Conditions of this PQD

## *3.1 Rights of the ESM*

By submitting an Application, the Candidates confirm that they have taken note and accepted all terms and conditions of this PQD.

The ESM reserves the right, at its sole discretion and in exceptional circumstances, to accept the Applications received after the closing deadline.

After the ESM opens the Applications, it may request Candidates to submit, supplement, clarify or complete information or documentation which is or appears missing, incomplete, inconsistent or erroneous within an appropriate time limit. The ESM reserves the right to reject from further consideration any such Applications.

The ESM reserves the right to request that Candidates provide documentary evidence in support of the statements made in their Applications.

Any effort by the Candidate to influence the ESM in the process of examination, evaluation and comparison of Applications, or in the decision regarding the pre-qualification process may result in the rejection of the Application.

The ESM may decide, at its sole discretion while complying with the general principles set forth in the ESM Procurement Policy, to cancel this procurement process in whole or in part at any time before the Framework Agreement is awarded as a result of this procurement process. The cancellation does not give rise to any form of compensation for Candidates.

The ESM will ensure that the information provided by Candidates is treated and stored in accordance with the principles of confidentiality and integrity.

The ESM reserves the right to disclose the contents of Applications to its third party advisors (if applicable) who are bound by the same confidentiality and integrity obligations as the ESM.

If the ESM discovers, before the expiry of the deadline for submissions of Applications, a lack of precision, an omission or any other type of error in this PQD, it will rectify the error and inform all Candidates in writing.

## *3.2 Cost of Participating in the Procurement Process*

All costs relating to the participation in this procurement process, including in particular any costs in relation to the preparation of Applications and of any other documents requested by the ESM and any subsequent follow-up shall be borne exclusively by the Candidate.

## *3.3 Trade Name, Logo and Marks*

The ESM logo, covers, page headers, custom graphics, icons, and other design elements and words or symbols used to identify the description of the procurement requirement are either trademarks, trade names or service marks of the ESM and its licensors, or are the property of their respective owners. These marks may not be copied, imitated or used, in whole or in part, without the explicit prior written consent of the ESM.

## *3.4 Confidentiality*

If the Candidate considers that any part of its Application or other documents/information submitted to the ESM include Confidential Information within the meaning of this section the Candidate must clearly mark such parts of the Application or other documents/information as ‘confidential’.

Candidates are advised that their participation in this procurement process constitutes Confidential Information except for the announcement by the ESM of the successful Candidate on the ESM website in accordance with Article 9.17 (3) of the Procurement Policy.

Except if required in a judicial or administrative proceeding, or if it is otherwise required to be disclosed by any law or regulation, or where information is already in the public domain, the ESM will: (a) not disclose the Confidential Information; (b) take all reasonable measures to preserve the confidentiality and avoid disclosure, dissemination or unauthorised use of Confidential Information; and (c) not use such Confidential Information for any purpose other than as is necessary in connection with this procurement process. Confidential Information does not include information which (a) was known to the ESM prior to receiving the information from the Candidate; (b) becomes rightfully known to the ESM from a third-party source not known to the ESM (after diligent inquiry) to be under an obligation to the Candidate to maintain confidentiality; (c) is or becomes publicly available through no fault of or failure to act by ESM; or (d) has been developed independently by the ESM or authorised to be disclosed by the Candidate. Confidential Information may only be shared with third parties (e.g. contractors) that have a need to know the Confidential Information in relation to this procurement process and provided that such third parties comply with the confidentiality obligations provided in this section.

In addition, if the Candidate has signed an ESM confidentiality undertaking the Candidate agrees to comply with all obligations set forth in such confidentiality undertaking. If there is a conflict between such confidentiality undertaking and this procurement procedure, the confidentiality undertaking will prevail.

## *3.5 Involvement of/Reliance on Third Parties*

If the Candidate intends to involve a third party in the supply of the services offered to the ESM the Candidate has to ensure that any such third party is bound by the requirements set forth in this PQD.

Consortia

In case of a group of economic operators responding together to this procurement procedure (“**Consortium**”), Candidate means the Consortium and the Application must provide the following:

1. a clear description of the proposed Consortium, its organisational hierarchy and structure, the names of all Consortium members and the roles, activities and responsibilities of the Consortium leader and each Consortium member;
2. information on whether the Consortium will form a legal entity and if yes, details of the actual or proposed percentage shareholding within such legal entity and other official documents confirming existence of such legal entity. If not, full details of the proposed Consortium arrangement including submission of an executed Consortium agreement.
3. Signed declarations available in Annex 2 1.1 (Declaration on eligibility) and 1.2 (Non-collusion declaration) and Annex 3 3.2 (Consortium declaration) from all Consortium members.

If the Contract is awarded to a Consortium, all Consortium members will be jointly and severally liable towards the ESM for all obligations arising of or resulting from the Contract.

If a Candidate considers any changes in the Consortium structure it must immediately notify the ESM in writing. The composition of a Consortium (including the roles, activities and responsibilities of the Consortium leader and each Consortium member) cannot be modified or members of the Consortium cannot be exchanged, whether during the course of this procurement process or during the term of the Contract, without the prior written consent of the ESM.

Subcontractors

If subcontractors will play a significant role in delivering the services offered to the ESM (“**Key Subcontractor**”), the Candidate must provide as part of its Application:

1. a clear description of the proposed subcontracting arrangement, in particular which tasks the Candidate intends to subcontract and their volume or proportion, the name(s) of the proposed Key Subcontractor(s) and its/their roles, activities and responsibilities; and
2. a document signed by any Key Subcontractor stating its intention to collaborate with the Candidate should the Candidate be awarded a Contract. The template available in Annex 3 3.3 (Subcontractor Commitment Letter) shall be used for this purpose.

If a Candidate subcontracts some of the services under the Contract to subcontractors, it will nevertheless remain fully liable towards the ESM for the performance of such services and responsible for the Contract as a whole. The ESM will have no direct legal commitments with the subcontractor(s).

Any changes to the proposed Key Subcontractors must be notified immediately to the ESM. Candidates cannot exchange or replace the Key Subcontractors or modify the nature of the subcontracting arrangement (including the subcontracted tasks, their volume or proportion), whether during the course of this procurement procedure or during the term of the Contract, without the prior written consent of the ESM.

Moreover, any additional Key Subcontractor(s), which was/were not assessed by the ESM during this procurement procedure, may only be appointed if the ESM’s has given its prior written consent.

## *3.6 Transfer of Undertakings*

The Candidates acknowledge and accept the possibility that if they are awarded the Contract, the Contract may in some cases trigger the application of the relevant provisions of Luxembourg law or of a collective labour agreement regarding transfers of undertakings, in particular, but not limited to, Articles L.127- 1 to L.127-6 of the Luxembourg Labour Code as amended from time to time (collectively the “**Regulations**”). Consequently, the Candidates acknowledge and accept the possibility that if they are awarded a Contract the staff employed by the existing Candidate performing the services to the ESM (the “**Employees**”) may, if necessary, be taken over and/or transferred automatically, by the virtue of the Regulations.

The Candidates are therefore invited, if deemed appropriate and if not already included in the procurement documents, to request the ESM to provide any necessary information regarding the Employees. The ESM reserves the right to answer questions at a later stage of the procurement procedure if deemed appropriate in the ESM’s sole discretion.

Should the Regulations be applicable, the existing Candidate and the successful Candidate will fully comply with all of their obligations under the Regulations and will take all necessary steps to facilitate the takeover and/or transfer of the Employees. Any discussions regarding potential takeover and/or transfer of the Employees will be directly between the existing Candidate and the successful Candidate. All the costs incurred by the successful Candidate in relation to the application of the Regulations will be borne solely by such Candidate and will not give rise to any financial compensation from the ESM and will not affect in any way the financial proposal submitted by the successful Candidate.

## *3.7 Notification of the ESM’s decision*

The ESM will notify in writing its decision to advance or not advance the Candidate’s Applications. The Candidates whose Applications did not advance can request, in accordance with the ESM Procurement Policy and timelines set within and in the ESM notification, a de-brief addressing the reasons for not advancing their Application. The de-brief will be limited to the reasons related to the unsuccessful Candidate’s Application and will not cover any information about other Candidates’ Applications.

# **Annex 1****: Terms of Reference**

# ***1. OVERVIEW***

The ESM Procurement Function procures supplies, services and works in support of its operational objectives. As an international organisation, which carries out procurement on its own behalf and for its own account, the ESM conducts procurement in accordance with the ESM Procurement Policy. When conducting an ESM procurement procedure, the ESM is committed to respecting the general principles of transparency, proportionality, equal treatment and non-discrimination. Neither Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 nor Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 (as amended) apply to the ESM.

The ESM Procurement Function aims to offer lean and robust solutions throughout the procurement life cycle, leveraging best practice, technology and data, and maximising value for money, to ensure the ESM has, at any time, all supplies and services it needs to deliver on its mandate.

Currently, the ESM Procurement Function is using a dedicated mailbox (procurement@esm.europa.eu) for managing communication with external Suppliers on procurement procedures (sending out RfPs, receiving proposals etc.). The ESM Procurement Functon is looking to move away from this mailbox and use instead a Cloud / SaaS based e-Sourcing Tool. The e-Sourcing Tool shall enable the ESM Procurement Functionto automate the management of procurement procedures and provide a transparent and easily auditable trail of procurement procedures.

The ESM Procurement Function is looking for a simple, secure and efficient means for managing procurement procedures while reducing the time and effort required for Procurement Officers, Suppliers, and bid evaluators (internal clients).

The ESM will award a contract for a duration of four (4) years. The implementation is envisaged to take place in Q2 2022.

# ***2. DESCRIPTION OF REQUIREMENTS***

**2.1 Functional Requirements**

The e-Sourcing Tool must be, at all times, in accordance with the current state of technology and must be updated, upgraded, enhanced and supplemented as required to ensure that it conforms at all times to best industry practices.

The e-Sourcing Tool must be user friendly, from both an infrequent user (“**Evaluator User(s)**” and “**Light user (s)**”) and an expert/main user’s (“**Main User(s)**”) perspectives. The ergonomics, screen design and navigation of user interface must be intuitive. The e-Sourcing Tool must support Windows 10 and be compatible with future versions and shall support Single Sign-On. The e-Sourcing Tool shall be able to leverage previous procurement procedures to speed up the preparation stage.

The e-Sourcing Tool must operate in English and allow the ESM to use their own project identifier numbers.

Please note that the ESM can contract with suppliers from anywhere in the world.

The e-Sourcing Tool must also meet the following requirements:

1. Ability to add & remove Users
2. Ability to produce a suite of standard procurement procedure reports including the ability to tailor and/or edit by ESM
3. Provide archiving and auditing capability with unlimited storage and the ability to mark and retain data to support audit requirements for at least 10 years
4. Ability to publish via the e-Sourcing Tool Contract Notices (“CN”) to OJEU
5. Ability to publish via the e-Sourcing Tool a link to the relevant procurement documents published on the ESM website
6. Ability to build key PQD & RFP questions within the tool for suppliers to complete also within the tool
7. Ability to build key RFP pricing matrices within the tool for suppliers to complete also within the tool
8. Provide a solution that enables ESM to upload documents in MS Word, Excel, Powerpoint & PDF formats into the Tool
9. Provide a solution that enables ESM to release or publish uploaded documents in MS Word, Excel, Powerpoint & PDF formats from the Tool out to external Suppliers or other third party contacts
10. Provide a solution that enables external Suppliers to upload documents in MS Word, Excel, Powerpoint & PDF formats into the Tool in response to a procurement procedure
11. Provide a solution that enables ESM to download & internally circulate (via link) any documents received in the Tool to other internal ESM individuals
12. Ability to review the status of any procurement procedure at any time
13. Ability to review an individual dashboard or team dashboard view to assess individual, team, evaluator and procurement procedure activity
14. Ability to set-up evaluators relevant to the procurement procedure
15. Ability to enable suppliers to register within the e-Sourcing Tool free of charge
16. Ability to enable suppliers to register within the e-Sourcing Tool and specify which procurement procedure(s) they are responding to
17. Ability to set-up timetable relevant to procurement procedure
18. Ability to issue amendments and deadline extensions on any particular procurement procedure
19. Ability to admit late submissions of applications and proposals in the ESM's discretion
20. Ability to complete Q&A process relevant to procurement procedure

21. Ability to set-up evaluation criteria per procurement procedure in terms of

20.1 Pass / Fail scoring matrix

20.2 A tailored / weighted scoring matrix for Technical & Quality assessment

20.3 A tailored / weighted scoring matrix for Pricing assessment

22. Ability to create 2-stage process within the e-Sourcing Tool (eg: PDQ then RFP)

23. Ability to create locked folders so responses and/or pricing detail cannot be opened before the

 agreed date

24. Ability to notify Suppliers whether successful or unsuccessful on the procurement procedure

25. Ability to short-list successful Suppliers and notify them they have been taken forward to next

 stage of the process

**2.2 ESM procurement procedures workflow**

The following embedded workflow document illustrates how the ESM Procurement Function currently works with the different types of procurement procedures according to the [ESM Procurement Policy. The Candidate’s e-Sourcing Tool should be able to cover all steps in the tool from the “Start boxes” (highlighted in green) to the “End boxes” (highlighted in red).](https://www.esm.europa.eu/sites/default/files/migration_files/2020-01-02_esm_procurement_policy.pdf)



The ESM Procurement Function will need to understand if the e-Sourcing Tool can meet these workflow steps or whether the ESM Procurement Function needs to consider any adjustments to their ways of working. This will be assessed during the RfP (Stage 2) in the procurement procedure.

**2.3 Users**

The ESM Procurement Function estimates to require the following different access rights:

1. System administrator: full access to the tool with ability to configure. 3 of the Main Users will have this role.
2. Main Users: ESM Procurement Function staff will need full access to the e-Sourcing Tool. The expected number of Main Users is 5 (3 permanent staff and 2 temporary staff).
3. Light Users: for ESM Procurement Function Management to have an overview of all procedures and access to specific procedures, dashboards, reports, etc…. The expected number of Light users is 2.
4. Evaluator Users: evaluators will need access to assess applications/proposals. The expected number of Main Users is up to 200 ESM staff, however, it is very unlikely all 200 will need this access at the same time.
5. Read/View only users: ability to read and view documents made available for access by the system administrator. We request an unlimited number of users.

The ESM Procurement Function may opt to increase or decrease the number of users during the procurement procedure or the Contract term.

**2.3 Implementation**

No data migration or integration with any other system(s) is foreseen or in the scope of this project. The implementation will consist of the roll out of the e-Sourcing Tool, possible configuration and training of the main users. The implementation should take place in Q2 2022.

**2.5 Maintenance and support**

The Candidate will support the e-Sourcing Tool by robust business continuity planning (including full redundancy of the data servers hosting ESM data, if applicable).

The Candidate will regularly maintain the e-Sourcing Tool throughout the entire term of the Contract, including, but not limited to:

* + all components subject to maintenance services;
	+ security patches, including those required to maintain the e-Sourcing Tool in-line with operating system upgrades to ensure its continued seamless integration into the ESM
	environment;
	+ updates/upgrades and enhancements;
	+ reporting updates to the ESM;
	+ security safeguards;
	+ functional enhancements etc. (if applicable).

**2.6 Training**

The Candidate will provide training on how to use the e-Sourcing Tool to the Main users during the implementation phase. The training should also teach Main Users how to support other more infrequent users.

Any update to the e-Sourcing Tool resulting in a change of functionalities impacting any of the users should be raised with ESM prior to the update coming in place and relevant training should be provided to the Main Users.

An up to date standard user guide explaining how to use the e-Sourcing Tool should also be made available to the ESM Procurement Function.

**2.7 Account management**

The Candidate will appoint an account manager to be responsible for the provider’s activities and a project manager (the “**Project Manager**”) for Implementation and an alternative in the event the Project Manager is unavailable. The Project Manager will have experience in managing similar assignments.

The Candidate will carry out its own quality assessments on any and all deliverables and/or
services provided and will ensure formalised internal quality assurance sign‐off prior to any delivery
to the ESM.

**2.8 SLA requirements**

The proposed e-Sourcing Tool must be supported with a binding SLA for ongoing maintenance and technical support for the entire Contract term. The SLA will form an integral part of the Contract.

a) The offered SLA must be, at a minimum, the standard SLA offered to other clients and must include at least the following elements outlined below (including the service credits agreed).

b) If the availability of the e-Sourcing Tool drops below the agreed contractual SLA over a continuous period of time, the ESM may terminate the Contract on notice in writing to the Candidate.

c) The proposed e-Sourcing Tool must be available and fully functional 24 hours a day, 7 days a week, unless otherwise agreed, excluding scheduled maintenance windows which can only occur on specific days to be agreed in advance with the ESM.

d) Technical support availability on request, directly from the Candidate or its partners

e) Incident management with categorisation of incidents by severity, impact on operations (with short explanation what it means in practical terms), response times and resolution times.

f) A suitable method of measurement (i.e. tracking issue system) ensuring an audit trail on each call or email received from the ESM.g) Upon ESM’s request, monthly reports in a format agreed with the ESM will need to be provided on
the availability of the e-Sourcing Tool, requests received and incidents raised and resolved.

**2.9 Security**

**a) Minimum Security Standards**

The Candidate will provide all services, using security technologies and techniques in accordance with best industry practices as defined below and the ESM’s security policies, procedures, and requirements, including those relating to the prevention and detection of fraud and any other inappropriate use or access of systems and networks. “**Best Industry Practices**” mean the exercise of the degree of professionalism, skill, diligence, prudence and foresight which is expected from a highly skilled and highly experienced Candidate (which is a leader in the field of providing equivalent services to the e-Sourcing Tool) engaged in the same type of activity under the same or similar circumstances.

The Candidate will, in particular, establish and maintain safeguards against unauthorised access to, or the destruction, loss or alteration of, ESM data in the Candidate’s possession or control that are no less rigorous than the most stringent of the following safeguards:

1. the Best Industry Practices
2. the Minimum Security Requirements as defined below; and
3. the safeguards maintained by the Candidate for the Candidate’s own data of a similar nature.

The Candidate will further ensure that the Candidate personnel do not attempt to access
or allow access to, ESM data to which they are not entitled or that is not required for the performance
of the services by the Candidate personnel under the awarded contract.

**b) Minimum Security Requirements**

The Candidate will, at all times, implement and maintain at least those security requirements which are (i) necessary to ensure that the e-SourcingTool is provided without interruptions and in accordance with the Service Level Agreements (“SLAs”) which are part of the awarded contract and any of the orders under the contract, (ii) necessary to ensure that there is no IT security or data incident, and (iii) in line with the best industry practices (together the “**Minimum Security Requirements**”). The Candidate must comply with at least one of the following certifications: SOC 1, SOC 2, SOC 3, ISO 27001:2013, SSAE 16, ISAE 3402 or equivalent.

**Annex 2:**

Eligibility and Exclusion Criteria, Selection Criteria and

Other Required Information and Documents

## **1. Eligibility and Exclusion Criteria**

## *1.1. Declaration on eligibility*

## *1.2. Non-Collusion Declaration*

***Note****: See the separate document with the above declarations*

## **Selection Criteria**

As part of their PQD submission, Candidates are requested to address each item/question below and supply the requested evidence in the correspondingly named and numbered way.

The selection criteria apply to the Candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.

**Please note that for the purpose of the evaluation of the Applications, the ESM will assess the responses provided to the items set out below in this Section 2.**

## *Economic and financial standing*

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Item Number** | **Selection Criteria** | **Requirements** | **Evidence** |
|  | The Candidate must prove sufficient past turnover and profitability. | Minimum of €500,000 turnover per annum generated from the provision of services similar to the services set out in Annex 1 to this PQD. |  Copies of audited summary annual accounts for each of the last three (completed) financial years generated from the provision of services similar to the services set out in Annex 1 to this PQD. |

## *Technical or professional ability*

Candidates must comply with the following selection criteria in order to prove that they have the necessary technical or professional ability to perform the Contract.

|  |  |  |  |
| --- | --- | --- | --- |
| **Item Number** | **Selection Criteria** | **Requirements** | **Evidence** |
|  | The Candidate must prove experience in the field of the deployment of their e-Sourcing Tool & support services across a range of existing clients in the public sector. | At least five years of relevant experience in the provision of services similar to the services set out in Annex 1 to this PQD. At least three public sector customers currently using the Candidate’s e-Sourcing Tool in a similar manner (regarding scope and complexity) as the ESM intends to do according to Annex 1 to this PQD, with at least one of these organisation publishing contract notices on the Official Journal of the EU. | A signed self-attestation from the Candidate confirming the ability to fulfil the requirements set out under this item. No specific template requested by the ESM.A summary of the relevant experience.Reference contact details for three public sector clients. The examples should include details of the start and end date of the contracts, types of procurement procedures supported, and how the contract is relevant to the ESM’s needs. |
|  | The Candidate must be able to provide a Team of e-Sourcing Tool subject matter experts/consultants. | Account management Team has the relevant experience to deliver the requirements as further described in Annex 1.  | A signed self-attestation from the Candidate confirming the ability to fulfil the requirements set out under this item. No specific template requested by ESM. |
|  | The Candidate can deliver the Other Functional Requirements as described in Annex 1. | The candidate must review the Other Functional Requirements described in Annex 1 and confirm it can deliver them. | A signed self-attestation from the Candidate confirming the ability to fulfil the requirements set out under this item. No specific template requested by the ESM. |
|  | The candidate must meet all the Mandatory Requirements listed in the spreadsheet embedded below labelled Appendix 1 to Annex 2 – 2.2#4. | The spreadsheet provided below must be completed in accordance with the instructions provided and the candidate must confirm it can meet all mandatory requirements listed in the spreadsheet by providing YES for each of the mandatory requirements in column C (available off the shelf) or column D (available but needs some configuration). The Candidate does not pass this selection criterion 4) if the response to any of the mandatory requirements is a YES in column E (not supported).  | The candidate must complete the Excel spreadsheet embedded below this table. |

Appendix 1 to Annex 2 – 2.2 #4



## *Authorisation and suitability to carry out the relevant professional activity*

Candidates must comply with the following selection criteria in order to prove that they have the necessary authorisation and suitability to perform the Contract.

|  |  |  |
| --- | --- | --- |
| **Item Number** | **Selection Criteria** | **Evidence** |
| 1) | The Candidate must prove that they have legal capacity to perform the Contract and the regulatory capacity to pursue the professional activity necessary to carry out the services subject to this procurement process. | Certificate of incorporation from the country of registration. |

|  |
| --- |
| **FOR ESM INFORMATION PURPOSES ONLY – DETAILED REVIEW LATER IN THE PROCESS** |
| **Item No** | **Question** | **CANDIDATES RESPONSE TO GO IN HERE** |
| 1.1 | Will the server(s) containing ESM data be located outside the 19 countries belonging to the euro area? Whether yes or no, in which country(ies)? |  |
| 1.2 | Is the entity contracting with the ESM (the “**Contracting Entity**”) registered outside the 19 countries belonging to the euro area (i.e. the Eurozone countries that use the Euro)? Whether yes or no, in which country(ies)? |  |
| 1.3 | Is any entity directly or indirectly controlling the Contracting Entity (e.g. a parent company) registered outside the 19 countries belonging to the euro area? Whether yes or no, in which country(ies)? |  |
| 1.4 | Is any other entity with access to ESM data (e.g. a subcontractor providing the IT infrastructure/servers) registered outside the 19 countries belonging to the euro area? Whether yes or no, in which country(ies)? |  |
| 1.5 | Is the ESM data going to be encrypted and who will have access to theencryption key?a) No encryptionb) Encryption yes; the Candidate will have access to the encryptionkeyc) Encryption yes; the Candidate will not have access to the encryption key, but only the ESM and/or a third party |  |

# **Annex 3: Other Required Information and Documents**

## *3.1. Cover certification form*

## *3.2. Consortium declaration*

## *3.3. Subcontractor commitment letter*

***Note:*** *See the separate document with the above declarations*