

**Tender specifications
Attached to the Invitation to tender**

**Invitation to tender N° EMSA/OP/08/2014
Maintenance and Enhancement Services for EMSA's
SharePoint collaboration platform**

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency needs to ensure efficient internal functioning of the organization.

2. Objective, scope and description of the contract

2.1 Scope

In order to improve the quality and efficiency of EMSA internal processes, including procurement, contract management, budget allocation and monitoring of the budget execution EMSA has:

- In 2013 EMSA started with the roll-out of the SharePoint collaboration platform for EMSA staff. The aims of this collaboration platform are to allow staff to do collaborative document authoring, improved organisation of working documents, search capabilities and electronic workflows. Several customisations were applied on top of the standard SharePoint 2013 platform in order to achieve a better fit with EMSA requirements and way of working.
- In 2014 EMSA commenced development of electronic tools supporting the project, contract and budget planning, management and monitoring processes. These tools add further customisations to the SharePoint collaboration platform described before and are collectively referred to as SHAPE. SHAPE consists of the following modules:
 - MOCA: Management Of Contracts. Allows financial agents and other EMSA staff involved to keep track of all actions related to the management of contracts. MOCA provides a contract centred view on commitments that are imported from EMSA accounting system (hereinafter referred to as "ABAC" Accrual Based Accounting). The UML class diagram in Appendix 01 shows how the system has been structured. Further developments shall be the subject of Specific Contracts under this Framework Contract.
 - PROMO: Project Monitoring. Allows EMSA management and project managers to follow-up and report on the project planning and budget

execution. This module is currently being built. Further developments shall be the subject of Specific Contracts under this Framework Contract.

- BUDA: Budget Allocation. This module has not yet been implemented. The implementation of BUDA will be the subject of one of the Specific Contracts under this new Framework Contract.

2.2 Objective

The overall objective of this invitation to tender is to establish a Framework Contract to procure maintenance and enhancement services for the SharePoint platform, for example:

- User requirements analysis, leading to proposals utilising the SharePoint features to improve internal efficiencies;
- Custom SharePoint solution development, supporting the internal EMSA procedures in the areas of procurement, project, contract and budget planning, management and monitoring;
- Creation of new site templates;
- Configuration of new (complex) workflows;
- Configuration of user access rights;
- Automating data import, for example importing data exported by external or internal reporting systems, such as Business Objects;
- Creating additional reporting functionalities and/or creating specific reports;
- Recommending third party components that may facilitate EMSA's use of the SharePoint platform;
- Preventive and reactive patching of the base software;
- Supporting EMSA in resolving issues reported by users.

2.3 Description of the Contract

- Under this Framework Contract (FWC) additional functionalities may be developed on top of the current system. Examples of such new functionalities to be developed under the FWC are:
 - Implementation of the BUDA module, such as
 - importing EMSA budget figures from ABAC;
 - updating EMSA budget figures on daily basis;
 - alerting users on budgetary execution based on pre-defined criteria;
 - management of budget transfers between different budget lines;
 - keeping track of any budget transfers done throughout the financial year;
 - creating reporting functionalities for the end users and creating specific pre-defined reports for management (including information from MOCA and PROMO).
 - Implementation of electronic workflows, such as
 - electronic workflows for improving the efficiency of the procurement preparation processes;
 - electronic workflows for document reviews in several EMSA working domains;

- electronic workflows replacing paper request procedures; e.g. training requests, event reservations, etc.
 - Creation of site templates, e.g. we may want to create customised workspace templates for the different procurement procedures.
 - Certain aspects of these templates will need to be updatable by the end users. E.g. the document templates for procurement need to be updated by legal officers. In order for this to be practical for end users, the standard SharePoint tools for creating new document types or managing document templates in sites and/or site templates may need to be simplified.
 - These custom workspaces may contain different workflows depending on such things as for example the unit launching the procurement, the value of the procurements and the procurement procedure.
 - Various levels and units may need to keep track of past and ongoing procurements, so summary lists showing the status of EMSA procurement processes may need to be implemented. The visibility of this data will depend on the role of the user.
 - New reports
 - The current MOCA and PROMO modules contain a lot of data on the ongoing and planned projects at EMSA. This data is important for EMSA management in order to efficiently manage and follow-up EMSA budget execution. In order to better support management in taking decisions, reports on this data need to be produced. A cost/benefit analysis will decide whether these reports will be developed by the successful tenderer on a case by case basis or whether an environment in which EMSA staff can create their own reports needs to be implemented.
- The contractor may be tasked with performing an evaluation of Office 365 and migration of the current modules to the cloud. EMSA may in the future consider the option of moving to the online Office 365 platform. As such the contractor may be asked to perform feasibility and cost studies of the migration from the current on premises SharePoint deployment to Microsoft's cloud platform, taking into account the existing and ongoing developments as well as EMSA's specific requirements such as security, confidentiality of data, access to data for out-of-office staff, change management, etc.
- Specific Contracts for operational and corrective maintenance of current and new developments will be launched under this FWC. For example the contractor may be tasked with configuration of user access rights, preventive and reactive patching, resolving issues reported by end users, etc.
 - For performing these maintenance tasks, EMSA will launch one or more Specific Contracts in which a number of man days of specific profiles are purchased and consumed whenever issues are reported. For these contracts, the successful tenderer will need to conform to the response time offered in Appendix 04.
- For all specific contracts under this FWC:
 - If the work requires custom developments; the deliverables will include all source codes, database schemas (DDL creation scripts), build scripts,

installation manuals, operation manuals and user manuals. Additional deliverables may be specified in the specific contract.

- If the work to be undertaken requires customisation on top of the existing SharePoint deployment; the deliverables shall include all installation packages, installation scripts, installation manuals, operation manuals and user manuals. Additional deliverables may be specified in the specific contract.
- In all cases a test report will need to be delivered, describing the tests performed and the results. If the tests involve automated scripts or tools, the contractor will need to deliver all artefacts required for EMSA to be able to independently execute the tests and recreate the results.
- The use of out-of-the-box SharePoint functionalities will be preferred when they can reasonably fulfil all requirements.
- The use of 3rd party components will be favoured on the condition that:
 - There is a guarantee that using the 3rd party component will not lead to vendor lock-in.
 - There is sufficient economical advantage from the use of the component, taking into account the entire lifetime of the solution being developed.

2.4 General conditions for the provision of services

- Language
 - The working language of EMSA is English. The English language shall be used throughout the duration of the projects for all communication, reports and other documentation.
- Place of performance
 - The place of performance of the tasks will be agreed between EMSA and the successful tenderer and stipulated in the Specific Contracts.
 - Tasks that require close interaction between EMSA staff and the contractor, such as the analysis and creation of user requirements or installation of software, will need to be performed at EMSA's premises in Lisbon.
- Timesheets
 - Timesheets (as provided in Appendix 06) will need to be submitted to EMSA for every week in which a member of staff is billed to EMSA.

3. Contract management responsible body.

The European Maritime Safety Agency – Unit A.3, in charge of Operations Support – will be responsible for managing the contract.

4. Project Planning

The following milestones and meetings are envisaged:

- **Signature of the contract:** Work shall not start before the signature of the Framework Contract.

- **Kick-off meeting:** Within four weeks after the signature of the Framework Contract and each Specific Contract, a Kick-off meeting will be held in order to present a work break down structure of the tasks and to define the details of the work to be undertaken.
- **Final meeting:** Prior the end of the Framework Contract a final meeting shall be held to mark the end of the contract and enable the contracting parties to discuss the work accomplished. At this time EMSA may also require the contractor to be present in a meeting for the purpose of transferring knowledge gained by the contractor throughout the execution of the contract to either EMSA or a 3th party.
- **Regular management meeting:** Occurring every 2nd month there will be a meeting involving the contractor's Project Manager or Senior Developer, Account Manager and the EMSA Project manager to discuss the overall progress of the Specific contracts under the Framework Contract. Additional people may be invited to this meeting as required by either party. The meeting shall take place at EMSA premises or using teleconference facilities.
- **Ad hoc meetings:** Will take place as required for efficiently executing the tasks.

EMSA may call for additional meetings if this should be considered necessary for the better execution of the project.

Meetings will be held in EMSA premises in Lisbon, Portugal, although some meetings could take another form (e.g. virtual) if mutually agreed by EMSA and the contractor.

5. Timetable

The estimated date for signature of the contract is October 2014.

The first specific contract is likely to be launched in October 2014.

6. Estimated Value of the Contract

The maximum budget available for this contract is of 300.000 Euro excluding VAT.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft Framework Service Contract** available on the Procurement Section under the call to tender EMSA/OP/08/2014 on the EMSA website at the following address: www.emsa.europa.eu

8. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft service contract.

EMSA may, before the contract is signed, either abandon the procurement or cancel the award procedure without the tenderers being entitled to claim any compensation.

9. Financial guarantees

N/A

10. Sub-contracting

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the tenderer).

If the tenderer relies on the capacities of subcontractors to fulfil selection criteria as specified in section 14.5 (technical and professional capacity), then each subcontractor must provide the required evidence for the exclusion and selection criteria. To rely on the capacities of a subcontractor does not mean that the contractor has to use deliveries or services of another company but that this company and its special capacity is central to the capacity of the contractor to fulfil the contract and that it cannot be easily changed or replaced. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfils the criteria.

11. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English. Bids must include an English version of the documents requested under point 14.5 & 15.1 of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners (Joint Offers) he shall indicate in his offer by completion of the form – Information regarding joint offers and subcontracting.

The tender must be presented as follows and must include:

Signed cover letter indicating the name and position of the person authorised to sign the contract and the bank account on which payments are to be made.

Financial Form completed, signed and stamped; available on the Procurement Section (Financial Form) on the EMSA Website at the following address: www.emsa.europa.eu

Legal Entity Form completed, signed and stamped and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent either to EMSA or any EU Institution previously. In this case the tenderer should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

Part A: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **13, 14.2-14.3** of these specifications (part of the Exclusion criteria)

Part B: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point **14.4** of these specifications;

Part C: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Technical and professional capacity** (part of the Selection Criteria) set out under point **14.5** of these specifications.

Part D: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point **15.1** of these specifications;

Part E: setting out **prices** in accordance with **point 12** of these specifications.

12. Price

- Prices for EMSA/OP/08/2014 shall include all costs, e.g. travelling.
- Prices shall be provided in the following manner: fixed price for enhancements and maintenance for the following profiles:

Profile	Price per person day	Discount >20 man days
Project Manager		
Senior Software Developer / Analyst		
Application Developer		
Document Management Specialist		
User Experience Designer		
Application Developer		
Application Tester		

- The discount column shall contain the discount offered when at least 20 man days of one profile are purchased within one specific contract.
- The price for 0.5 man/day will be calculated based on the daily rates times 0.5. EMSA will not purchase smaller units of time than a half day.
- Prices must be quoted in Euro.
- Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. These duties, taxes and other charges can therefore not enter into the calculation included in the bid. The amount of VAT must be shown separately.

13. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

14. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required

14.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

14.2 Grounds for exclusion - Exclusion criteria

To be eligible for participating in this contract award procedure, tenderers must not be in any of the following exclusion grounds:

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

failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

14.3 Evidence to be provided by the tenderers

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website (www.emsa.europa.eu) shall be completed and signed.

Please note that the tenderer to whom the contract is to be awarded shall provide additional proof evidencing eligibility.

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.

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.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs 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.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

When the tenderer to be awarded the contract has already submitted relevant evidence to EMSA, it remains valid for 1 year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the Contractor is required to submit a statement of confirmation that their situation has not changed.

14.4 Economic and financial capacity – Selection criteria

Requirements:

- The tenderer must be in stable financial position and the economic and financial capacity to perform the contract

Evidence:

- Financial statements for the last three years for which accounts have been closed.

- Statement of overall turnover and turnover relating to the relevant services for the last three financial years.
- Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and still complies with the requirements. In this case the tenderer should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, he may prove his economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

14.5 Technical and professional capacity – Selection criteria

In order to evaluate the tenderer's technical capacity, the tenderer should demonstrate the following:

- 1) The suitability of the tenderer's organization to supply the services requested in point 2. This description should include:
 - a) An overview of the company departments mentioning the currently allocated number of staff and levels.
 - b) Description of the relationship of this company and those of the group if relevant.
 - c) Description of previous projects related to Support, Maintenance and Development on SharePoint platform, preferably in the area of integrated solutions for procurement monitoring, contract management and budget follow-up in a comparable organisation with comparably complex budget structure, financial rules and reporting requirements.
 - d) CVs of the staff to be involved in the project, including the educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills. For each member of staff it shall be indicated in which profile(s) he will be proposed¹. When describing the professional experience of each member of staff, reference must be made to the sectors in which it has been gained and the areas dealt with. CVs must provide evidences of projects involving SharePoint, and be relevant to the staff's proposed role in this Framework Contract. The CV shall allow the members of the evaluation committee to understand the actual tasks carried out by the member of staff in each project listed, as well as the time period during which the staff member carried out those tasks. Staff working on EMSA projects must fulfill at least the mandatory requirements for each profile as mentioned in Appendix 05.

¹ The same person can be presented in 2 different roles at most.

- e) The minimum number of CVs to be provided per profile is:
- Project Manager: 2
 - Senior Software Developer / Analyst: 3
 - Application Developer: 5
 - Document Management Specialist: 2
 - User Experience Designer: 2
 - Application Tester: 2

15. Award criteria

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

The tenderers should submit the following information to be addressed in the quality criteria:

- (1) Professional merit of the proposed profiles as defined in section 14.5 of the tender specifications. Additionally EMSA shall also take into consideration:
 - a. Knowledge management strategy for the proposed staff:
 - i. How will the tenderer ensure that the knowledge (both specific to the proposed tasks and regarding more general ICT topics) of the proposed staff is kept up to date during the entire length of the contract?
 - ii. It should also be indicated if and how the staff assigned to EMSA will be able to get support from within the tenderer's organisation in case they would encounter problems they cannot solve on their own.
 - iii. How will the tenderer organise knowledge transfer to new staff?
 - b. Continuity of staff assigned to different specific contracts. How will the tenderer assure that the staff that gained valuable knowledge of the EMSA environment and business can be reassigned to EMSA on subsequent contracts?
 - c. Flexibility in assigning staff to EMSA projects. How will the bidder facilitate EMSA in making optimal use of the resources by providing flexibility in assigning staff to EMSA projects?
- (2) Time in which the tenderer will be able to commit the proposed staff under section 14.5 of the tender specifications to EMSA after receiving a new 'Task request' (in case of maintenance), or after concluding a new Specific Contract (in case of enhancements). The tenderer shall provide the response times by filling in the table in Appendix 04.
- (3) Quality and completeness of the suggested plans for the implementation of a SharePoint solution to increase the efficiency of the process for preparation of procurement procedures (tenders) at EMSA.
 - a. The following, partial, requirements need to be considered:
 - i. For every tender process launched by EMSA a Project Officer (PO) is assigned and tasked with the creation of all appropriate documents.

- ii. The documents have to be reviewed and approved by several different parties within the EMSA organisation. The staff that needs to review the documents will depend on several factors such as type of procedure, maximum amount, department, etc. Some examples of the people involved in most or all procurement procedures are:
 - 1. Line manager / head of unit / head of department
 - 2. Legal officers
 - 3. Financial agents
 - 4. Authorising officer
 - 5. Other interested parties, e.g. POs for related projects
 - iii. For each new procurement a number of different documents need to be created
 - 1. The templates and the exact documents needed depend on the amount of the procurement and the selected procurement procedure².
 - 2. There may be variations in the templates depending on the department launching the procedure.
 - 3. Additional, non-standardised, appendixes may be added to the procurement procedure by the PO
 - iv. Document templates are typically updated every 6 months.
 - v. The legal officers and EMSA management should be able to quickly find the status of the different procurement procedures that are ongoing.
- b. Tenderers shall describe, with the highest level of details possible, how they propose to address this implementation project, considering there will be 3 environments hosted at EMSA: test, PRE-PROD and PRODUCTION. The test environment will be available for the contractor to test his deliverables in the EMSA environment. The other two environments will be managed by EMSA ICT staff. In making this proposal and planning the bidder shall use an agile development methodology. When detailing his offer, the bidder shall take into account the guidelines for ICT development projects within EMSA provided in 'Appendix 02 - Project Delivery' and 'Appendix 03 - EMSA Working procedures'. Include at least:
- i. General approach to the project;
 - ii. Project Plan
 - 1. Steps proposed
 - 2. Tasks within each step (small overview shall be included)
 - 3. Profiles used
 - 4. Effort proposed per Profile (refer to the profiles requested in section 14.5)

² See 'Guidelines for tenderers for additional information on the types of procurement procedures in use at the Agency':

<http://www.emsa.europa.eu/work/procurement/84/183.html>.

5. Total project time
6. Total cost
- iii. Description of a possible implementation
 1. This description shall be presented in such a way that allows the evaluation committee to understand if and how the bidder understood the requirements above
- iv. Project Deliverables (including documentation);
- v. Knowledge transfer at the end of the contract;
- vi. Ongoing maintenance.

The contract will be awarded to the tenderer who submits the most economically advantageous bid (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1 ($W_1 = 25\%$) – **Professional merit of the team** based on the profiles of the proposed staff, team structure, **knowledge management, continuity** between specific contracts, **flexibility** in assigning staff to EMSA projects (point 15 (1)) and **time in which tenderer will commit staff** based on the information presented in (point 15(2)).
2. Quality criterion 2 ($W_2 = 35\%$) – **Quality and suitability of the proposed solution and approach** for the scenario described above (point 15 (3)).

and the price criterion and associated weighting:

3. Price of the team ($W_{Price} = 40\%$).

The price of the team is calculated as follows:

Price of the team = price per person day of one 'Project Manager' * 20 + price per person day of one 'Senior Software Developer – Analyst' * 40 + price per person day of one 'Application Developer' * 80 + price per person day of one 'Application Tester' * 30 + price per person day of one 'Document Management Specialist' * 5 + price per person day of one 'User Experience Designer' * 10

If the bidder provides a discount for ordering a block of 20 person days for a single profile, the average of the price for purchasing a single day and the discounted price will be used for calculating the price.

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion i is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

$$SP = \sum_i \frac{\text{lowest Price}_i \text{ of all bids}}{\text{Price}_i} * 100 * W_{\text{Price}_i}$$

Only bids that have reached a minimum of 60% for Q_1 , a minimum of 60% for Q_2 will be taken into consideration when calculating the score for quality SQ , score for price SP and score S .

Only bids that have reached a minimum of 70% for the score S will be taken into consideration for awarding the contract.

16. Contracts will 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 the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

17. False declarations

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 14 and 15 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

18. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.

If the results are not fully created for the purpose of the contract this should be clearly pointed out by the tenderer in the tender. Information should be provided about the scope of pre-existing rights, their source and when and how the rights to these rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.