

Lisbon,

23 DEC 2016

Invitation to Tender No. EMSA/NEG/29/2016

(Negotiated procedure with a minimum of five, candidates)

Consultancy services for EMSA ICT Service desk

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is planning to award the public contract referred to above. The procurement documents consist of this letter, the tender specifications with its appendixes and the draft contract.
2. Tenderers who wish to submit an offer are invited to send a bid to EMSA no later than **20.00h (Lisbon time) on 3rd February 2017**. The offer should be duly signed by the authorised representative, scanned and submitted by e-mail to the following address: NEG292016@emsa.europa.eu. The size of the mail may not exceed 12 Mb per one email. Please note that an original hard copy of the offer including all accompanying documentation may be requested from the company to which the contract is awarded.
3. Tenders must be:
 - (a) signed by the tenderer or their duly authorised representative; and
 - (b) perfectly legible so that there can be no doubt as to the words and figures therein contained.
4. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect shall be until 31st July 2017.
5. Submission of a bid implies full acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. These requirements are binding on the tenderer to whom the contract is awarded for the duration of the contract.
6. All costs incurred during the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.
7. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of technical and professional capacity and the draft contract are available under the Procurement Section relevant to the present call to tender on EMSA's website at the following address:
www.emsa.europa.eu
8. Contact between the contracting authority and tenderers is prohibited throughout the procedure, save in exceptional circumstances and under the following conditions only:

(a) **Before the final date for submission of tenders:**

- (i) At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the procurement documents.

Any requests for additional information must be made in writing and sent to the following e-mail address: NEG292016@emsa.europa.eu.

EMSA is not bound to reply to requests for additional information made less than six working days before the deadline for submission of tenders.

- (ii) EMSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the procurement documents.
- (iii) Any additional information including that referred to above will be published on EMSA's website in the Procurement section.

(b) **After the opening of tenders**

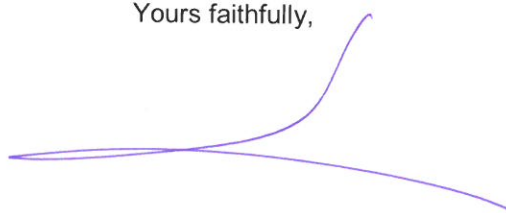
- (i) If clarification is required or if obvious clerical errors in the tender need to be corrected, EMSA may contact the tenderer provided the terms of the tender are not modified as a result.
- (ii) In the case of a negotiated procedure, EMSA may negotiate with tenderers the offers they have submitted, in order to adapt them to the requirements set out in tender specifications or any additional document and in order to find the tender offering best value for money. During negotiations, the equal treatment of all tenderers will be ensured.

- 9. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation under the Financial Regulation section on EMSA's website: (www.emsa.europa.eu).
- 10. This invitation to tender is in no way binding on EMSA. EMSA's contractual obligation commences only upon signature of the contract with the successful tenderer.
- 11. Up to the point of signature, EMSA may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
- 12. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
- 13. Tenderers will be informed of the outcome of this procurement procedure by email. It is the tenderers' responsibility to provide a valid email address together with their contact details in their tender offer and to check this e-mail address regularly.
- 14. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.

15. If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), the data will be processed pursuant to Regulation (EC) No 45/2001 of the European Parliament and of the Council¹. Unless indicated otherwise, replies to tenderers and any personal data requested, shall be used to evaluate the tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Head of Unit A.3, Operations Support.
16. Details concerning the processing of personal data are contained in the privacy statement "Information on personal data protection in procurement procedures" available at:
<http://www.emsa.europa.eu/about/personal-data-protection.html>.
17. Personal data may be registered in the Early Detection and Exclusion System (EDES) if a tenderer is deemed to be in one of the situations mentioned in Article 106 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council². For more information, see the Privacy Statement available at http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

In addition to economic operators established in the Member States of the Union, only economic operators from the following countries are eligible to participate in the present procurement procedure: Albania, FYROM, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Bosnia and Herzegovina.

Yours faithfully,

A handwritten signature in purple ink, consisting of a series of loops and a long horizontal stroke, positioned above the printed name.

Isabel Torné
Head of Department
Corporate Services

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

² Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 of 26.10.2012, p. 1).

Tender Specifications attached to the Invitation to tender

Invitation to tender N° EMSA/NEG/29/2016 for Consultancy services for EMSA ICT Service desk

1 Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. The Agency has set up horizontal units that take care of several areas like Finance, ICT, Facilities and Logistics and Human Resources.

EMSA's ICT Service Desk is providing equipment to users, software services by in or outsourced means, maintenance and support services.

2 Objective, scope and description of the contract

The objective of this procurement is to establish a Framework Service Contract for the next four years with the selected contractor to provide ICT consultants to EMSA's ICT Service Desk – named as **Front Office Consultant**.

EMSA's ICT Service Desk is part of the ICT operations sector within the A.3 – Operations Support unit and mainly provides direct support to EMSA's internal staff (about 250). First and second line support is provided for the complete EMSA infrastructure together with our second and third line technicians.

The main tasks of the Service Desk are providing hardware installations and support (Windows based desktops and laptops, printers, copiers, scanners and other hardware peripherals), software installations and troubleshooting (a wide array of standard software to more scientific purpose software), access management (to systems, folders, email etc) and general management and tracking of Service Requests, Failures and requests for change. Also management of the ICT inventory is part of the Service Desk tasks.

It is the Tenderer's responsibility to propose the adequate profiles to perform the activities and deliver the required services.

The tenderer needs to provide a minimum of 5 CVs for the Front Office Consultant profile initially, with their bid, and each time there is the need for a replacement.

¹ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1.).

2.1 Front Office Consultant

The expected profile is presented below:

Description of main tasks:

- Identify and record incidents and service requests;
- Provide Incident diagnosis and support;
- Fulfil service requests;
- Categorise incidents according to defined categories;
- Prioritise incidents based on impact and urgency;
- Investigate, troubleshoot and diagnose Incidents;
- Resolve incidents and recover services according to agreed service levels;
- Maintain ownership, monitor, tracking and communications about incidents;
- Software installation/configuration;
- Hardware installation/configuration;
- Asset management;
- Maintenance of procedures;
- Active Directory administration;
- Setup and maintenance of documentation, procedures and processes;

General competencies and skills:

- Excellent team player;
- Excellent communication skills;
- High level of service orientation and a user oriented mind set;
- Rapid self-starting capability;
- Capability of integration in an international/multicultural environment;
- Fluent in English (understanding, reading and writing).

Optional – not mandatory but considered “good to have”:

- Knowledge of support for videoconference systems and Audio visual equipment;
- Foundation ITIL certification

2.2 Account Manager

The contractor shall nominate an Account Manager, who will be the point of contact for technical and operational issues related to the provision of the services. This Account Manager shall be in charge of:

- Human resources management of the contractor's personnel;
- Quality assurance management;
- Financial management;
- Reporting and regular follow-up meetings.

The Account Manager must be reachable during the normal working hours of EMSA that is between 08.30 until 17:00 Lisbon time.

2.3 Quality Assurance of the provided service

The performance of contracted consultants will be measured regularly. The performance will be assessed by the appointed EMSA project manager. EMSA may request the change of the consultant at any time.

EMSA acceptance of the work carried out will take place at milestones based on consultation days or hours. The procedure is agreed on at the beginning of the contract, but it should in principle be aligned with calendar months. The contractor will submit monthly time sheets for EMSA's approval, with the details of the hours worked each day by the consultant. Invoices may be issued monthly for services that have been completed and accepted by EMSA.

Regular meetings with the contractor will be held as a minimum twice a year. Meetings will be held in EMSA premises in Lisbon. If agreed meetings can also be held by using online video conference systems. The costs of meetings are not reimbursable by EMSA.

2.4 General Conditions for the Provision of Services

The below requirements specifying the general conditions will be followed up through performance monitoring in regular meetings with the chosen contractor.

Languages

The English language shall be used throughout the contract duration for all communication, reports and other documentation. Furthermore, since EMSA's working language is English, it is required that all profiles are fluent in English.

Training

EMSA shall not be charged for the training(s) of the contractor's consultant(s).

Place of performance

The place of performance of the tasks shall be EMSA's premises in Lisbon.

Declaration of absence of interest and confidentiality undertaking

A declaration of absence of conflict of interest and confidentiality undertaking signed by each consultant will be required before starting a new assignment at EMSA.

Evaluation and selection process of personnel

Once the contractor is selected under this procurement process, the following steps will be taken:

- 1- EMSA and the contractor organize interviews with a minimum of 5 Front Office consultants proposed by the contractor;
- 2- EMSA will conduct interviews with all of the proposed consultants and, based on the outcome of the interviews, will select the one considered as the best fit consultant;
- 3- The interviews will be focused on the following topics:
 - a. Proficiency in Information Technologies, by evaluating the experience and expertise in:
 - i. End-user hardware support, diagnosis and troubleshooting (e.g.: desktop, laptop, printer, phone, mobile phones, smart phones, tablets);
 - ii. Microsoft applications (e.g.: Operating Systems and Microsoft Office suite);
 - b. Experience in Service Management tools and processes;
 - c. General competencies and skills, such as, communication, team player capabilities; integration in multi-cultural environment;
 - d. Assessment of the optional requirements (support for videoconference systems and Audio visual equipment and foundation ITIL certification) – although not essential for selection, these requirements are considered valuable;
 - e. The interviews will be conducted in English and the fluency of English will be considered;

Replacement of consultant and notification of illness

The contractor must ensure a high degree of stability of the consultant providing services and a high degree of service quality.

It shall be the contractor's responsibility to manage the replacement of personnel to ensure that knowledge and information are transferred without any interruption of the services and that a high level of service quality is maintained at all times.

At EMSA's demand, the contractor must be able to replace personnel who proves incapable of carrying out the specified tasks to the required standards. In order to select the new person, EMSA shall require 5 CVs to evaluate and interview.

The contractor shall give at least one month's written notice to EMSA if it wishes to request any personnel change.

In case of replacement of consultant, the contractor is in charge of maintaining the continuity of the services. Regardless of the cause of the consultant replacement, EMSA cannot be charged for any extra cost (including hand-over activities and training) owing to consultant replacement.

In case of replacement of consultant, the handover period must be maximum 10 working days, free of charge for EMSA. If no handover is possible and additional training is needed for the replacement person, this training shall be done in a maximum of 10 working days, period in which the services to EMSA must be performed free of charge by the replacement person.

In case of 'force majeure', if the original personnel is no longer able to carry out the work, the contractor is obliged to inform EMSA, propose a minimum of two replacement persons with the required qualifications and experience for the profile and arrange sufficient training to guarantee continuity of the service provided to EMSA.

If a consultant designated by the Contractor is taken ill and is unable to come to the office, the Contractor shall notify the EMSA contract manager before 09.30 on the first day of suspension of the provision of services and shall indicate when services will resume. The consultant in question should also notify the EMSA project manager directly.

Working hours

For times and means delivery, a normal working day corresponds to 8 hours (40 working hours per week). The daily working time frame is between 08.00 and 18:00 Lisbon time and the presence is normally required (core hours) between 9:30 Lisbon time (10:00 Lisbon time on Mondays) and 12:00 Lisbon time and between 15:00 Lisbon time and 16:30 Lisbon time (16:00 Lisbon time on Fridays).

One compulsory rest break of at least 20 minutes per working day shall be taken outside core time when the time worked during the day is 5 hours or more. The break is not counted as working time.

3 Contract management responsible body

EMSA – Unit A.3, in charge of Operations Support - will be responsible for managing the contract.

4 Timetable

The estimated date for signature of the contract is March 2017.

5 Estimated Value of the Contract

The maximum budget available for this contract is EUR 135,000 excluding VAT.

6 Terms of payment

Payments will be made in accordance with the provisions of the draft contract available in the Procurement Section under the call to tender EMSA/NEG/29/2016 on EMSA's website (www.emsa.europa.eu).

7 Terms of contract

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

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

8 Subcontracting

If the tenderer intends to either subcontract 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. It should be noted that the overall responsibility for the work remains with the tenderer.

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and when applicable on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria². 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 fulfil the criteria.²

9 Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, bids should preferably be submitted in English and should in particular include an English version of the documents requested under points 12.3 and 13 of the present tender specifications. The tenderer must comply with the minimum requirements provided for in these tender specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.³

The tenderer shall complete the Tenderer's checklist.

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate it in his offer by completing the form "Information regarding joint offers and subcontracting".

The tender must be presented as follows and must include:

A signed cover letter indicating the name and position of the person authorised to sign the contract/purchase order and the bank account on which payments are to be made.

² To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

The Financial Form completed, signed and stamped. This document is available on the Procurement Section (Financial Form) of EMSA's website (www.emsa.europa.eu).

The Legal Entity Form completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already previously been completed and sent either to EMSA or any EU Institution. 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 **8, 11, 12.2** and **12.4** of these specifications (exclusion criteria).

Part B: 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 **12.3** 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 **Award Criteria** set out under point **13** of these specifications;

Part D: Setting out prices in accordance with point **10** of these specifications.

10 Price

- Price must be quoted for Consultancy services for EMSA ICT Service desk and shall include an all inclusive price per day of the Front Office Consultant when in place at EMSA premises. The presented price should take into account the necessary work to be done by the account manager to support and guarantee a high-level quality service.
- Prices must be fixed amounts and non-revisable.
- Prices must be quoted in euro.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. Therefore price and the amount of VAT must be shown separately.

11 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.

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

12.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section of EMSA's website (www.emsa.europa.eu).

12.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
- c) it is subject to a final judgement or a final administrative decision establishing that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii. entering into agreement with other persons with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making process of the contracting authority during the award procedure;
 - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- d) it is subject to a final judgement establishing that the person is guilty of any of the following:
 - i. fraud
 - ii. corruption
 - iii. participation in a criminal organisation
 - iv. money laundering or terrorist financing
 - v. terrorist-related offences or offences linked to terrorist activities
 - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it is subject to a final judgement or a final administrative decision establishing that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
 - i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the

- responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
- ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
- iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
- iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
- v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

12.3 Technical and professional capacity – Selection criteria

Requirement:

- The tenderer must have a very good level of technical and professional capability in the provision of the requested services, namely know-how, efficiency, at least three years' experience and reliability in the requested technical domain.

Evidence:

- The tenderer needs to provide a minimum of 5 CVs for the Front Office Consultant profile.

For each of the proposed Front Office Consultants:

- University degree and a minimum 1 year experience in front office / service desk / support administration or if no university degree with minimum 3 years' experience in front office / service desk / support administration.
- Experience in end-user hardware support, diagnosis and troubleshooting (e.g.: desktop, laptop, printer, phone, mobile phones, smart phones, tablets);
- Experience in Microsoft applications (e.g.: Operating Systems and Microsoft Office suite);
- Experience in Service Management tools and processes;
- The tenderer needs to provide a minimum of 2 CVs for the Account Manager profile.

For the proposed Account Managers:

- University degree and a minimum 3 years experience in managing resources allocated to third party companies;
- Proven experience in human resources management, Quality assurance management, Financial management and Reporting
- The tenderer needs to provide a list of the major contracts performed during the past three years similar to the services previously described in this tender specification.

12.4 Evidence to be provided by the tenderers

For this purpose, the Declaration of Honour available in the Procurement Section of EMSA's website (www.emsa.europa.eu) shall be completed and signed.

13 Award criteria

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 ($W_1 = 25\%$): Quality of the plan for the Project and Human Resources Management** – based on the service requested in point 2, the bidder is required to detail their project and human resources management methodology to be followed;
2. **Quality criterion 2 ($W_2 = 25\%$), Quality of the plan for the Quality Assurance and Reporting** - based on the service requested in point 2, the bidder is required to detail their quality assurance and reporting methodologies to ensure EMSA a high-level quality service;

and the price criterion and associated weighting:

3. **Price of the bid ($W_{Price} = 50\%$)** – based on the price requested in point 10.

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

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

Only bids that have reached a minimum of 60 % for Q_1 and 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.

14 Rejection from the procedure

Contracts will not be awarded to tenderers who, during the procurement procedure, are in one of the following situations:

- a) are in an exclusion situation;
- b) have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- c) were previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.

15 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 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.