

Tender specifications

Attached to the Invitation to tender no. EMSA/OP/02/2017

Maintenance and Enhancement of the STCW Information System

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. Among its tasks, the Agency provides the Member States and the Commission with the technical and scientific assistance needed and with a high level of expertise, in order to help them to apply the Community legislation properly in the fields of maritime safety, maritime security and prevention of pollution caused by ships, to monitor its implementation and to evaluate the effectiveness of the measures in place.

Under Directive 2008/106/EC of the European Parliament and of the Council² (the Directive), EMSA is tasked to assist the Commission in the evaluation of the compliance of Member States and third countries national maritime education, training and certification systems with the requirements of the Directive and of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended. The amendments to the Directive introduced by Directive 2012/35/EU³ established a mechanism for gathering information on certificates and endorsements issued to seafarers by EU Member States (MS) with the objective of using it as primary source of data for statistical analysis and for use by EU Member States and the Commission in policy-making.

The development of the STCW Information System (STCW-IS) was assigned to the first contractor in September 2009. The first phase of the system covering a web-based platform providing STCW related information on maritime Administrations and maritime education and training (MET) institutions in the EU and a database on visits and inspections findings was completed in April 2010. The information designed to be made public went live in July 2011, after being confirmed by the EU Member States. The development of the second phase of the system covering the gathering of data

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 Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast) (OJ L 323, 3.12.2008, p. 33).

³ Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers (OJ L 343, 14.12.2012, p. 78).

on certificates and endorsements issued to seafarers by the EU Member States for the purpose of statistical analysis was completed in June 2012 when the system was fully operational. Since that date, the contractor has been providing on-going enhancement and maintenance to the system. In line with the amended provisions of the Directive, which entered into force on 1 January 2014, the system was used for the first time in 2015 to collect and treat data on certificates and endorsements issued to seafarers. The first Seafarers' Statistical Review in the EU was published by EMSA in July 2016.

2. Objective, scope and description of the contract

2.1 Objective

The objective of this tender is to establish a framework contract with a single Contractor for the purposes of maintenance and enhancement of the STCW-IS.

2.2 Scope

The scope of the framework contract is the maintenance and enhancement of the STCW-IS.

2.2.1 Maintenance

Maintenance covers the services for modification of the STCW-IS to correct bugs or prevent incidents. Such services will also apply to enhancements once delivered under this framework contract. Within ten (10) working days after a Specific Contract for Maintenance being sent by EMSA, the Contractor shall return it, duly signed. Should the Contractor be unavailable, he shall give reasons for refusal within the same period (article 4.1 of the framework contract).

2.2.2 Enhancement

Enhancement covers the provision of services for additions, changes or deletions of technical or functional features of the STCW-IS, including development of stand-alone sub-systems. Within fifteen (15) working days of a request for Enhancement being sent by EMSA, the Contractor shall return an estimate of the resources to be allocated for its execution, with particulars in support. Should the Contractor be unavailable, he shall give reasons for refusal within the same period. Within ten (10) working days after a Specific Contract for Enhancement being sent by EMSA, the Contractor shall return it, duly signed (article 4.2 of the framework contract).

2.2.3 Requirements

Detailed information about the requirements to be considered and adhered to in the performance of the contract is specified in the Appendixes attached to these tender specifications:

- Appendix 1: STCW-IS Technical Overview
- Appendix 2: STCW-IS Documentation
- Appendix 3: IdM Guide

- Appendix 4: Working Procedures and Service Requirements
- Appendix 5: Project Delivery

The Appendixes will be provided upon request sent to the dedicated e-mail address OPEN022017@emsa.europa.eu and shall be used only for the purpose of answering the current call for tender.

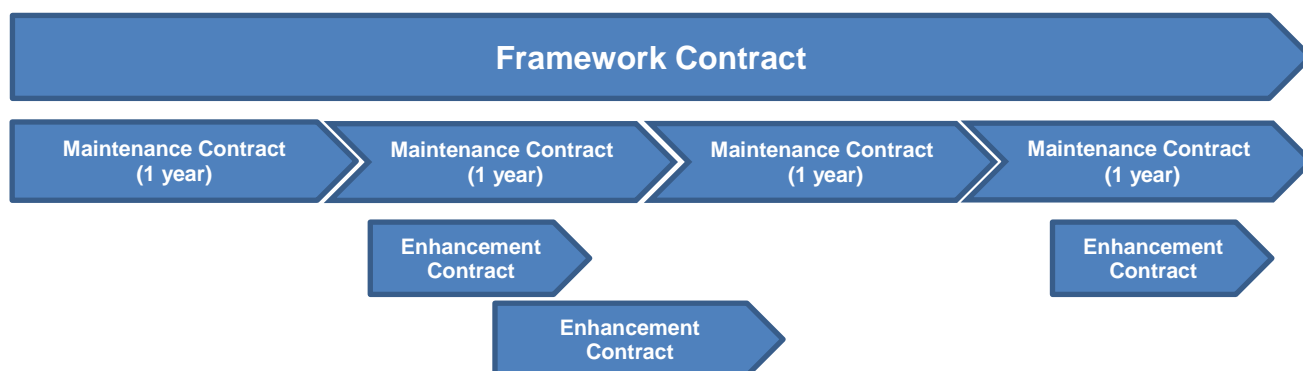
2.2.4 Description

The framework contract will be established for a period of four years.

The framework contract will be implemented by specific contracts:

- Specific contract(s) for maintenance, each for a period of one year;
- Specific contract(s) for enhancement, for a period to be specified in each specific contract.

Specific contracts for enhancement, in principle, will be conducted in sequence. However there might be the case of specific contracts for enhancements to run in parallel. An example of duration and sequence of contracts is illustrated below, without prejudice of the actual contract dates.



3. Contract management responsible body

EMSA – Unit B.1, in charge of Visits and Inspections, will be responsible for managing the contract.

4. Contract execution

The work shall not start before the signature of the framework contract by both parties.

The execution of all tasks for maintenance and enhancement will be recorded and followed-up using the web-based TEAMFORGE tool hosted by EMSA. The Contractor will receive a dedicated account. The TEAMFORGE tool will be the official repository for deliverables and it will support the ticketing service to be used by both parties for communicating bugs, bugs fixing, corrections,

changes and other technical issues. The appropriate service levels will be established in a *Service Level Agreement*, which will be included in the framework contract.

4.1 Meetings

The following meetings are envisaged:

- Kick-off meetings: within two weeks after the signature of each specific contract, a kick-off meeting will be held to present a work break down structure of the tasks and to define the details of the work to be undertaken.
- Maintenance meetings: for each specific contract for maintenance, a meeting will be held every six months to discuss the quarterly reports presented by the Contractor on provision of maintenance services (see chapter 5 of appendix 4: Working Procedures and Service Requirements).
- Final meetings: prior the end of the framework contract and of each specific contract for enhancement a final meeting shall be held to enable the contracting parties to discuss the work accomplished.
- EMSA may call for additional meetings if this should be considered necessary for the better execution of the framework contract and the specific contracts.

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. No traveling or accommodation costs will be reimbursed. When estimating the price under point 12, the tenderer should bear in mind the terms established under this point.

4.2 Minute of the meeting

For each meeting, the Contractor is responsible for providing a draft agenda to EMSA three days before the meeting. The Contractor shall draw up the minute of the meeting and provide it within two working days after the meeting. The minutes of the meetings should include at least the topics discussed, decisions taken and action items assigning responsibilities and deadlines. Should the minute of a meeting be rejected by EMSA, the Contractor shall have two working days to revise it in line with the comments provided by EMSA.

5. Timetable

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

6. Estimated Value of the Contract

The maximum budget available for this framework contract is EUR 190,000 (one hundred and ninety thousand) excluding VAT.

The maximum budget for one year maintenance services is EUR 25,000 (twenty five thousand) excluding VAT.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the draft framework contract available in the Procurement Section under the call to tender EMSA/OP/02/2017 on EMSA's website (www.emsa.europa.eu).

8. Terms of contract

When drawing up a bid, the tenderer should bear in mind the terms of the draft Framework Service contract (IT).

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

9. Financial guarantees

Pre-financing is not applicable to this framework contract. Consequently, no financial guarantees are foreseen.

10. 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 criteria⁴. 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.

⁴ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

11. 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 14.5 and 15 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.⁵

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 (Joint Offers) he shall indicate it in his offer by completing the form "Statement of Subcontracting – Joint Offer".

The tender must be presented as follows and must include:

- a) **A signed letter** indicating the name and position of the person authorised to sign the contract and the bank account to which payments are to be made.
- b) **The Financial Form** completed, signed and stamped. This form is available on EMSA's website (www.emsa.europa.eu) under the Procurement Section.
- c) **The Legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This form is available on EMSA's website (www.emsa.europa.eu) under the Procurement Section.

Tenderers are exempted from submitting the Legal Entity Form and Financial Form if such forms have 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 set out under points **10, 13, 14.2 and 14.6** of these specifications (part of the exclusion criteria).

⁵ 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).

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** of these specifications.

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

12. Price

a) Prices for the Maintenance and Enhancement of the STCW-IS shall include all costs e.g. travelling, accommodation, cost of software licences, etc.

b) Prices shall be provided in the following manner:

- price for maintenance shall be a fixed price of one year maintenance;
- price for enhancements shall be a fixed price for the following profiles:

Profile	Price offered [Euro/Person-day]
Project Manager	
Business Analyst	
Designer	
Senior Developer	
Developer	
Test Manager	
Tester	

c) Prices must be quoted in Euro.

d) Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.

e) 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 (EC) No 1406/2002. 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 tenderer 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 EMSA's website (www.emsa.europa.eu) under the Procurement Section (Legal Entity Form).

14.2 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.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Requirement:

The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

14.3.2 Evidence:

Relevant documents proving that the tenderer is authorised to perform services as required in these Tender Specifications.

14.4 Economic and financial capacity – Selection criteria

14.4.1 Requirement:

The tenderer must be in a stable financial position and must have the economic and financial capacity to perform the contract.

14.4.2 Evidence:

- a) Financial statements or their extracts for the three years for which accounts have been closed.
- b) Statement of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years available.

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 the provided documents are up-to-date. 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 its 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 at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Requirement:

Tenderers shall have the expertise, knowledge and experience to undertake the tasks under this framework contract.

14.5.2 Evidence:

- a) List of comparable, relevant projects and systems in which the tenderer has participated and worked. This must include a description of the services with indication of the objectives, contracting parties, duration and budget:
 - Information systems and products based on Web technologies: architecture, development, operation and maintenance;
 - Software modules/Frameworks: WebLogic Server, WebLogic Integrator, Liferay Portal, Oracle RAC Database, Oracle Service Bus, Jaspersoft BI, JasperAnalysis Professional, Jaspersoft ETL, jQueryJS, Sencha ExtJS;
 - Use of quality systems: software quality assurance, software quality management and software testing.
- b) Detailed curricula vitae for all persons assigned roles under the project and their possible substitute (see section 12.b). The Project Manager shall have at least 5 years of experience in projects referred to above. Curricula vitae should be presented, preferably, in accordance to the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, page 66. They must include the educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills. When describing the professional experience of each team member, reference must be made to the sectors in which it has been gained and the areas dealt with.

14.6 Declaration of Honour

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

Please note that **only upon request** and within the time limit set by EMSA the tenderer shall provide information on the persons that are members of the administrative, management or supervisory body, as well as the following evidence concerning the tenderer or the natural or legal persons which assume unlimited liability for the debt of the tenderer:

- For exclusion situations described in (a), (c), (d) or (f) of point 14.2 above, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.
- For the exclusion situation described in (a) or (b) of point 14.2 above, production of recent certificates issued by the competent authorities of the State concerned is 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. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

If the tenderer already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

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 one year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the tenderer is required to submit a statement confirming that its situation has not changed.

15. Award criteria

The scenarios presented here are only to be used for the evaluation of the quality criteria of the bids. The tenderer should propose a technical solution to the problem described in the scenarios and justify the chosen approach.

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 price and their associated weightings:

1. **Quality criterion 1 ($W_1 = 20\%$)** - Quality of the proposed methods, approach and supporting tools to implement the contract requirements to perform the tasks.

Bids shall detail as a minimum the following topics, tailored to the STCW-IS:

- Project approach overview;

- Project management methodology and supporting tools;
- Plan to acquire knowledge about the system;
- Strategy to improve the quality of the system;
- Software development methodology and supporting tools;
- Testing methodology and supporting tools, covering test plan and identified strategy for integration, functional, performance, load and stress tests and the results achieved: test cases, test scripts, test data sets, test results;
- Service Level Agreement. The Service Level Agreement should define all services, include proposed service levels and provide a detailed approach and supporting tools for at least the following Processes and Management plans as described in the Appendix 4 - Working Procedures and Service Requirements:
 - a. Change Management;
 - b. Release Management & Planning;
 - c. Service Desk Management;
 - d. Incident Management;
 - e. Problem Management;
 - f. Service Level Management.

2. Quality criterion 2 ($W_2 = 25\%$) – Quality of the proposed solution for completion of scenario 1.

Scenario 1: Redesign of the Public User Interface

Starting from the exiting public user interface accessible from the EMSA portal:

<https://portal.emsa.europa.eu/web/stcw> (data available only for some EFTA countries and EU Member States), the tenderer shall propose an improved public user interface.

The bidder shall detail as a minimum the following topics:

- Project plan;
- Project duration;
- Work breakdown of the effort in person days per profile (see section 12.b);
- Description of the proposed solution;
- Test plan;
- Impact on the user interface;
- Impacted software modules;
- Overview of the architecture changes (if necessary);
- Impact at database tier, business tier, presentation tier and integration tier (if necessary);
- Chapters to be updated in the STCW-IS Documentation.

3. Quality criterion 3 ($W_2 = 25\%$) – Quality of the proposed solution for completion of scenario 2.

Scenario 2: MET Programme/Course search functionality

Starting from the exiting public user interface accessible from the EMSA portal: <https://portal.emsa.europa.eu/web/stcw>, a search engine (not case sensitive and with an autocomplete functionality based on the names of programmes/courses already existing in the database) shall be designed to allow the public user to find all programmes/courses containing in their name the string of characters defined by the user. The result shall be presented in a pop-up list containing information on: group of countries, country, name of the MET institution, name of the programme/course and its duration.

The bidder shall detail as a minimum the following topics:

- Project plan;
- Project duration;
- Work breakdown of the effort in person days per profile (see section 12.b);
- Description of the proposed solution;
- Test plan;
- Impact on the user interface;
- Impacted software modules;
- Overview of the architecture changes (if necessary);
- Impact at database tier, business tier, presentation tier and integration tier (if necessary);
- Chapters to be updated in the STCW-IS Documentation.

4. Price of the bid ($W_{Price} = 30\%$).

The price of the bid will be calculated as sum of the price of one year maintenance and the price for a standard development team required in section 12.b for an enhancement lasting for 10 weeks (50 days), using the following weightings:

Profile	Price offered [Euro/Person-day] Rate_i	Weighting [%] Weight_i
Project Manager	Rate_1	10%
Business Analyst	Rate_2	15%
Designer	Rate_3	20%
Senior Developer	Rate_4	15%
Developer	Rate_5	35%
Test Manager	Rate_6	7%
Tester	Rate_7	20%

$$\text{Price of the bid} = \text{Price_of_one_year_maintenance} + 50 * \sum \text{Rate_i} * \text{Weight_i}$$

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

The score of the bid 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 50 % for Q_1 , a minimum of 50 % for Q_2 and a minimum of 50 % for Q_3 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. 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.

17. 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.