

Application Specifications

Procurement procedure EMSA/RES/01/2017 - H24 ICT operations services

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency operates a set of Maritime Applications for vessel tracking, port state control formalities, training to seafarers, oil spill pollution's early detection.

2. Type of Procedure

2.1 Two phases

The present procurement procedure is a restricted procedure and consists of two phases: the “application phase” (phase I) and the “tender phase” (phase II). In phase I, referred to as the application phase, economic operators are invited to submit an application to this restricted procedure in accordance with the rules set out in the Invitation to Apply and its associated enclosures. Following that, a list of pre-selected candidates will be drawn up according to the criteria set out in the contract notice, the Invitation to Apply and in this Application Specifications. Only pre-selected candidates will be invited to submit a full bid in phase II, referred to as the tender phase.

The inclusion in the list of pre-selected candidates does not entail any obligation on the part of the Agency concerning the award of the contract.

It should be noted that in this document any mention of the terms ‘candidates’ or ‘applications’ is in reference to phase I of the procedure, while any mention of the terms ‘tenderers’ or ‘tenders’ is in reference to phase II.

2.2 Phase I - Application Phase (= current phase)

The Invitation to Apply just launched constitutes the start of phase I - the application phase.

Applications shall be submitted in accordance with the Invitation to Apply, these Application Specifications and its associated enclosures. Applications that are not received by the deadline and/or not submitted in a closed envelope as set out in the Invitation to Apply will be rejected.

In the application phase, EMSA will assess the fulfilment by the candidates of the following requirements published in these Application Specifications:

1. Exclusion criteria (see points 14.2 and 14.6);
2. Selection criteria – the candidate must submit evidence of his capacity to perform the contract, both from the economic and financial (see point 14.4) and from the technical and professional (see point 14.5) point of view.

A candidate (company or grouping) that does not fulfil the exclusion and selection criteria will not be pre-selected for the tender phase.

2.3 Phase II - Tender Phase

Following phase I, only pre-selected candidates will be invited to submit a full bid in accordance with the rules set out in the Invitation to Tender, the Tender Specifications and its associated enclosures.

A draft version of the Tender Specifications is published in the present application phase for information purposes only under Enclosure A.1. Due to reasons of confidentiality of security-sensitive elements of the Agency's ICT infrastructure, the final and comprehensive version of the Tender Specifications containing detailed information will be sent - at the beginning of the tender phase - to pre-selected candidates only.

3. Contract objective and scope

The objective of this procurement procedure is to establish a single framework contract for procuring H24 ICT operations services for EMSA's current and future maritime applications, corporate services, and their underlying IT middleware and infrastructures. EMSA datacenters in the scope of this contract are located in Lisbon, Portugal (near Cais do Sodre), and in Madrid, Spain (near Manoteras).

Core services

The following services in the areas of Service Operations, Transition, and Continuous improvement are in the scope of the contract:

- Monitoring platform management, operations, development (Nagios based)
- 24x7 Event management;
- 24x7 Incident management;
- 24x7 IT Service Continuity management;
- 24x7 IT Security incident management;
- Coordination, reporting, support to Problem management and Continuous Improvement.

The core services marked "24x7" are required on a 24x7x365 schedule, meaning on a continuous basis, 24 hours a day, 7 days a week, 365 days per year.

The services for the management and development of the monitoring platform; support to Continuous Improvement and Problem management (i.e. mainly supporting EMSA staff in identifying and addressing root causes of multiple incidents and keep improving its operational capability); the reporting and coordination meetings; the incident management preparedness with procedure validation, testing, cross-training sessions etc. will be performed on a 8x5 schedule, meaning during normal working hours, and days, according to the conditions in Portugal.

The expected reaction times are: 30 minutes via remote connection, and 3 hours to intervene in the EMSA datacenters, both in Lisbon and in Madrid, on a 24x7x365 basis.

Other services

- ticketing tool system: configuration and support

the contractor may be requested to configure and support a ticketing tool to share requests and incidents workflows between EMSA, its users, and the contractor itself, to fulfil the tasks under this tender and support IT Operations needs. This tool will interface to EMSA Nagios monitoring platform to create incidents upon monitoring checks.

- extra coverage on night shifts

The EMSA Maritime Support Services (MSS) provide a 24/7 point of contact in case of a major incident at sea and the operational helpdesk and support relating to the maritime information systems. The tasks are carried out on a continuous basis (24/7) and require shift work (operating on a rota system) outside normal office hours.

The MSS have the responsibility for monitoring and operating the main critical operational maritime information systems run by EMSA (such as SafeSeaNet, IMS, LRIT CDC, LRIT IDE, CleanSeaNet). To perform these tasks, MSS execute IT checks and procedures, interacting on a continuous basis with the contractor providing the core services under this contract.

The objective of this service is to add to the contractor's tasks the procedures carried out by MSS to monitor and operate maritime applications during the night shift only. These tasks shall be carried out on top of the global services for H24 monitoring and incident management already specified as mandatory under this contract.

The candidate would therefore be required to act more independently and pro-actively for monitoring and IT operations of EMSA Maritime Applications, during the nights, remotely from its own premises. This entails executing more monitoring procedures and checks during the night shift substituting MSS, reacting to monitoring and user requests, taking corrective actions following agreed procedures, and escalating according to agreed procedures in case of need.

Core technologies

The contractor should be able to monitor, operate, and support the following technologies, which form integral part of EMSA systems and services:

- Java Web Applications: deployment, monitoring;
- Cartographic services;
- Oracle middleware: Weblogic, DBMS, RAC, Dataguard, RMAN, Enterprise Service Bus, Identity Management;
- Linux systems;
- Opensource middleware: JBoss/WildFly, Tomcat, Apache, openLDAP;
- File transfer: FTP, SFTP, gridFTP, other;
- VMware Infrastructure: VSphere, VCenter, SRM, Replication, Operations;
- Cisco equipment: routing and BGP, switching;
- Checkpoint equipment: firewall, VPN, security blades;
- IT Security: system hardening, event handling, log analysis, incident management, forensics
- F5 BigIP: load balancer, proxy, iRules, certificates and SSL off-loading;
- Netapp storage arrays;
- Backup platforms: Networker and CommVault;
- Microsoft systems: Active Directory, Exchange, SharePoint, File servers, .NET applications, MSSQL, Office365;
- Nagios monitoring platform;
- Ticketing systems operations;
- Servers: Nutanix and HP DL systems;
- Docker: container deployment, management, infrastructure management and monitoring;
- Logging: Splunk
- Cloud services: AWS, Oracle cloud, Microsoft Azure

The list represents the current core technologies at EMSA, and it will vary over time. As EMSA adopts new technologies, the contractor is required to adapt its support profiles, training its staff accordingly, so to cover the new needs created by the adoption of new technology.

Language

The main working language of EMSA is English. The English language shall be used throughout the projects duration for all communication, reports and other documentation.

Place of performance and access to EMSA environments

The service should be performed mainly remotely from the contractor's premises through a secure permanent VPN connection to the EMSA network, with adequate procedures and access rights to EMSA systems.

There are nevertheless tasks which require the physical presence of the contractor in EMSA's premises: these are related to coordination, cross-training, and emergency response to major incidents. Moreover, if the

VPN connection, which allows the contractor working remotely, is not functioning, then again the physical presence of the contractor in EMSA's premises is required.

4. Contract management responsible body

EMSA– Unit A3, in charge of IT Operations support, will be responsible for managing the “core services” under the contract.

The other services (ticketing system, and extra coverage during night shifts) will be implemented and managed by Dept A for the needs of Corporate Services and Dept B Maritime Applications; and by Dept.C – Unit C2 for the needs of MSS.

5. Project Planning

5.1 Coordination meetings

Regular coordination meetings will be held at least on a bi-monthly basis.

The main goals of these meetings are:

- monitor the performance of the delivered service;
- discuss remediation plans and proposal for improvements to achieve the service levels set for this service;
- discuss incidents, problems, and propose remediation (new manual or automated procedures) for the most frequent incident patterns;
- prepare a working package for the next period, with requests for change, or new services add to the existing detection and recovery platform and procedures.

Additional meetings in EMSA premises might be required on an ad hoc basis.

5.2 Reporting

Service Report

On a monthly basis the contractor is expected to submit a service report with figures about the service levels; incident and service requests recorded over the month; the availability of the Maritime Applications; basic statistics and indicators per each application to be agreed in more details with the Steering Committee; a summary of the main open problems; actions to improve the service, and the communication, with EMSA.

Financial Report

On a monthly basis the contractor is expected to submit a financial report with updated figures about the consumption of the Contract in a format to be agreed with EMSA, with a brief explanation of the main activities performed that generated the consumption. It has to be clearly stated if the consumption is in line with the

budget allocated for the Contract with respect to its duration, and if any anomalous consumption has happened, and why.

5.3 Visits

EMSA can visit the contractor in its service operations centres to assist during joint preparedness exercises, to check the preparation of the staff dedicated to working with EMSA, the compliance with relevant security standards, the maturity of the operational processes. A visit report will be generated and discussed with the contractor as a basis for further improvement.

5.4 Project team

EMSA reserves the right to evaluate before approval any change of members of the project team. CVs and appropriate documentation of each person foreseen to take up duties shall be presented to EMSA for approval 30 days before the schedule start date.

6. Indicative Timetable

The first specific contract should be signed in January 2018:

- until May 2018, the new specific contract and/or order form will run in parallel to EMSA's current contract for similar services, to allow for a handover of the services (initial phase);
- afterwards, the contractor will be the sole responsible for the services within the scope of the contract (operational and closure phases);

7. Estimated value of the contract

The total maximum amount to be spent under the framework contract, for the total duration of the contract including all possible renewals, is 2,400,000 € (two million and four hundred thousand euro) excluding VAT.

The contract is signed for an initial period of 4 years, and it may be renewed automatically up to four times for a further one year period under the same conditions.

8. Terms of payment

Payments shall be issued in accordance with the provisions of the framework contract available in the procurement section under the call for tender EMSA/RES/01/2017 on EMSA's website (www.emsa.europa.eu).

9. Terms of contract

When drawing up a tender, the tenderer should bear in mind the terms of the draft framework contract

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

10. Financial guarantees

Not applicable.

11. Subcontracting

If the candidate 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 candidate.

The candidate 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 candidate relies on the capacities of subcontractors to fulfil selection criteria.¹ 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 candidate and its subcontractors as a whole fulfil the criteria.

12. Joint offer

Groupings, irrespective of their legal form, may submit joint applications and tenders. Candidates/tenderers may, after forming a grouping, submit a joint application/tender 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 the application/tender.

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. Candidates/tenderers from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

13. Requirements as to the application

Applications can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, applications should preferably be submitted in English and should in particular include an English version of the documents requested under point 14.5 of the present Application Specifications.

The candidate must comply with the minimum requirements provided for in these Application Specifications. This includes compliance with applicable obligations under environmental, social and labour law established

¹ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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.²

The candidate shall complete the Candidate's Checklist.

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

The application 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 document is available on the Procurement Section (Financial Form) of EMSA's website (www.emsa.europa.eu).
- c) **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).

Candidates 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 candidate should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

The application must include the following:

Part A: All the information and documents required by EMSA for the shortlisting of candidates on the basis of the points **11, 12, 14.2 and 14.6** of these specifications (part of the exclusion criteria);

Part B: All the information and documents required by EMSA for the shortlisting of candidates 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 EMSA for the shortlisting of candidates on the basis of the **Technical and professional capacity** (part of the selection criteria) set out under point **14.5**.

In phase II, any tender will have to include the following:

Part D: All the information and documents required by EMSA for the appraisal of tenders on the basis of the award criteria as set out in the Tender Specifications;

Part E: A price list in accordance with the Tender Specifications.

² 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).

14. Information concerning the personal situation of the candidate 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 application, candidates are requested to complete and enclose the **Legal Entity Form** and requested accompanying documentation, available in the procurement section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

14.2 Grounds for exclusion - exclusion criteria

To be eligible to participate in the contract award procedure, a candidate 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 candidate 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 Requirements: The candidate must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

14.3.2 Evidence: the completed Legal Entity Form and requested accompanying documentation (see point 14.1 above).

14.4 Economic and financial capacity – selection criteria

14.4.1 Requirements:

- a) The candidate must be in a stable financial position and must have the economic and financial capacity to perform the contract.
- b) The candidate should have a minimum turnover of € 400,000 per year, for the last three years (2014, 2015, 2016), generated by contracts in the area of H24 ICT Operations Support services.

14.4.2 Evidence:

- a) Financial statements or their extracts for the last three years for which accounts have been closed.
- b) Statement of the overall turnover and of the turnover relating to the relevant services in the scope of H24 ICT Operations Support services, for the last three financial years available.
- c) Candidates 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 candidate should simply indicate on the cover letter the procurement procedure where the evidence has been provided.

d) If, for some exceptional reason which EMSA considers justified, a candidate 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 application. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the candidate's economic and financial capacity.

14.5 Technical and professional capacity – selection criteria

14.5.1 Requirements:

a) The candidate must hold at least two out of three of the following certifications:

i. ISO 20,000 certification - or equivalent for ICT Service Management

Evidence: copy of the certificate with scope, and accreditation body.

ii. ISO 27,001 certification – or equivalent for Information Security Management;

Evidence: copy of the certificate with scope, and accreditation body.

iii. BS 25,999 certification – or equivalent for Business Continuity Management;

Evidence: copy of the certificate with scope, and accreditation body.

b) Capability to support the services required, and to operate EMSA core technologies.

Evidence: the candidate shall provide a concise description of:

i. the candidate's capability to reliably offer the services under this tender, touching on the organisation of its H24 support services; the business continuity arrangements to guarantee that the organisation can operate, even from alternative locations, when facing critical situations; the most relevant controls and policies in the field of IT Security to safely connect, operate and protect, EMSA Production data and systems [max 8 pages].

ii. a staffing adequate to support the core technologies under Paragraph 2. The 5 minimum requirements listed below apply, which combined form a system of 63 specific requirements. The candidate must fill in Enclosure A.2 with all the required information. This should be attached in Excel format to the electronic version of the tender. Enclosure A.2 automatically implements visual checks to offer data input validation. These visual checks however do not constitute themselves the validation of the requirements, and do not substitute or invalidate the written list of requirements reported below, which is the only one to be considered:

1. A minimum of 15 staff members, and a maximum of 20, shall be listed;

2. Each core technology identified in Paragraph 2, and listed in Enclosure A.2 (20 in total), must be supported by at least two different staff members, one of which must also be deployable to Lisbon and Madrid on request (see below point d);
 3. At least 5 staff members must have 4 years or more of working experience in IT Operations;
 4. At least 5 staff member must have 2 years or more of seniority in the company, and therefore are familiar with the company's internal working processes and standards;
 5. CVs are not requested, nevertheless they must be provided should EMSA request to do so.
- iii. a staff turnover and training policy to retain the operational knowledge acquired on EMSA systems, and to support the introduction of new IT technologies, which EMSA might add over time to its technological landscape [max 2 page];
 - iv. a level of English language skills adequate to communicate with EMSA and its stakeholders: please provide certificates of English knowledge for 10 staff members.
- c) Suitability of the Project Manager allocated to the EMSA project, based on the following minimum requirements:
- i. More than 10 years of relevant working experience;
 - ii. Solid hands-on experience in relevant Project/Technical Management, including management of outsourced ICT operation services;
 - iii. A relevant certification for ICT operations (ITIL or equivalent);
 - iv. Excellent English speaking and writing skills.

Evidence: CV of the Project Manager [max 4 pages].

- d) Capability to deploy staff at both EMSA premises in Lisbon, and in Madrid, within 3 hours from a request, on a 24x7x365 basis.

Evidence: the candidate must provide a concise plan explaining how staff capable of supporting the core technologies required will be organised to fulfil this requirement [max 2 pages]. Staff members deployable in Lisbon and Madrid should also be reported in Enclosure A.2 (see above point b.ii). There must be at least one staff member per each core technology who can be deployed in Lisbon and Madrid.

- e) Previous experience in the management of similar contracts in the field of IT support services, based on a description of four major contracts performed during the past three years similar to those described in this call.

Evidence: provide reference to these contracts, including the following information (max 1 pages per each contract referenced):

- Contract number or reference;
- Start and finish date;
- Client name [optional];

- Contact person at client site and contact details [optional];
- Volume in Euros;
- Short description of the services covered by this contract.

14.6 Declaration of Honour

For the purpose of providing evidence regarding the exclusion and selection criteria, the Declaration of Honour available on the procurement section of EMSA's website (www.emsa.europa.eu) must be completed and signed.

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

For exclusion situations described in (a), (c), (d) or (f) of point 14.2 above (as well as on pages 4 and 5 of the Declaration of Honour), 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 (as well as in the Declaration of Honour), 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 candidate 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 candidate 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 EMSA.

When the candidate 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 candidate is required to submit a statement confirming that its situation has not changed.

15. Award criteria

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

For more detailed information regarding the award criteria please see the Draft Tender Specifications.

16. Rejection from the procedure

Candidates that, during the procurement procedure, are in one of the following situations will be rejected from the procedure:

- 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.

17. Intellectual Property Right (IPR)

Please consult the draft framework contract for IPR related clauses.