



EUROPEAN UNION AGENCY FOR CYBERSECURITY (ENISA)

**European Union Agency for Cybersecurity (ENISA)**

**Call for tenders ENISA/2025/OP/0001 (F-OSA-25-T02)**

**IMPLEMENTATION OF SINGLE REPORTING  
PLATFORM**

**Open procedure**

**TENDER SPECIFICATIONS**

**Part 1: Administrative specifications**

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# **1. SCOPE AND DESCRIPTION OF THE PROCUREMENT**

## **1.1. Contracting authority: who is the buyer?**

This call for tenders is launched and managed by the European Union Agency for Cybersecurity (ENISA), referred to as the contracting authority for the purposes of this call for tenders.

## **1.2. Subject: what is this call for tenders about?**

The subject of this call for tenders is “Implementation of Single Reporting Platform”.

## **1.3. Lots: is this call for tenders divided into lots?**

This call for tenders is not divided into lots.

## **1.4. Description: what do we want to buy through this call for tenders?**

The purchases that are the subject of this call for tenders, including any minimum requirements, are described in detail in the document *Tender specifications – part 2: Technical specifications*, hereafter referred to as *Technical specifications*.

Variants (alternatives to the model solution described in the tender specifications) are not allowed. The contracting authority will disregard any variants described in a tender.

## **1.5. Place of performance: where will the contract be performed?**

The services will be delivered to the location(s) indicated in the Technical specifications document (Tender specifications – part 2).

## **1.6. Nature of the contract: how will the contract be implemented?**

The procedure will result in the conclusion of multiple framework contracts in cascade with maximum 3 (three) contractors.

A framework contract (FWC) establishes a mechanism for future repetitive purchases by the contracting authority to be awarded in the form of specific contracts<sup>1</sup>. The signature of a framework contract does not impose an obligation on the contracting authority to conclude specific contracts with a framework contractor.

For the award of multiple framework contracts in cascade the tenders deemed admissible as a result of the evaluation will be ranked in order to establish a list of contractors and a sequence in which they will be offered specific contracts during the implementation of the framework contracts. The modalities of implementation of the framework contract in cascade are set out in the draft contract.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship

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<sup>1</sup> Any reference to specific contracts applies also to order forms (a simplified form of specific contract).

to be established between the contracting authority and the successful tenderer. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

👉 Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 of [Regulation \(EU, Euratom\) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union \(recast\)](#)<sup>2</sup> and the conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment under due the contract.

### **1.7. Volume and value of the contract: how much do we plan to buy?**

An indicative estimate of the 'person-days' per profile, is outlined as percentages to be ordered over the whole duration of the framework contract is given in the financial model in **Annex 6**. The actual volumes will depend on the services, which the contracting authority will order through specific contracts. In any case, the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, shall not be exceeded.

The *framework contract ceiling* is indicated in Section 5.1.5 of the contract notice.

Within three years following the signature of the framework contract resulting from the current call for tenders, the contracting authority may use the negotiated procedure under point 11.1.e of Annex 1 to the Financial Regulation to procure new services from the contractor up to a maximum of 50 % of the initial *framework contract ceiling*. These services would consist in the repetition of similar services entrusted to the contractor and would be awarded under the following conditions: negotiated procedure with the contractor.

### **1.8. Duration of the contract: how long do we plan to use the contract?**

The framework contracts resulting from this call for tenders will be concluded for at most 48 (forty-eight) months. The details of the initial contract duration and possible renewals are set out in the draft contract.

### **1.9. Electronic exchange system: can exchanges under the contract be automated?**

For all exchanges with the contractors during the implementation of the framework contracts resulting from this call for tenders as well as for future possible subsequent proceedings,

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<sup>2</sup> Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

including, but not limited to, for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)), the contracting authority may use an electronic exchange system meeting the requirements of Article 151 of the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the contractors at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

## 2. GENERAL INFORMATION ON TENDERING

### 2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

The contracting authority has chosen to award the contracts, resulting from this call for tenders through an open procedure pursuant to Article 167(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

### 2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?

🔑 **Access to Procurement:** Access is limited to EU-controlled entities, as specified in the **IMPORTANT NOTICE: Exclusion Criteria concerning non-EU-controlled entities outlined in Section 3.1. Pursuant to the provisions of Article 12(5) of the Digital Europe Regulation 2021/694, participation in this call for tenders is subject to security-related restrictions.**

As indicated in *Annex 8*. Explanatory Note on Exclusion Criteria on non-EU controlled entities, for the participants involved in security sensitive activities, the participation in the tender is open to economic operators fulfilling the following three cumulative conditions:

- a) legal entities established in a Member State with their executive management structures established in that Member State;
  - Economic operators are considered to be established in the EU when they are formed in accordance with the law of a Member State and have their central administration, registered office and principal place of business in a Member State (if legal persons) or they are nationals of one of the Member States (if natural persons).
  - ‘Executive management structure’ means the body of the legal entity appointed in accordance with national law and which, where applicable, reports to the chief executive officer or any other person having comparable decisional power, and which is empowered to establish the legal entity's strategy, objectives and overall direction, and oversees and monitors management decision-making.
- b) economic operators committing to carry out all relevant activities in one or more Member States; and
- c) legal entities not being subject to control by a third country or third country entity.

Tenderers must also ensure that no involved entities (see Section 2.4) nor any subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), are subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)<sup>3</sup>, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing

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<sup>3</sup> Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the Treaties<sup>4</sup>, as well as to international organisations international organisation of European interest<sup>5</sup>.

Each tenderer must indicate its country of establishment (in case of a joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country. The same document(s) could be used to prove the country/-ies of establishment and the delegation(s) of the authorisation to sign, as described in Section 4.3.

### **2.3. Registration in the Participant Register: why register?**

Any economic operator willing to participate in this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons (participants) participating in calls for tenders or proposals of the European Commission and other EU institutions/bodies.

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number), which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other calls for tenders or calls for proposals of the European Commission and other EU institutions/bodies.

**🔔 Each participant needs to ensure that its SME status in the Participant Register is registered and kept up to date.**

At any moment during the procurement procedure, the Research Executive Agency Validation Services (hereafter *the EU Validation Services*) may contact the participant and ask for supporting documents on legal existence and status. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by *the EU Validation Services* are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

**🔔 Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.**

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<sup>4</sup> [Founding agreements | European Union](#)

<sup>5</sup> 'International organisation of European interest' means an international organisation, the majority of whose members are Member States or whose headquarters are in a Member State.



## 2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender)<sup>6</sup>. In either case subcontracting is permitted.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each tenderer (in case of a joint tender, by the group leader) shall be requested (*Annex 2*).

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole tenderer and member of another group of economic operators. In such case, all tenders in which that person has participated, either as sole tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate tenders provided that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several tenderers as long as the tenders are drawn and submitted in complete independence and autonomously from each other. However, cross subcontracting among tenderers is forbidden, more precisely an entity “A” may participate as tenderer (either as sole tenderer or as member of a group of economic operators) and as subcontractor to another tenderer “B” within the same procurement procedure. However, in this case it is forbidden that tenderer “B” (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for tenderer “A” (or for the group of economic operators in which “A” participates within the same procurement procedure. In this case, both tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the tenderer can rely on the capacities of subcontractors (see Section 2.4.2) or other entities that are not subcontractors (see Section 2.4.3).

An “**involved entity**” is any economic operator involved in the tender. This includes the following four categories of economic operators:

- sole tenderer,
- group members (including group leader),
- identified subcontractors (see Section 2.4.2), and
- other entities (that are not subcontractors) on whose capacity the tenderer relies to fulfil the selection criteria.

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<sup>6</sup> Each economic operator participating in the joint tender is referred to as “group member”.

The role of each entity involved in a tender must be clearly specified in the eSubmission application: i) sole tenderer, ii) group leader (in case of a joint tender), iii) group member (in case of a joint tender), or iv) subcontractor<sup>7</sup>.

For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (*Annex 5.2*)

#### **2.4.1. Joint tenders**

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer<sup>8</sup>.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following cases:

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
  - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
  - all the tasks assigned to the former entity are taken over by the new entity member of the group,
  - the group meets the selection criteria (see Section 3.2),
  - the change must not make the tender non-compliant with the procurement documents,
  - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,

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<sup>7</sup> Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.

<sup>8</sup> References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

- the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.
- case where a group member is subject to restrictive measures or does not have access to procurement (see Section 2.2) or is in an exclusion situation (see Section 3.1), provided the following cumulative conditions are fulfilled:
  - none of the remaining group members is subject to restrictive measures (see Section 2.2),
  - all the remaining group members have access to procurement (see Section 2.2),
  - the remaining group members meet the selection criteria (see Section 3.2),
  - the change must not make the tender non-compliant with the procurement documents,
  - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
  - the continuation of the participation of the remaining group members in the procurement procedure does not put the other tenderers in a competitive disadvantage,
  - the remaining group members undertake to implement the contract, in case of an award, without the excluded group member.

The replacement of the group member not having access to procurement or in a situation of exclusion is not allowed.

#### **2.4.2. Subcontracting**

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders (see Section 1.4).

- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the form available in **Annex 4** (List of identified subcontractors), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 20% .

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 5.1** and signed by its authorised representative.

☞ Each tenderer shall identify such subcontractors and provide the commitment letters with its tender. The information must be true and correct at the time of submitting the tender. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of tenders must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the contracting authority and resulted in a signed contract, is considered authorised.

### **2.4.3. Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria**

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in *Annex 5.2*, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources<sup>9</sup>.

👉 The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

### **2.4.4. Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria**

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed in Section 2.4.2 and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

👉 Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

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<sup>9</sup> This does not apply to subcontractors on whose capacity the tenderer relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

### 3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer is not subject to restrictive measures and has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

The contracting authority will evaluate the abovementioned elements in the order that it considers to be the most appropriate.

If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderers for whom the verification of all elements did not reveal grounds for rejection can be awarded the contracts resulting from this call for tenders.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

#### 3.1. Exclusion criteria

##### IMPORTANT NOTICE

##### **Exclusion Criteria on non-EU controlled entities:**

1. Legal entities established in EU Member States can participate in the tender only if they are directly or indirectly controlled by Member States or by nationals of Member States. An '[Ownership Control Assessment \(OCA\)](#)' will be conducted to determine control by the EU Validation Services. Legal entities that are established in the Union, but are controlled from third countries shall not be eligible to participate in the tender in

accordance with the application of Article 12(5) of the DEP regulation<sup>10</sup> based on the Digital Europe Programme (DEP) 2023-24.

2. Participants will be considered to be ‘non-EU controlled’ when a third country, third country entity or third country national has the possibility to exercise decisive influence on the entity concerned, notably in relation to its strategic business decisions (such as appointment and removal of senior management, budget, investment business plans, market-specific decisions, etc.).
3. It is emphasised that participants must be able to provide the evidentiary documents required for the OCA at any time during the tender, in order to prove their status as being EU controlled.
4. Entities undergoing OCA are asked to timely provide the EU Validation Services with the requested documents. If entities do not respond in time, EU Validation Services have the right not to finalise the assessment (or finalise it on the basis of the information and documents submitted or publicly available) and such entities may be considered ineligible.
5. The rules for OCA assessment are applicable to sole tenderer, group members (including group leader), and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2).
6. Participants are required to complete **Annex 7** - ‘Ownership and Control Declaration form’ and to carefully read the related ‘Explanatory Note’ - **Annex 8**. All the information provided in the context of completion of **Annex 7** will be treated according to Article 339 of the Treaty on the Functioning of the European Union (TFEU).

The objective of the following exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion, each tenderer<sup>11</sup> needs to submit with its tender a Declaration on Honour<sup>12</sup> in the model available in **Annex 2**.<sup>13</sup> The declaration must be signed by an authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the tenderer at any time during the record-keeping period specified in Section 4.3.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#).

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<sup>10</sup> Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishes the Digital Europe Programme and repeals Decision (EU) 2015/2240

<sup>11</sup> See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.

<sup>12</sup> The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

<sup>13</sup> Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.



At any time during the procurement procedure<sup>14</sup>, the contracting authority may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence). It may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderers proposed by the evaluation committee for the award of the contracts will be requested to provide such evidence.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

*Annex I* specifies which of the involved entities participating in a tender need to provide the Declaration on Honour and, when requested by the contracting authority, the supporting evidence.

**Please note that a request for evidence in no way implies that the tenderer has been successful.**

### 3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

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<sup>14</sup> The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.



When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for this call for tenders. The model Declaration on Honour available in **Annex 2** shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure, within a deadline given by the contracting authority <sup>15</sup>.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the tender, all tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderers proposed by the evaluation committee for the award of the contracts will be requested to provide such evidence.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.

**Please note that a request for evidence in no way implies that the tenderer has been successful.**

### 3.2.1. Legal and regulatory capacity

Tenderers can be natural or legal persons. Tenderers are not obliged to take a specific legal form in order to submit their tenders.

Where tenderers submit a tender through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the tenderers.

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

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<sup>15</sup> The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

The legal and regulatory capacity shall be proven by the evidence listed below:

Criterion L1	
<b>Minimum level of capacity</b>	Enrolment in a relevant trade or professional register
<b>Basis for assessment</b>	This criterion applies to each entity (sole tenderer, member of the group in the case of a joint tender or subcontractor) for the tasks of their competence
<b>Evidence</b>	Proof of enrolment in a relevant trade or professional register

☞ All of the above-specified evidence of legal and regulatory capacity must be provided with the tender.

In addition, involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)<sup>16</sup> that constitute a legal impediment to perform the contract. This requirement will be assessed by reference to the EU restrictive measures in force. Therefore, the tenderer is not required to submit any evidence of not being subject to EU restrictive measures.

### 3.2.2. Economic and financial capacity

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

Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last three financial years above EUR 5.500.000,00
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<ul style="list-style-type: none"> <li>• Copy of the profit and loss accounts and balance sheets for the last three years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.</li> <li>• Complete the attached <i>Annex 9</i> 'Simplified Financial Statement'</li> </ul>

☞ The evidence of economic and financial capacity must be provided with the tender.

<sup>16</sup> Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

### 3.2.3. Technical and professional capacity

☞ With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. The entity on whose capacity the tenderer relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.4.2.

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Criterion T1	
The tenderer must prove experience in the field of developing IT systems	
<b>Minimum level of capacity</b>	At least 2 similar (in scope and complexity) projects completed in the last three years preceding the tender submission deadline, with a minimum value for each of them € 500 000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<p>A Project References List as <b>Annex 10</b> meeting the minimum level of capacity. The list shall include details of</p> <ul style="list-style-type: none"> <li>• customer, contact name, telephone number and address,</li> <li>• start and end date</li> <li>• amount and brief description of services provided,</li> </ul> <p>In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference, the contracting authority may request statements issued by the clients and take contact with them.</p>

Criterion T2	
The tenderer must prove experience in the field of maintaining IT systems	
<b>Minimum level of capacity</b>	At least 2 similar (in scope and complexity) projects completed in the last three years preceding the tender submission deadline, with a minimum value for each of them € 500 000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<p>A Project References List as <b>Annex 10</b> meeting the minimum level of capacity. The list shall include details of</p> <ul style="list-style-type: none"> <li>• customer, contact name, telephone number and address,</li> <li>• start and end date</li> </ul>

	<ul style="list-style-type: none"> <li>• amount and brief description of services provided,</li> </ul> <p>In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference, the contracting authority may request statements issued by the clients and take contact with them</p>
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Criterion T3	
The tenderer must prove experience in the field of cybersecurity as well as capacity to work and provide deliverables in English language.	
<b>Minimum level of capacity</b>	At least 2 similar (in scope and complexity) projects in the last three years preceding the tender submission deadline, with a minimum value for each of them € 500 000 showing the necessary language coverage.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<p>A Project References List as <i>Annex 10</i> meeting the minimum level of capacity. The list shall include details of</p> <ul style="list-style-type: none"> <li>• customer, contact name, telephone number and address,</li> <li>• start and end date</li> <li>• amount and brief description of services provided,</li> </ul> <p>In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference, the contracting authority may request statements issued by the clients and take contact with them.</p>

Criterion T4	
The tenderer must prove to have a team of persons capable and available of carrying out the tasks and delivering the results as described and within the time frame in the Technical Specifications.	
<b>Minimum level of capacity</b>	<p>The project team must include, at a minimum, the following profiles:</p> <ul style="list-style-type: none"> <li>• One (1) Project Manager (who will be the contact point) <ul style="list-style-type: none"> <li>◦ Completed university studies (Bachelor's Degree/Level 6 of the European</li> </ul> </li> </ul>

Qualifications Framework (EQF)<sup>17</sup>) attested by a diploma in Business Administration, Computer Science, Computer Engineering or equivalent

- With at least five (5) years of experience in project management, including responsibility for overseeing project delivery, quality control of services provided, client relations, and conflict resolution.
- Management of projects with a minimum value of €250,000, and have experience in leading project teams of at least ten (10) individuals.

**Minimum Core Team Members:** The minimum level of education required for each core team member is indicated in section 2.1.2 of the technical specifications.

The members of the core team, must have mid-level (at least 3 years) and senior level (at least 5 years) of professional job experience in the specific profile.

These core team members must include the following profiles (and one them must explicitly indicated as the backup of the contact point):

- Two (2) Solution Architect
- Two (2) Network/Infrastructure Architect
- Two (2) Software Architects
- Two (2) Business Analysts
- Ten (10) Software Developers
- Two (2) Software Testers
- Two (2) Security Architects
- Two (2) System Administrator

Regarding the division mid level and senior for the :

- Software Developer 6 must be Mid-level profiles and 4 Senior-level profiles
- The remaining ones (Solution Architect, Network/Infrastructure Architect etc) they must be one Mid-level profile and one Senior-level profile.

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<sup>17</sup> [Description of the eight EQF levels | Europass](#)

<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<p>A list of educational and professional qualifications, submitted in the form of a Curriculum Vitae (CV), is required for each team member. The preferred format for the CV is the Europass format. The CVs must indicate the educational background, language proficiency in English (minimum level B2 as per the Common European Framework of Reference for Languages), professional experience, and technical expertise.</p> <p>Additionally, the CVs must clearly indicate the exact start and end dates for each position held. The contracting authority reserves the right to conduct telephone interviews to verify the accuracy of the information provided in the CVs and to assess compliance with the specific requirements outlined in this tender.</p> <p>The precise contractual link with the tenderer must be specified.</p>

#### Criterion T5

The tenderer must prove the highest degree of professional integrity, independence, responsibility, and ensures the permanence/continuity of technical competence.

<b>Minimum level of capacity</b>	At least 1 document that has been issued or implemented by the tenderer
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	Documentation, Code of Conduct and Ethics, or equivalent and evidence that the entity has established relevant training programs for its personnel

#### Criterion T6

The tenderer must prove having security of their IT systems and processes and any hardware and software (including development environment) used for the delivery of the services, including keep the systems up to date

<b>Minimum level of capacity</b>	At least 1 document that has been issued or implemented by the tenderer
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	Documentation describing how the tenderer ensures the security of their IT systems including of any hardware and software used during the delivery of the services. This includes, governance of the IT security, vulnerability

	management policy, patch management policy and information security policy or equivalent
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Criterion T7	
The tenderer must prove that its governing structure is transparent, not likely to compromise its impartiality and the quality of its services or to cause conflicts of interest	
<b>Minimum level of capacity</b>	At least 1 document that has been issued or implemented by the tenderer
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	Documentation on the governance structure related to service delivery and the process used to identify and declare conflict of interest.

Criterion T8	
The tenderer must prove experience using secure coding practices in their projects.	
<b>Minimum level of capacity</b>	At least 1 document that has been issued or implemented by the tenderer
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	Documentation describing how the tenderer ensures integrating security testing at every stage of the software development process (DevSecOps) and/or applying other practices to ensure secure software development lifecycle.

All of the above-specified evidence of technical and professional capacity must be provided with the tender.

☞ Involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to professional conflicting interests which may negatively affect the contract performance. Where the contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (*Annex 5.1 and Annex 5.2*).

When evaluating the tenders submitted in the present procedure for the award of framework contract, the contracting authority may consider the risk of professional conflicting interests with reference to the nature and subject of the specific contracts under the framework contract.

Further details and obligations concerning professional conflicting interests are set out in the draft contract.

### **3.3. Compliance with the conditions for participation and minimum requirements specified in the procurement documents**

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenderers must declare when submitting their tenders in eSubmission whether their tenders comply with the minimum requirements specified in the procurement documents.

**👉 Tenders that are not compliant with the applicable minimum requirements shall be rejected.**

### **3.4. Award criteria**

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender in accordance with the award method indicated below.

#### **Price (P): max. 30 points (of 100 total quality points)**

A maximum of 30 points will be obtained by the tender offering the lowest price  $P_{min}$ , which is compliant with the Tender Specifications and submitted by a tenderer not in an exclusion situation.

The other tenders shall be given (ranked) points according to the following formula:  $P = (P_{min}/P_o) \times 30$

Where:

P: price points of each offer

$P_o$ : price of each offer (Total price)

$P_{min}$ : lowest price (Total price) amongst compliant offers

#### **Technical quality (TQ): max. 70 points (of 100 total quality points)**



The quality of the tender will be evaluated based on the following criteria:

<b>Qualitative award criteria</b>			
No	Sub-criterion	Assessment methodology	Scoring* (max. points)
<b><i>Quality of the methodological approach and delivery management – 70 points</i></b>			
1.	Project purpose, scope, timeline, roles and responsibilities – overall quality of description, adherence to relevant best practices and standards	Quality of the technical proposal as per technical specification requirements (Project Charter, Project Team Structure, Security clearance <sup>18</sup> for core team members)	15
2.	Quality of proposed service level agreement	Quality of Service Level Requirements proposal	5
3.	Breakdown into work packages, including high level description– understanding of ENISA needs, quality of description of proposed services	Quality of the WBS	10
4.	Measures to ensure provision of the services at requested quality	Quality of Software development approach, Quality assurance management, Hosting and deployment strategy	15

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<sup>18</sup> EU or NATO equivalent

5	Project Plan (timeline and implementation roadmap with milestones) - timeliness and quality of organization of work	Quality of project plan	10
6	Measures to ensure effective change management	Quality Change management	5
7	Risk analysis and measures to minimize risk of the project	Quality Project risk management	5
8	Measures to ensure effective communication among internal and external stakeholders	Quality of Stakeholder Communication Management	5
<b><i>Quality of the Response to Scenarios – 30 points</i></b>			
9	Scenario 1 as per Section 5 of the Technical Specification	Quality of the technical and organizational solutions proposed	15
10	Scenario 2 as per Section 5 of the Technical Specification	Quality of the technical and organizational solutions proposed	15
<b>Total Qualitative Points (QP)</b>			<b>100</b>

***\*Each item of the above will be scored as follows up to 2 decimals (eg. 15,23 or 7,05):***

Excellent (100% of maximum points):	The proposal thoroughly addresses all relevant aspects of the criterion, demonstrating exceptional quality and high added value.
Very Good (80% of maximum points)	The proposal effectively meets the criterion with only minor shortcomings, showcasing significant added value and a strong understanding of the subject matter.
Good (60% of maximum points)	The proposal adequately addresses the criterion, with minor shortcomings that do not detract significantly from its overall value.

Fair (40% of maximum points)	The proposal shows notable weaknesses but still contributes some value; however, it lacks depth in several areas.
Limited (20% of maximum points)	The proposal presents some relevant information but lacks clarity and depth, with significant gaps that hinder a proper assessment of its value.
Poor (0% of maximum points)	The proposal provides very little information and fails to allow for a proper assessment of any added value.

### **Minimum attainment per criterion**

Offers scoring less than 50% for any sub-criterion will be deemed to be of insufficient quality and eliminated from further consideration.

### **Minimum attainment overall**

Offers scoring less than 60/100 overall, after the quality award criteria evaluation phase will be considered to be of insufficient quality and eliminated from the following phase

### **3.5. Award (ranking of tenders)**

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

$$TS = TQ + P$$

where

TS - Total points of the tender under consideration

TQ - Technical quality points of the tender under consideration

P - Price points of the tender under consideration

Should the outcome of the formula lead to two or more tenders with the same result, the tenders with lower price will be ranked higher than the tenders with higher price.

☞ The multiple framework contracts in cascade shall be awarded to the first 3 ranked tenders, which comply with the minimum requirements specified in the procurement documents and are submitted by tenderers not subject to restrictive measures, having access to procurement, not in an exclusion situation and fulfilling the selection criteria. The ranking will determine the sequence in which the contractors will be offered specific contracts during the implementation of the framework contracts.

If there is only one ranked tenderer, the contracting authority may decide to cancel the procurement procedure or sign a single framework contract instead.

**🔊 Detection of abnormally low tenders**

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.

## 4. FORM AND CONTENT OF THE TENDER

### 4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the link below:

[https://wikis.ec.europa.eu/display/FTPPortal/Open+procedures\\_EN](https://wikis.ec.europa.eu/display/FTPPortal/Open+procedures_EN)

☞ Make sure you prepare and submit your tender in eSubmission early enough to ensure it is received within the deadline indicated under Section 5.1.12 of the contract notice and/or on Funding &Tenders Portal (F&T Portal)<sup>19</sup>.

### 4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in eSubmission are listed in *Annex 1*.

The following requirements apply to the technical and financial tender to be uploaded in eSubmission:

- Administrative Identification form *Annex 11*.

Each tenderer (and each member of a consortium) will insert the information into the corresponding cells related to its identification details.

- *Technical offer*.

The technical tender must provide all the information needed to assess the compliance with the Technical specifications document (Tender specifications – part 2) and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

Tenderers are free to choose where the personal data will be processed or stored as long as they comply with the contractual obligations on data processing (Art.I.9.2 and Art. II.9) and, in particular, with the requirements for transfer of personal data to third countries and international organisations laid down in Chapter V of Regulation (EU) 2018/1725<sup>17</sup>.

- *Financial offer*.

A complete financial tender needs to be submitted. For this purpose, the Financial Model in *Annex 6* shall be used.

The financial tender shall be:

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<sup>19</sup> <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

<sup>17</sup> [Regulation \(EU\) 2018/1725 of 23 October 2018](#) on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39, 21.11.2018

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.
- specify prices (not zero (0)) profiles listed in subsections of the Financial offer. Failure to do so as well as modifying the formulas will lead to the rejection of the tender.

☞ The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact its national authorities to clarify the way in which the European Union is exempt from VAT.

### 4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or, preferably, a qualified electronic signature (QES) as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

Tenderers are strongly encouraged to sign with a QES<sup>20</sup> all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the tenderer (in case of a joint tender – the Declarations on Honour of all group members);
- (in the case of a joint tender) the Agreement/Power(s) of attorney drawn up using the model attached in **Annex 3**.

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence

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<sup>20</sup> See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

(copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

#### **4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?**

Once the contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, bodies and agencies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff, provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision, tenderers whose tenders were received in accordance with the submission modalities, who are not subject to restrictive measures, have access to procurement, who are not found to be in an exclusion situation referred to in Article 138(1) of the FR, who are not rejected under Article 143 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing, will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and its total financial tender amount. The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial tender, technical or trade secrets<sup>21</sup>.
- The contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure<sup>22</sup>, the contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

👉 The contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

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<sup>21</sup> For the definition of trade secrets please see Article 2 (1) of [Directive \(EU\) 2016/943 on the protection of undisclosed know-how and business information \(trade secrets\) against their unlawful acquisition, use and disclosure](#).

<sup>22</sup> See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).





## **APPENDIX: LIST OF REFERENCES**

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.4.3
<i>EU Validation services</i>	See Section 2.3 <a href="#">EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment</a>
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	<a href="#">Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast)</a>
<i>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.7
<i>Group leader</i>	See Section 2.4.1
<i>Group member</i>	See Section 2.4.1
<i>Identified subcontractors</i>	See Section 2.4.2
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.4.1
<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 2.3

	<a href="https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register">https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register</a>
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.4
<i>Subcontracting/subcontractor</i>	See Section 2.4.2
<i>Treaties</i>	The EU Treaties: <a href="https://europa.eu/european-union/law/treaties_en">https://europa.eu/european-union/law/treaties_en</a>