

Ljubljana, 20.07.2016
 ACER-INT-2016- 335

**REPORT OF THE
 EVALUATION COMMITTEE
 ON THE EXCLUSION AND SELECTION CRITERIA**

1. Contract references

Title of contract: Provision of IT hosting services for the Agency for the Cooperation of Energy Regulators

Reference number: Contract notice published in the Official Journal of the European Union (OJ EU) S 103 on 31.05.2016

Contracting authority: Agency for the Cooperation of Energy Regulators, Trg republike 3, 1000 Ljubljana, Slovenia

Type of procedure: Open tender procedure

2. Working method of the evaluation committee

The evaluation was performed by an evaluation committee appointed by the responsible authorising officer.

The members of the evaluation committee involved in the evaluation have held meetings according to the following schedule:

Date	Place	Topic discussed
13.07.2016 from 09:30 to 12:30 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of exclusion and selection criteria
13.07.2016 from 13:30 to 17:00 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of exclusion and selection criteria
14.07.2016 from 09:30 to 13:00 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of exclusion and selection criteria
14.07.2016 from 14:00 to 17:00 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of exclusion and selection criteria
15.07.2016 from 09:30 to 12:30 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of exclusion and selection criteria
15.07.2016 from 13:30 to 16:00 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of exclusion and selection criteria
19.07.2016 from 16:00 to 18:00 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of exclusion and selection criteria
20.07.2016 from 14:30 to 15:00 h	Agency for the Cooperation of Energy Regulators, meeting room	Verification of selection criteria

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3. Access to market

The evaluation committee examined whether the tenderers have access to the market of the European Union pursuant to Articles 119 and 120 of the Financial Regulation.

All of them were found to have access to EU public procurement contracts. The results of the verification are as follows:

N°	Name	Place of establishment or domicile	Access to market	Comments
1	TELEKOM SLOVENIJE, d.d.	Slovenia	YES	Not applicable.
2	INFORMATIKA d.d.	Slovenia	YES	Not applicable.

4. Verification of exclusion criteria (declaration)

The provision of declarations on honour, dated and signed, stating that the tenderers are not in one of the exclusion or rejection situations referred to in Articles 106 and 107 of the Financial Regulation, has been verified.

The Early Detection and Exclusion System has been checked.

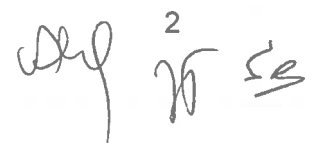
The results of the verification of exclusion criteria are as follows:

N°	Name	Declaration received in due form	Further request (date)	Accepted, rejected or excluded	Comments
1	TELEKOM SLOVENIJE, d.d.	YES*	The request for clarification was sent on 15.07.2016 at 21:01 h.	Accepted.	The tenderer clarified the declaration and provided a new duly filled in declaration.
2	INFORMATIKA d.d.	YES	Not applicable.	Accepted.	Not applicable.

Tenderer n° 1 (TELEKOM SLOVENIJE, d.d.) was requested to clarify the declaration presented. According to the declaration, the tenderer stated they that they *'have distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure'* and that they *'have not provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure'*.

The clarification has been requested by e-mail. The tenderer was asked to provide the clarification within two (2) working days, informing him that he would be rejected if the clarification was not sent by e-mail before the deadline indicated.

The following tenderer provided the clarification requested during the evaluation:
- n° 1 (TELEKOM SLOVENIJE, d.d.) – on 19.07.2016 at 16:52 hours.

Handwritten signature and initials, including a circled '2' and a checkmark.

5. Verification of selection criteria

The tenders were examined on the basis of their legal capacity, financial and economic and technical and professional capacity based on the criteria published in the procurement documents.

As requested in the procurement documents, the following tenderers were asked to provide the following documents for the purpose of verification of selection criteria:

- **n° 1 (TELEKOM SLOVENIJE, d.d.)** – shortcoming in fulfilment of selection criteria in reference to Annex I Tender specifications – point 17.2: an evidence of valid professional risk insurance cover(s); point 17.3.1: a statement of the average annual manpower and the number of managerial staff; point 17.3.4: provision of services of the type as requested in this tender for a total invoiced amount (i.e. total amount effectively invoiced to the customer(s)) of at least EUR 500,000.00 in each of the years 2014 and 2015; point 17.3.5: a description of the tenderer's policy on the use of subcontractors; point 17.3.6: a detailed description of the human resources available for the performance of the work required; point 17.4: information regarding the quality control measures the tenderer intends to apply on the tasks to be carried out by (each of) the subcontractor(s).

- **n° 2 (INFORMATIKA d.d.)** – shortcoming in fulfilment of selection criteria in reference to Annex I Tender specifications – point 17.2: an evidence of valid professional risk insurance cover(s); point 17.3.6: a detailed description of the human resources available for the performance of the work required; point 17.4: a declaration, stating clearly the identity and roles of the subcontractors.

The documents have been requested by e-mail. Tenderers were asked to provide the documents within two (2) working days, informing them that they would be rejected if those documents were not sent by e-mail before the deadline indicated.

The following tenderers provided the documents requested during the evaluation:

- **n° 1 (TELEKOM SLOVENIJE, d.d.)** – on 19.07.2016 at 16:52 hours,
- **n° 2 (INFORMATIKA d.d.)** – on 18.07.2016 at 16:23 hours.

The clarification/additional information provided by the tenderer **n° 1 (TELEKOM SLOVENIJE, d.d.)** was not complete, namely there were shortcomings in fulfilment of selection criteria in reference to Annex I Tender specifications – point 17.3.6: a detailed description of the human resources available for the performance of the work required.

Further clarification has been requested by e-mail. The tenderer **n° 1 (TELEKOM SLOVENIJE, d.d.)** was asked to provide clarification within one (1) working day, informing him that he would be rejected if the clarification was not sent by e-mail before the deadline indicated.

The following tenderer provided the documents requested during the evaluation:

- **n° 1 (TELEKOM SLOVENIJE, d.d.)** – on 20.07.2016 at 10:05 hours.

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The results of the verification of selection criteria are as follows:

N°	Name	Accepted or rejected	Comments
1	TELEKOM SLOVENIJE, d.d.	Accepted.	The tenderer provided the requested clarification/additional information and was as a result in compliance with the selection criteria.
2	INFORMATIKA d.d.	Accepted.	The tenderer provided the requested clarification/additional information and was as a result in compliance with the selection criteria.

6. Compliance with technical specifications




Compliance of tenders with the tender specifications was checked.

All tenders were found to be compliant with the minimum requirements of the tender specifications.

The results of the compliance check are as follows:

No	Name	Compliant	Comments
1	TELEKOM SLOVENIJE, d.d.	YES	Not applicable.
2	INFORMATIKA d.d.	YES	Not applicable.

7. Name, date and signature of the persons verifying the exclusion and selection criteria:

Names	Department	Date	Signature
Stefano BRACCO	Director's Office	LJU, 20/7/2016	
Aleksandra ZGORZAK	Market Monitoring Department	Ljubljana 20/07/2016	
Jan ŠORLI	Market Monitoring Department	LJUBLJANA, 22/07/2016	

EVALUATION GRID FOR EXCLUSION AND SELECTION CRITERIA

Invitation to tender no. ACER/OP/MMD/04/2016

	Tenderer no. 1 TELEKOM		Tenderer no. 2 INFORMATIKA	
	YES/NO/ N.A.	Remarks	YES/ NO/N.A.	Remarks
EXCLUSION CRITERIA				
Dully filled in, signed and dated declaration on honour on exclusion criteria.	YES *	Add. info. provided	YES	/
SELECTION CRITERIA				
17.1 Legal capacity				
Form "Identification of the tenderer"	YES	/	YES	/
Financial identification form	YES	/	YES	/
Legal entity form	YES	/	YES	/
Certificate of enrolment on the professional or trade register in accordance with the legislation of the Member State in which the tenderer is established.	YES	/	YES	/
17.2 Economic and financial capacity				
Evidence of valid professional risk insurance cover(s) concerning the services covered by the FWC with a detailed description of the covers and restrictions in English. The professional risk insurance cover shall have a limitation of at least EUR 500,000 per claim . The Contractor's professional risk insurance cover(s) shall remain valid for a period of twelve (12) months after the FWC expires or after the FWC is terminated.	YES *	Add. info. provided	YES *	Add. info. provided
A statement of overall turnover and turnover concerning the services covered by the FWC during the last two (2) financial years. The turnover concerning the services covered by the FWC should amount to at least EUR 1,500,000.00 per year for the last two (2) financial years.	YES	/	YES	/

NAME and SURNAME:

Stefano BRACCO

Aleksandra ZGORZAK

SIGNATURE:

Stefano Bracco

Aleksandra Zgorzak 20/07/16

Jan ŠORLI

Date: ~~20-07-2016~~

SIGNATURE:

Jan Šorli

	Tenderer no. 1 TELEKOM		Tenderer no. 2 INFORMATIKA	
	YES/ NO/ N.A.	Remarks	YES/ NO/N.A.	Remarks
17.3 Technical and professional capacity				
The average annual manpower of at least 100 employees, excluding the managerial staff, over the last two years. <u>Evidence to be provided:</u> A statement of the average annual manpower and the number of managerial staff over the last two (2) years fulfilling the abovementioned criteria.	YES *	Add. info. provided	YES	/
ISO/IEC 27001 or equivalent certification in the field of datacentre operations. <u>Evidence to be provided:</u> Copies of the certifications held in the field of datacentre operations fulfilling the abovementioned criteria.	YES	/	YES	/
At least three (3) years' experience in the business domain (hosting) with at least two (2) contracts, each in the value of at least EUR 1,000,000.00 , implemented by the tenderer during the last three (3) years. The tenderer's references must be relevant to these tender specifications (i.e. IT hosting services). <u>Evidence to be provided:</u> Statement describing experience of the tenderer in the business domain (hosting) fulfilling the abovementioned criteria and details of at least two (2) major contracts, relevant to these tender specifications, implemented by the tenderer during the last three (3) years which have to include at least the scope, duration, value and the customer, fulfilling the abovementioned criteria.	YES	/	YES	/
Provision of services of the type as requested in this tender for a total invoiced amount (i.e. total amount effectively invoiced to the customer(s)) of at least EUR 500,000.00 in each of the years 2014 and 2015. <u>Evidence to be provided:</u> Name(s) of customer(s), a brief description of services undertaken, total financial volume of the contract(s) upon initial signature and total financial volume of the contract(s) effectively delivered (i.e. total amount effectively invoiced to the customers) in the years 2014 and 2015 fulfilling the abovementioned criteria.	YES *	Add. info. provided	YES	/
Tenderer's policy on the use of subcontractors, the means of ensuring quality when subcontractors are used and the escalation mechanisms in case of unsatisfactory performance. <u>Evidence to be provided:</u> A description of the tenderer's policy on the use of subcontractors fulfilling the abovementioned criteria.	YES *	Add. info. provided	YES	/

NAME and SURNAME:

Stefano BRACCO

Aleksandra ZGORZAK

SIGNATURE:





Jan ŠORLI

Date: _____

20-07-2016

SIGNATURE:



	Tenderer no. 1 TELEKOM		Tenderer no. 2 INFORMATIKA	
	YES/ NO/ N.A.	Remarks	YES/ NO/N.A.	Remarks
<p>The team delivering the services includes, as a minimum, an adequate number of experts for each profile described in Annex I.A (point 3); i.e. at least two (2) experts for each profile. Each of the proposed experts must fulfil the minimum levels of qualifications and professional experience applicable for a respective profile as described in Annex I.A (point 3).</p> <p><u>Evidence to be provided:</u> A detailed description of the human resources available for the performance of the work required, including subcontractors. The tenderer shall include Curricula Vitae (CVs) showing clearly their qualifications and professional experience within the relevant business area. The Tenderer shall provide two CVs for each profile described in Annex I.A (see point 3).</p>	YES *	Add. info. provided	YES *	Add. info. provided
<p>17.4 Subcontracting</p> <p>For those tenders including subcontracting, the tenderer must submit:</p> <ul style="list-style-type: none"> - A declaration of the tenderer, duly signed and dated, stating clearly the identity and roles of the subcontractor(s) as well as the description of the quality control measures the tenderer intends to apply on the tasks to be carried out by (each of) the subcontractor(s). - A letter of intent by (each of) the subcontractor(s), duly signed and dated, stating the unambiguous undertaking to collaborate with the tenderer if the latter wins the FWC and the extent of the resources that it will put at the tenderer's disposal for the performance of the FWC. <p>In the absence of subcontracting:</p> <ul style="list-style-type: none"> - A declaration of the tenderer, duly signed and dated, stating that he does not intend to subcontract and that he will inform the Agency about any change in this situation. The Agency reserves the right to judge if such change would be acceptable. 	YES *	Add. info. provided	YES *	Add. info. provided
<p>17.5 Tenders submitted by a consortium or grouping of service providers</p> <ul style="list-style-type: none"> - A document stating clearly the composition and constitution of the grouping or similar entity (company/temporary association/...), or the legal form their cooperation will take, should they be awarded the FWC; - A letter dated and signed by each member stating its commitment to execute the services in the tender clearly indicating its role, qualifications and experience; - A document dated and signed by all members specifying the lead of the consortium or grouping of service providers and authorising the appointed lead of the consortium or grouping of service providers to submit the offer. 	Not applicable	/	Not applicable	/

NAME and SURNAME:

Stefano BRACCO

Aleksandra ZGORZAK

SIGNATURE:





Jan ŠORLI

Date: _____

20-07-2016

SIGNATURE:

