

AWARD DECISION

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

Reference number: *Procurement procedure no. ACER/OP/MMD/04/2016*

THE CONTRACTING AUTHORITY,

Having regard to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 17(1) thereof,

Having regard to Decision AB No 22/2013 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 12 December 2013 on the adoption of the Financial Regulation of the Agency for the Cooperation of Energy Regulators, and, in particular, Article 85 thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union² (hereinafter referred to as "the Financial Regulation"), as amended, and, in particular, Articles 111(5) and 113(1) thereof,

Having regard to Commission Delegated Regulation No 1268/2012 of 29 October 2012 on the rules of application of Regulation 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union³ (hereinafter referred to as "the Rules of Application"), as amended, and, in particular, Article 159(3) thereof,

Having regard to the attached Evaluation Report,

Whereas:

- (1) An evaluation was carried out pursuant to Articles 110 and 111(5) of the Financial Regulation to assess the tenders submitted under the above-mentioned procurement procedure and to propose to whom the contract should be awarded.

¹ OJ L 211, 14.8.2009, p.1.

² OJ L 298, 26.10.2012, p.1.

³ OJ L 362, 31.12.2012, p.1.

- (2) An Evaluation Committee was appointed pursuant to Article 158(1) and (2) of the Rules of Application and it drafted the attached Evaluation Report pursuant to Article 159(1) and (2) of the Rules of Application.
- (3) The Evaluation Report contains the information required under Article 159(2) of the Rules of Application,
- (4) The Contracting Authority further heard the Evaluation Committee to gather additional clarifications as regards the evaluation of the tenders, the results of which have been recorded in the Note to the File enclosed to this Decision.

HAS ADOPTED THIS DECISION:

Article 1

The Evaluation Report, attached to this decision, is hereby approved.

Article 2

It is decided to award the framework contract to **INFORMATIKA informacijske storitve in inženiring d.d., Vetrinjska ulica 2, 2000 Maribor, Slovenia**, based on the following justification with respect to the selection and award criteria set out in the tender specifications: the offer received from **INFORMATIKA d.d.** was considered in conformity at the opening session, met all requirements of the technical specifications and passed the quality criteria threshold. Further, **INFORMATIKA d.d.** submitted economically the most advantageous tender on the basis of the award criteria set out in the tender specifications and in the descriptive documents therein (achieving the highest mark for the final score, obtained on the basis of the formula indicated in the procurement documents).

Article 3

It is established to earmark **EUR 6,000,000.00** (six million euros) as the budget ceiling for the performance of the resulting contract over its whole period of validity, including possible renewals, covering a maximum of four (4) years from its date of entry into force.

The Agency reserves the right to apply Article 134(1)(e) of the Commission Delegated Regulation No 1268/2012 of 29 October 2012 on the rules of application of Regulation 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union⁴.


Alberto ROTOTSCHNIG
Director

Enclosures:

- *Evaluation report*
- *Note to the file*

⁴ OJ L 362, 31.12.2012, p.1.