

Ljubljana, 13.09.2016  
ACER-INT-2016-371

## NOTE TO THE FILE

**Subject:** *Application of the award criteria for the procurement procedure no. ACER/OP/MMD/04/2016 for the provision of IT hosting services for the Agency for the Cooperation of Energy Regulators*

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

### 1. Background information

The Evaluation Committee, appointed by the Authorising Officer, carried out the evaluation of tenders submitted under the above-mentioned procurement procedure.

Based on the advisory opinion of the Evaluation Committee, which is also noted in the report, the Authorising Officer further heard the Evaluation Committee to gather additional clarifications as regards the evaluation of the tenders.

The aim of this Note to the File is to collect all the available elements to arrive at an overall evaluation of the offers submitted by the two tenderers, as regards their inherent economic advantages and their potential comparability. This assessment does not alter in any way the proposals submitted by the tenderers, but intends only to provide the Authorising Officer with additional element to inform his award decision.

### 2. Summary of the evaluation of award criteria

The tenders were evaluated and ranked on the basis of the criteria announced in the tender specifications without modification (details provided in the Report of the Evaluation Committee on the award criteria).

#### 2.1. Technical quality criteria, with 65% weighting

Summary of points for technical quality criteria:

N°	Name of tenderer	Total score for technical quality	Weighted score for technical quality criteria (65% weighting)
1	TELEKOM SLOVENIJE, d.d.	78.00	50.70
2	INFORMATIKA d.d.	66.00	42.90

## 2.2. Price, with 35 %weighting

The tenderers that passed all technical quality thresholds were evaluated according to the total reference price.

According to the tender specifications the reference price was based on two (2) financial proposals which each tenderer had to include in the offer. The two (2) financial proposals had to be prepared on the basis of the case study as described in Annex I.B to the tender specifications.

As stated in Annex I.B to the tender specifications, the case study is a fictional exercise where the tenderers had to propose their technical solution. In this regard some parameters for services as well as quantities were not set (e.g. the estimations for capacity planning, key software architectural elements, security related services, etc.) since these depend on the solution proposed.

Due to different technical solutions used by the tenderers for the case study, the financial proposals presented by the tenderers had different structures.

The formula for calculating the total reference price, as indicated in the tender specifications, is:

	DESCRIPTION	All-inclusive price in EUR	Weighting factor	VALUE
A	B	C	D	E = C * D
1	Financial proposal for the case study for a period of one (1) year		50%	
2	Financial proposal for the case study for a period of two (2) years		50%	
TOTAL REFERENCE PRICE = VALUES 1 + 2				

The summary of the calculation of the total reference price, after applying the arithmetic corrections is as follows:

N°	Name of tenderer	Total reference price (in EUR)	Points for total reference price
1	TELEKOM SLOVENIJE, d.d.	3,754,406.08	35.55
2	INFORMATIKA d.d.	1,334,792.40	100.00

## 3. Analysis of the case studies and the related financial proposals submitted as a part of the tenders

The analysis focused on the costs of the fictional case study which were not specified in detail in the tender specifications and which led the Evaluation Committee to the conclusion that *"Evaluation Committee considers not to be able to perform the financial evaluation and therefore conclude the evaluation."*

The technical proposals for the case study, as presented by each tenderer, included all the necessary components as required in the tender specifications and therefore proved to be sufficient to provide the services in case the framework contract is awarded. In this respect the narrative part (i.e. technical solutions for the case study) supports the financial offers, while the financial offers presented by the tenderers used different schemas and templates.

### 3.1. Tenderer no. 1 - TELEKOM SLOVENIJE, d.d.

In the technical proposal there were some discrepancies found in respect to some items being included and which may have been expected but not specifically indicated.

Item B (secondary site) was included in the financial proposal for the case study although it was not requested therefore this item could be deducted from the financial proposal.

The price related to item D4, whose quantities were not defined in the case study, seems to be excessive<sup>1</sup> and taking into account that item B was not needed, half of the quantities of item D4 may not be needed either. This was further supported by the proposed solution description which in the narrative part would have not requested the use of a secondary site. Therefore this could be deducted proportionally from the financial proposal.

### **3.2. Tenderer no. 2 – INFORMATIKA d.d.**

The case study did not specify the minimum quantities for items D1, D2 and D3 but only mentioned these as '*the estimations*'. In order to align the financial proposals of both tenderers the same reference quantities could be applied, resulting in adding the corresponding costs to the financial proposal.

The technical proposal for the case study included and listed two items of each piece of main hardware components, but it was not clear if these items were included in the respective financial offer. In addition, the case study as described in the tender specifications did not include the minimum number of these items to be provided as well as the mapping of these items to logical components which would then be used for the purpose of the financial evaluation.

This would require two different scenarios when aligning the financial proposals:

- Tenderer no. 2 – scenario 1 – the assumption is the hardware included in the financial proposal is two pieces per item, as presented in the technical solution for the case study.
- Tenderer no. 2 – scenario 2 – the assumption is the hardware included in the financial proposal is one piece per item, but this was not supported by the descriptive part of the presented technical solution for the case study;

Based on the information above the analysis below assesses possible variations, discrepancies as well as differences of the proposed financial proposals with the aim to make these comparable for the benefit of the determination of the Authorising Officer.

### **3.3. Aligning the financial proposal of tenderer no. 2 – INFORMATIKA d.d.**

For Tenderer no. 2 the committee provided two (2) scenarios with more complexity therefore the analysis takes into account the alignments of the financial proposal of tenderer no. 2.

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<sup>1</sup> At the end of 2010, the Agency spent the same amount in order to set up the full Agency networking infrastructure which is comparable to the one offered by the tenderers. Also the quantities are comparable to what the Agency acquired for its own internal needs.

This shows that, since the Agency is still running its systems with the same original cost, the price requested would have covered in one year the full cost of the acquisition of devices needed including a reasonable operational margin. In the second year the price would have been only marginal as the costs would have been paid during the first year. Further, an ex-post evaluation based on the asset inventory highlighted that the cost for a similar infrastructure would have been a bit less than the price for the Agency, to set up its own networking infrastructure. Even for hosting, this would have been strange, also considering that the same hardware is not "project specific" but can be re-used in other projects, without a relevant loss of value due to depreciation linked to the obsolescence of products. In essence, paying every year the same price would have been already suspicious in the first year; and in the second year the price for item D4 should have been reduced considerably.

When applying scenarios the applicable correction for the financial proposal for 12 months would be the following:

**Proposed corrections (additions) for Tenderer 2**

Item Code	Quantity Offered	Target quantities not clearly expressed	Unit price as from the Financial Offer	Additional costs for 12 months for scenario 1	Additional costs for 12 months for scenario 2
D1	126	495	35	154,980	102,060
D2	335	1,380	5	62,700	42,600
D3	16	30	307	51,576	0
				<b>269,256</b>	<b>144,660</b>

The reference prices for scenario 1:

**Scenario 1 - With all additional costs and with the assumption that one piece of hardware is offered (instead of two)**

<b>Tenderer 2 - INFORMATIKA d.d.</b>				
	Description	All-inclusive price in EUR	Weighting factor	Value
A	B	C	D	E = C x D
1	Financial proposal for the case study for a period of one (1) year	1,159,117.60	50.00%	579,558.80
2	Financial proposal for the case study for a period of two (2) years	2,318,235.20	50.00%	1,159,117.60
<b>TOTAL REFERENCE PRICE = VALUES 1 + 2</b>				<b>1,738,676.40</b>

The reference prices for scenario 2:

**Scenario 2 - With all additional costs and with the assumption that two pieces of each hardware is offered**

<b>Tenderer 2 - INFORMATIKA d.d.</b>				
	Description	All-inclusive price in EUR	Weighting factor	Value
A	B	C	D	E = C x D
1	Financial proposal for the case study for a period of one (1) year	1,034,521.60	50.00%	517,260.80
2	Financial proposal for the case study for a period of two (2) years	2,069,043.20	50.00%	1,034,521.60
<b>TOTAL REFERENCE PRICE = VALUES 1 + 2</b>				<b>1,551,782.40</b>

In order to calculate the value of the financial proposal for the case study for a period of two (2) years, the value of the financial proposal for the case study for a period of one (1) year was doubled.

The same rule was applied to Tenderer no. 1 by analogy.

Following the corrections of the financial proposals of Tenderer no. 2, taking into account the two scenarios of tenderer no. 2, the outcome of the financial evaluation would be as follows:

- Evaluation after applying scenario 1 for Tenderer no. 2:

TENDERER	Weighted points for technical quality	Weighted points for price	Total points	RANKING
Tenderer 1 - TELEKOM SLOVENIJE, d.d.	50.70	16.61	67.31	2
Tenderer 2 - INFORMATIKA d.d.	42.90	35.00	77.90	1

- Evaluation after applying scenario 2 for Tenderer no. 2:

TENDERER	Weighted points for technical quality	Weighted points for price	Total points	RANKING
Tenderer 1 - TELEKOM SLOVENIJE, d.d.	50.70	14.47	65.17	2
Tenderer 2 - INFORMATIKA d.d.	42.90	35.00	77.90	1

### 3.4. Aligning the financial proposal of tenderer no. 1 – TELEKOM SLOVENIJE, d.d.

The correction to the financial proposals of Tenderer no. 1 includes the deduction of some items and some quantities as explained above.

**Proposed corrections for Tenderer no. 2**

Item ID	Quantity Offered	Target quantities not clearly expressed	Unit price as from the Financial Offer	Extra costs to be deducted
B	1	0	5,160.00	-61,920
D4	180	90	216.45	-233,766
				<b>-295,686</b>

The reference prices when deducting the costs mentioned above:

Tenderer 1 - TELEKOM SLOVENIJE, d.d.				
	Description	All-inclusive price in EUR	Weighting factor	Value
A	B	C	D	E = C x D
1	Financial proposal for the case study for a period of one (1) year	2,216,545.52	50.00%	1,108,272.76
2	Financial proposal for the case study for a period of two (2) years	4,405,208.64	50.00%	2,202,604.32
<b>TOTAL REFERENCE PRICE = VALUES 1 + 2</b>				<b>3,310,877.08</b>

### 3.5. Summary of the financial evaluation after aligning the financial proposals of both tenderers

Based on the corrections applied to Tenderer no. 2 and Tenderer no. 1, as explained above, the results of the financial evaluation are as follows:

- **Financial evaluation after applying scenario 1 for Tenderer no. 2 and correction for Tenderer no. 1:**

Tenderer	Total reference price	Cheapest total reference price	Points for price	Multiplied by	Weighted points for price (35%)
Tenderer 1 - TELEKOM SLOVENIJE, d.d.	3,310,877.08	1,738,676.40	0.5251	35.00	18.38
Tenderer 2 - INFORMATIKA d.d.	1,738,676.40	1,738,676.40	1.0000	35.00	35.00

- **Financial evaluation after applying scenario 2 for Tenderer no. 2 and correction for Tenderer no. 1:**

Tenderer	Total reference price	Cheapest total reference price	Points for price	Multiplied by	Weighted points for price (35%)
Tenderer 1 - TELEKOM SLOVENIJE, d.d.	3,310,877.08	1,551,782.40	0.4687	35.00	16.40
Tenderer 2 - INFORMATIKA d.d.	1,551,782.40	1,551,782.40	1.0000	35.00	35.00

In summary, the result of the evaluation would be as presented below, i.e. not changing the values and the result of the evaluation substantially.

- **Final evaluation after applying scenario 1 for Tenderer no. 2 and correction for Tenderer no. 1:**

TENDERER	Weighted points for technical quality	Weighted points for price	Total points	RANKING
Tenderer 1 - TELEKOM SLOVENIJE, d.d.	50.70	18.38	69.08	2
Tenderer 2 - INFORMATIKA d.d.	42.90	35.00	77.90	1

- **Final evaluation after applying scenario 2 for Tenderer no. 2 and correction for Tenderer no. 1:**

TENDERER	Weighted points for technical quality	Weighted points for price	Total points	RANKING
Tenderer 1 - TELEKOM SLOVENIJE, d.d.	50.70	16.40	67.10	2
Tenderer 2 - INFORMATIKA d.d.	42.90	35.00	77.90	1

#### 4. Analysis of prices proposed for experts (man/days)

This section provides an in depth analysis of the proposed prices related to experts as defined in terms of minimum levels of qualification and foreseen man/days. Both tenders met the minimum levels of qualification as specified in the tender specifications.

- Tenderer no. 1 – TELEKOM SLOVENIJE, d.d.

The total all-inclusive price for the requested IT consultancy for one (1) year, taking into account the required levels and quantities as set in the case study, amounts to EUR 667,000 whereas the total value of the financial proposal for the case study one (1) year amounts to EUR 2,561,462.72 EUR consultancy included. This leads to the conclusion that the weight of the cost of IT consultancy covers approx. 26% of the financial proposal for the case study.

- Tenderer no. 2 – INFORMATIKA d.d.

The total all-inclusive price for the requested IT consultancy for one (1) year, taking into account the required levels and quantities as set in the case study, amounts to EUR 438,000 whereas the total value of the financial proposal for the case study one (1) year amounts to 890,941.60 EUR. This leads to the conclusion that the weight of the cost of IT consultancy covers approx. 49% of the financial proposal for the case study.

The costs for IT consultancy for both tenderers can be compared since these quantities are fixed and cannot lead to any misinterpretation from the side of a tenderer. Therefore they can be analysed and compared with standard practices within the IT field in order to establish fairness of the proposed prices. The discrepancy is linked to a difference between the two total amounts which is in the order of 34-35% in favour of Tenderer no. 2, which results to be cheaper.

Having in mind that the tenderers were assessed in terms of capability to deliver and in terms of quality of the proposed solutions, and they could both achieve the minimum necessary score, it cannot be neglected that while for the infrastructure side there is a huge unexplainable gap, for the experts proposed there is gap which deserve further analysis to underpin if the Agency can still respect the principle of 'best value for money'.

In order to compare the prices, valuable and accredited sources can found with Eurostat at [http://ec.europa.eu/eurostat/statistics-explained/index.php/Computer programming and consultancy statistics - NACE Rev. 2](http://ec.europa.eu/eurostat/statistics-explained/index.php/Computer_programming_and_consultancy_statistics_-_NACE_Rev._2) and the US Bureau of Labour (BLS: [www.bls.gov](http://www.bls.gov) with reference to <http://work.chron.com/average-hourly-price-computer-consultant-21799.html>).

Eurostat data and analysis is based on data for the years 2011-2012.

It is common knowledge that IT consultancy market is among the best paid and most expensive in Europe, but this is a well-known issue and it is linked to the ever-evolving the technical landscape as well as to the scarcity of resources on many specific aspects in the field<sup>2</sup>.

Information provided by EUROSTAT can be validated by using the information provided by the BLS from the US. Due to the global distribution of human resources in IT, this would justify using

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<sup>2</sup> More data on the evolution of the IT Market trends and on changes and emerging trends and directions can be found at: <http://www.itjobswatch.co.uk/Contract-IT-Job-Market>; <http://www.computerworld.com/article/3046465/it-salary-watch/it-salary-survey-2016-highlights.html> and <http://www.computerworld.com/salariesurvey/tool/2015>.

The first source includes a historical collection of tariffs for permanent contracts as well as freelance IT contracts. Data has to be analysed on the same time line (the collection offers 3 to 4 years of data). Where the price increases and the indicator is green, this equals to an unbalance between the offer for certain skills and the demand of these, which results in an increased price. As it can be seen, the market itself and the different roles show a particularly interesting variability of the market which is quite rare on the job market linked to other sectors where product lifecycle is longer than 1.5 years compared to the IT market.

this second source in order to validate the EUROSTAT data and vice versa, as the two markets can, to some extents, be considered similar.

The last available data refer to the same time frame for both data sets (2011-2012).

The US report comes to the conclusion that an average hourly rate for an IT consultant in 2012 was approx. 48 US Dollars. It must be noted that the notion of an hourly rate in the US is quite common while in Europe the common approach is the daily rate, as reflected in the Tender specifications.

Applying an exchange rate of 1 to 1 for simplicity reasons, this brings to the assumption that on an annual basis the average daily rate is approx. 390 EUR. On the other hand, EUROSTAT information can be used for validation purposes. In particular, EUROSTAT states that the average salary for an IT consultant in the EU is in the order of 70,000 EUR per year.

This proves that the estimation provided by BLS compared to the one provided by EUROSTAT can be correlated (a daily rate for a consultant may be in the order of 350 EUR, which takes into consideration the EU annual salary divided by 200 working days). The discrepancy between the US and the EU daily rates is 10% which reflects the exchange rate USD/EUR in the past 3-4 years.

This would define the cost (daily rate) of man power for a company.

Further, from the Eurostat data set it becomes obvious that most of the costs in IT are related to staff. From EUROSTAT it seems clear that approx. 50% of costs (or even more) for an IT company can be assimilated to administration and infrastructure, and the remaining derives from staff costs. From the same report, the gap in terms of hourly rate between lower profiles (which we may interpret into a C-level profile as specified in the Tender specifications) and the average specialised profile (which we may interpret into a B-level profile as specified in the Tender specifications) is in the order of 10% (51,000 EUR per year for the first - C, 57,000 per year the second - B). For higher profiles EUROSTAT doesn't provide estimations, but as the price grows with expertise and the number of years, the same gap between a profile B and a profile A can be in the order of 25%. Under exceptional circumstances, and taking into account that some profiles may play an active role in the company governance and may accept to have a higher risk upfront a financial gain, this value may go beyond, but especially in Europe this is not yet a common practice.<sup>3</sup>

Taking the above into consideration and in order to establish a just price for a man/day of IT consultancy on average and to be proposed to the Agency, a tenderer's mark-up needs to be taken into account as well. It is a common practice to apply a mark-up which can be in the range of 10% to 33%. In other sectors (e.g. non IT, or as an example the financial sector or the IT providing services for the financial or critical infrastructures) the mark-up can be even higher due to the exposition to high risks of the companies providing the IT services.

In this case, it must be analysed in the context and under the guidance of the Tender specifications; the companies providing services as described in the Tender specifications, and which can be understood from the CVs, are not providing critical services as their core business. In addition, the provided CVs would not justify any derogation from this since both tenderers provide IT services to third parties under standard consultancy schemas. Further, the Agency did not explicitly required in the tender specifications for 'mission critical' profiles which would

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<sup>3</sup> In Europe, where there are a number of rules protecting employees, there is a scarce inclination to take responsibilities, and when employees show this inclination, they are usually rewarded adequately. In the case of the US market, where the exposure to risks is higher and where there are fewer social protections for the employees, the tendency to take decisions and responsibilities is perceived as a duty, and not rewarded in the same way as in Europe. The comparison with the EU market can be found at: <http://www.itjobswatch.co.uk/Contract-IT-Job-Market>. Further it must be taken into account that the IT skills required in the US and EU market are almost the same but under different contractual obligations.

have justified from the Agency the acceptance of very high daily rates (e.g. for top positions these would go even beyond 2,000 EUR per day due to the high risk profile).

In addition, in order to reach a reasonable price to propose to the Agency and to make the price financially viable for the tenderer proposing the consultancy, it must be considered that not the full cost of an IT consultant may be billable. As a made of fact costs such as administrative costs, running errands, paperwork, marketing, networking, and other non-billable work, may count in the definition of a price model for at least 50% on top of the company cost.

In summary, the applicable daily rate which is paid to the consultant, when the price is set by a company, it needs to consider the real cost for the company, the extra costs which are not billable but which are a part of the consultancy price composition and the mark-up which is directly linked to the risk profile which must be taken into consideration and which is linked to operational liabilities.

Applying the highest possible rates, the mark-up rate and assuming 50% extra costs, it can be concluded that the average daily rate, before taxation is applied, could be 640 EUR per day. Taking into account taxation costs (in the measure of 30% which would cover VAT and other taxes linked to the company and not taking into consideration any tax discount which would increase the margin of any IT operators) an average daily rate of 914 EUR could be justified.

When applying for a correction of -10% less to obtain the C level profile average daily rate, it will bring to a price of 820 EUR per day. Further, when applying for a correction of +25% less to obtain the A level profile average daily rate, it will bring to a price of 1,220 EUR per day.

In addition, an adjustment of -20% due to the cost of living in Slovenia in comparison to the EU-19 cost of living<sup>4</sup> could be considered and applied (as for staff salaries in the country). For practical purposes the analysis in respect to the identified average daily rate is presented in the table below (WIC and WOC corresponds to both tenderers). The purpose of this analysis is to establish if the offered daily rates may identify any issue related to excessive price which, in the end, may collide with the principle of best value for money.

Under the assumption that a normal distribution is applicable, all prices should be close and would be expected to be in the span of +/- 30% from the reference price after all the applicable corrections.

In the table below the prices per man/day are listed and compared on the mathematical basis:

	<b>Profile A</b>	<b>Profile B</b>	<b>Profile C</b>
Tenderer 1	1,405 (1,405)	1,105 (1,105)	825 (825)
Tenderer 2	840 (840)	640 (640)	560 (560)
Reference Daily Price from Stats	1,220	914	820
Reference with Correction Coefficient	976	731.2	656
Gap Between Price of T1 in respect to reference price before correction	~+15%	~+20%	~+0.6%
Gap Between Price of T1 in respect to reference price after correction	~+47%	~+51%	~+31%
Gap Between Price of T2 in respect to reference price before correction	~-31%	~-30%	~-46%
Gap in respect to Gap Between Price of T2 in respect to reference price after correction	~-14%	~-13,5%	-15%

<sup>4</sup> Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Comparative\\_price\\_levels\\_of\\_consumer\\_goods\\_and\\_services](http://ec.europa.eu/eurostat/statistics-explained/index.php/Comparative_price_levels_of_consumer_goods_and_services).

- Tenderer 1 – TELEKOM SLOVENIJE d.d.

When looking at the price before applying the correction, the tenderer was offering a price higher than the reference price and offered rates which were eventually not taking into consideration the real cost of life in the country of registration. When the correction is applied, the proposed rates may lead to the conclusion that the mark-up has been calculated on the highest risk profile which was not defined in the Tender specifications.

- Tenderer no. 2 – INFORMATIKA d.d.

The price analysis shows that the applied mark-up is in the order of 20% instead of 33% which is considered in our calculation before applying the correction. The application of this mark-up may have been based on a more prudent strategy and on the consideration of the best value per money principle.

Overall, the prices are consistently high in the case of Tenderer no. 1 – TELEKOM SLOVENIJE d.d. and acceptable in the case of Tenderer no. 2 – INFORMATIKA d.d.

Taking into account the reference calculation to establish a reasonable price, after applying the correction, it would have been expected to have all tenderers between +/- 30% from the reference price, which, as mentioned before, takes into consideration a fair estimation of the costs, the needed mark-up and the hidden costs due to the business.

This means that in the case of Tenderer no. 2 – INFORMATIKA d.d. the basic principle of best value for money is respected whereas in the case of Tenderer no. 1 – TELEKOM SLOVENIJE d.d., selecting high daily profiles, the offered rates seem to be to the limits if seen with the spectacles of the principle of best value for money, for the only portion which relates to man power services for which the Agency provided comparable quantities, having as an assumption comparable quality.

## **5. Additional information to be taken into consideration**

The analysis shows that the total reference price for the financial proposal which would result in Tenderer no. 1 to be economically the most advantageous in comparison to the corrected price of Tenderer 2, would have been 2,324,000 EUR which is equal to yearly price of 1,549,334 EUR.

The financial proposal of Tenderer no. 1 diverges for a total offered amount of plus 667,211.52 EUR, which equals to a substantial part of the offer (approx. 1/3 – In practical terms, the full price for experts). Deducting this amount would have significantly reduced the quality of the offer of Tenderer no. 1 since a cost of man/days would remain (i.e. the quantities for this were set in the case study) and any deductions in terms of technical solutions would have a considerable impact on the capability to implement the services, i.e. implementation of the technical proposal for the case study.

On the contrary, carrying out a similar calculation for tenderer no. 2 is meaningless, as they offered, even with applied corrections, a price which is cheaper (390,216.4 EUR including the price for the experts).

Despite the differences in the technical proposals of both tenderers, the prices for some of the core items listed in the case study and in the financial offer from Tenderer no. 1 and Tenderer no. 2 are in a similar range and this comparable. This means that even if tenderers are proposing/applying different technical solutions they could still come to similar conclusions and thus similar proposals.

In cases where prices deviate for more than 50%, it can be assumed that in some respect the two tenderers embedded some logical components or some physical assets or that they applied

different business logics. The requests for clarifications, which were sent to the tenderers, can support this since their replies to clarifications explained '*when an item was not clearly specified in the financial proposal, it was included*'.

Further, if the tender specifications would have prescribed the form for the financial proposal for the case study (i.e. list the items and set the quantities for each) it is highly likely the financial evaluation would bring to very similar results, as it is assumed that both tenderers would opt for a prudent margin approach in order to cover their own risk in case of misinterpretations. Further it is evident from the financial proposals that both tenderers understood that the value used for the financial evaluation was the final price for the financial proposal presented by them (which differ in terms of structure).

## 6. Conclusion

Although the structures of the financial proposals for the case study are different, the points for technical quality which were assigned to each tenderer are valid and show the capability of the tenderers to deliver the services. The differences in terms of quality are minor and by far not substantial.

The gap between the prices offered by each tenderer is substantial and relevant. Further there is no explanation as to why prices of one of the tenderers, even using a comparable business model and logic, came to a total reference price which can be considered to be out of market because of being so excessively expensive which is supported by the comparative analysis of the prices for experts just to name one example.

The main principle of 'most economically advantageous tender' is better reflected in one of the two offers, also considering the previous expressed points.

Based on the above analysis and following the award method 'best price-quality ratio' the conclusion is that Tenderer no. 2 - INFORMATIKA d.d. submitted the most economically advantageous tender and will thus be awarded the framework contract.

### **Tenderer no. 2 - INFORMATIKA d.d.**

INFORMATIKA informacijske storitve in inženiring d.d.  
Vetrinjska ulica 2, 2000 Maribor  
Slovenia

The maximum total value of the framework contract, covering a maximum of four (4) years from its date of entry into force, is EUR 6,000,000.00 (six million euros).

  
Alberto POTOTSCHNIG  
Authorising Officer