



GSA/OP/28/18

"Voice over IP (VoIP) to Public Switched Telephone Network (PSTN) Services & Videoconferencing Bridging Services"

Annex I to Invitation to Tender

'Tender Specifications'

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IMPORTANT NOTE: Any reference to “SIP¹” and “TLS²” in this document stands for “SIP or equivalent” and “TLS or equivalent” respectively

1 Overview

The present Tender Specifications are attached to the call for tenders and are intended to complement the information contained in the Contract notice 2019/S 109-264163 providing to the Tenderers further information on the procurement procedure and elements to allow them to prepare for the procurement process.

1.1. Context of the tender

The European GNSS Agency (hereinafter ‘GSA’, ‘the Agency’ or ‘the Contracting Authority’)³ is the Agency formed by the European Union to accomplish specific tasks related to the European GNSS (Global Navigation Satellite Systems - EGNOS and GALILEO) programmes.

Further information can be found on the Agency’s website (<http://www.gsa.europa.eu/>).

The Contracts signed as result of this tender will support needs of services in the area of VoIP⁴ to PSTN⁵ (Lot 1) and services in the area of videoconferencing bridging (Lot 2).

The GSA Headquarters are located in Prague, Czech Republic. GSA also has offices located in Saint-Germain-en-Laye, France; in Toulouse, France; in Noordwijk, the Netherlands and in Madrid, Spain.

The GSA has approximately 140 staff based in the Czech Republic (estimated to grow in the next years), approximately 50 based in France, 10 in the Netherlands and 10 in Spain.

¹ The session initiation protocol (SIP) is a simple network signalling protocol. SIP is commonly used in specific applications for establishing, terminating and managing VoIP calls. For further details on SIP, please visit the website: <https://tools.ietf.org/html/rfc3261>.

² Transport Layer Security - TLS as a protocol provides authentication, privacy, and data integrity between two communicating computer applications. TLS as a protocol provides authentication, privacy, and data integrity between two communicating computer applications. For more details, see <https://tools.ietf.org/html/rfc8446>.

³ REGULATION (EC) No 1285/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the implementation and exploitation of European satellite navigation systems
REGULATION (EU) No 912/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council

⁴ VoIP is a methodology and group of technologies for the delivery of voice communications and multimedia sessions over Internet Protocol (IP) networks, such as the Internet.

⁵ PSTN stands for Public switched telephone network is perceived as a traditional circuit-switched telephone network with analogue signal transmission over a conductor medium.



1.2. Outline of the tender and procedural process

Name: GSA/OP/28/18 "Voice over IP (VoIP) to Public Switched Telephone Network (PSTN) Services & Videoconferencing Bridging Services"

Procedure: Open call for tenders with publication in the Official Journal of European Union for procurement of services in 2 (two) lots.

It is important to note that:

- The Tenders will have to fulfil the conditions of submission set out in section 4 of these specifications.
- Any attempt by Tenderer to obtain confidential information or enter into any arrangement aimed at distorting competition directly or indirectly or unduly influence the decision-making process of the Contracting Authority will lead to the rejection of his tender and may result in administrative penalties.
- Tenderers will be required to accept all the terms and conditions set out in the Invitation to Tender, Tender Specifications and Draft Framework Contract and, where appropriate, waive the Tenderer's own general or specific terms and conditions. The terms and conditions set out in the Invitation to Tender, Tender Specifications and Draft Contract shall be binding on the Tenderer to whom the Contract is awarded for the duration of the Contract.

The following schedule is expected to be followed in this procurement procedure:

TIMETABLE	Date	Comments
Launch of tender	31/05/2019	Submitted to Official Journal (OJ) for publication; After publication in the OJ, all documents available at: http://www.gsa.europa.eu/gsa/procurement
Deadline for request of clarifications from GSA	30/06/2018	Requests to be sent in writing only to: tenders@gsa.europa.eu clearly quoting the reference number of procurement procedure
Last date on which clarifications are issued by GSA	05/07/2019	All clarifications will be published at: http://www.gsa.europa.eu/gsa/procurement



		Tenderers are advised to check this webpage on a regular basis for possible updates and/or clarifications
Deadline for submission of tenders	15/07/2019 at 23.59 CET	According to conditions of submission set in Section 4 of these Tender Specifications
Opening session and start of evaluation session	22/07/2019	Lot 1: 10h00 (local time) in GSA premises in Prague, Czech Republic. Lot 2: 11h00 (local time) in GSA premises in Prague, Czech Republic.
Completion of evaluation and award	August 2019	Estimated
Signature of the Contract	September 2019	Estimated

1.3. Purpose of the invitation to tender

The purpose of this Invitation to Tender is to establish 2 (two) Framework Contracts (one per lot) for the provision of VoIP to PSTN services and videoconferencing bridging services:

VoIP services: The GSA currently utilises Microsoft Skype for Business and SIP trunk⁶ for its audio and video communications needs.

The SIP traffic is being routed for French numbers via Saint-Germain-en-Laye, France.

GSA is estimating, that distribution of users (that place outbound PSTN calls) among remote sites, is:

- Up to 100 users in France,
- Up to 30 users in Netherlands,
- Up to 20 users in Spain.

The objective of this call for tender is to establish a contractual framework for the provision of VoIP to PSTN and services within the existing GSA system which is based on Microsoft technology.

Videoconferencing services: The GSA currently utilises Microsoft Skype for Business for its audio and video communications needs and an external platform to act as externally hosted video conference

⁶ A trunk is a physical path or link in a communications system that is designed to handle many transmissions simultaneously and that interconnects switching centres.



bridge, which interconnects calls from several sources to the GSA based Microsoft Skype for Business video to 3rd party video conferencing systems.

The objective of this call for tender is to establish a contractual framework for the provision of services in the area of videoconferencing bridging between the existing GSA video systems (which is based on Skype for Business) and other video conference protocols, such as, but not limited to:

- Cisco
- Polycom
- ISDN
- Skype
- Web browsers

To this end, the GSA will procure support services for the tasks described for each lot under section 2.2 below.

2 General terms of reference

2.1 Applicable legal documents

Participation to the tender is subject to applicable legal restrictions and obligations. The reference documents include:

- Regulation (EC) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems.
- Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council, as amended by Regulation (EC) No 512/2014 of the European Parliament and of the Council of 16 April 2014.

The procurement procedure will be carried out in accordance with the rules of:

- COMMISSION DELEGATED REGULATION (EU) No 1271/2013 of 30 September 2013 on the framework Financial Regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council;



- Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (hereinafter referred to as “FR”)⁷;

In the general implementation of its activities and for the processing of tendering procedures in particular, regarding confidentiality and public access to documents, the GSA observes the following rules:

- Regulation (EU) No 2018/1725 of the European Parliament and of the Council 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, and;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

Important note: Beyond the legal acts listed above, it shall be the Contractor’s duty and corresponding sole responsibility to comply and ensure full compliance with all applicable laws of any part of performance under the Contract contemplated to be awarded as a result of the current procedure.

2.2 Specific technical terms of reference

Taking into account the different nature and objectives of the activities to be performed, the Framework Contract is divided into 2 (two) lots as follows:

- Lot 1: VoIP to PSTN Services
- Lot 2: Videoconferencing Bridging Services

Tenderers may bid for one or more lots. However, a separate offer for each lot shall be submitted, as the lots are evaluated independently.

The detailed technical activities to be performed under each lot are detailed in the specific technical terms of reference listed in the below sections.

⁷ OJ L 193 of 30.7.2018



2.2.1 Lot 1: Specific Technical Terms of Reference – VoIP to PSTN Services

The Contractor is expected to provide services in the area of VoIP to PSTN, in particular:

1. Provision of business quality secure SIP or equivalent trunking services;
2. Provision of local dial-in numbers for France;
3. Provision of local dial-in numbers for the Netherlands;
4. Provision of local dial-in numbers for Spain;
5. Provide caller-ID so that the recipient of the call shall be able to see the local dial in number assigned to the GSA;
6. Capacity to provide as a minimum 20 concurrent SIP or equivalent channels;
7. Ensure the minimum bandwidth 100 kbps per SIP equivalent channel;
8. Ensure provision of secure and encrypted SIP equivalent channels with Transport Layer Security (TLS) or equivalent communication protocol utilized for network traffic and at least 128-bit encryption⁸;
9. Provision of detailed invoicing.

2.2.1.1 Content of the Technical Offer – Lot 1

The Technical Offer of the Tenderers must include all information required for proving its compliance to the minimum requirements and for evaluation of the award criteria, including at least the following elements:

1. Details/documents proving compliance to the minimum requirements set in section 2.2.4 and 2.2.5 of the Tender Specifications
2. Details/documents proving compliance to selection criteria set in section 3.2. of the Tender Specifications
Tenderers shall submit relevant information / documentary evidences necessary to prove their compliance to the selection criteria set, including but not limited to the documents required in section 3.2 for each criterion.
3. Details about the service organisation:
 - Company profile;
 - Organisation to be put in place for service provision;

⁸ 128-bit encryption, which is commonly understood as a process of converting information or data into coded form that prevents unauthorized access and utilizes at least 128-bit encryption algorithm. For the avoidance of doubt, such requirement does not imply a reference to a particular standard or technology.



- Identification of roles and responsibilities;

4. Details about security measures:

Description of security feature of technical implementation, focusing on following properties:

- Secure network communication protocol (at minimum TLS or equivalent communication protocol to be utilized);
- Secure encryption (at minimum 128-bit encryption);
- Additional security features.

5. Dully filled-in and signed Service Level Agreement using the Annex I.J.1:

The GSA requires a provision of high-quality services in the area of VoIP services. SLA will form an integral part of the framework Contract and will be implemented by the successful Tenderer and the GSA. By submitting their SLA, Tenderers commit themselves to fulfilling the stated service levels. The SLA will form an integral part of the Framework Service Contract and will be applied according to the terms set therein.

2.2.2 Lot 2: Specific Technical Terms of Reference – Videoconferencing Bridging Services

The Contractor is expected to provide services in the area of video bridging, in particular:

1. A business quality secure proven video bridging service compatible with the existing GSA infrastructure (GSA infrastructure is based on Microsoft Skype for Business).
2. A video bridging service with support for interoperability within the following protocols and platforms concurrently as a minimum:
 - Microsoft Skype for Business video conferencing
 - Cisco video conferencing
 - Polycom video conferencing
 - ISDN based video conferencing
 - Skype (consumer version) video conferencing
 - WebRTC or other web-browser compatible protocol
3. Quality of the video stream to the GSA and other participants at least up to full HD standard (1080p).



4. A minimum of 25 independent video bridging services hosting (or video “rooms”), with capacity to host at a minimum of 18 concurrent global users (irrespective to the number of video bridges used at that moment).
5. Possibility to extend the capabilities of the video services, in number of video bridges and in number of concurrent participants for each of the video bridges; both in short term (capacity to support a connection burst for a short period of time, measurable in hours) and long term (monthly); possibility of self-management of above actions.
6. A list of DDI (direct dial-in) local numbers to connect to the service via phone in at least the following countries: Czech Republic, France, Spain, the Netherlands, Belgium, Germany, Italy.

2.2.2.1 Content of the Technical Offer – Lot 2

The Technical Offer of the Tenderers must include all information required for proving its compliance to the minimum requirements and for evaluation of the award criteria, including at least the following elements:

1. Details/documents proving compliance to the minimum requirements set in section 2.2.4 and 2.2.6 of the Tender Specifications;
2. Details/documents proving compliance to selection criteria set in section 3.2. of the Tender Specifications
Tenderers shall submit relevant information / documentary evidences necessary to prove their compliance to the selection criteria set, including but not limited to the documents required in sections 3.2. for each criterion.
3. Details about the service organisation:
 - Company profile;
 - Organisation to be put in place for service provision;
 - Identification of roles and responsibilities;
4. Details about security measures: (such as encryption, identification, authentication) implemented in the service.
5. Dully filled-in and signed Service Level Agreement (SLA) using the Annex I.J.2.
The GSA requires a provision of high-quality services in the area of videoconferencing. SLA will form an integral part of the framework Contract and will be implemented by the successful Tenderer and the GSA. By submitting their SLA, Tenderers commit themselves to fulfilling the stated service levels. The SLA will form an integral part of the Framework Service Contract and will be applied according to the terms set therein.



2.2.3 Supplementary activities

In duly justified circumstances the Contracting Authority may consult in writing the Contractor, requesting it to supplement its tender, provided the specification used for setting up the FWC shall not be substantively changed. Specific Contracts shall be established on the basis of the unit prices indicated in the offer (Annex II to the Framework Contract), however, the GSA may request the Contractor to propose supplementary services and/or supplies of the same type as those listed in the tender. The supplementary elements may not depart from the essential terms fixed in the Framework Contract and may be requested only if they are absolutely necessary for the execution of the request for services. Supplementary elements will be ordered on the basis of a quote provided by the Contractor which shall require prior approval by the GSA.

2.2.4 Minimum requirements (Lot 1 and Lot 2)

As per Article 166(2) FR, the Contracting Authority shall indicate which elements define the minimum requirements to be met by all tenders.

Ref. #	Minimum requirement	To be evidenced by	Applicable to
M1	Tenderers shall comply with applicable obligations in the fields of environmental, social and labour law established by European Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X of Directive 2014/24/EU.	Duly filled and signed Declaration of Honour in Annex I.D	Tenderers and/or each consortium member and any proposed subcontractor
M2	Tenderers must launch a takeover phase not later than 2 (two) weeks and start service provision not later than 1 (one) month after the signature of the Specific Contract no. 1.	Commitment to take-over phase organisation in line with the present requirements included in Technical Offer .	Consortium as a whole

Failure to comply with any of these minimum requirements will lead to the rejection of the tender.



2.2.5 Minimum requirements for Lot 1

Ref. #	Minimum requirement	To be evidenced by	Applicable to
Lot1.M1	The services offered must be compatible with Skype for Business and the existing GSA infrastructure.	Proof of compatibility including at least a service specification in the technical proposal demonstrating compliance with the requirement.	
Lot1.M2	The Tenderer must commit to provide up to 200 local dial-in numbers for France, 100 local dial-in numbers for Spain and 100 local dial-in numbers for the Netherlands.	Local numbering plan including service specification in the technical proposal demonstrating compliance with the requirement.	
Lot1.M3	The Tenderer must commit to: <ul style="list-style-type: none"> - Deliver a SIP trunk or other access technology capable of at least 20 concurrent SIP or equivalent channels; with the capability to increase the number to 30, 40 or 50 concurrent SIP or equivalent channels. - To provide caller-ID so that the recipient of the call shall be able to see the local dial in number assigned to the GSA; - Ensure the minimum bandwidth 100 kbps per SIP or equivalent channel - Ensure the minimum security level by implementation of TLS or equivalent communication protocol and 128-bit encryption. 	Service specification in the technical proposal demonstrating compliance with the requirement.	Tenderers (including all consortium members and any proposed subcontractors cumulatively)



Lot1.M4	The Tenderer must commit to provide invoices with a breakdown of the outgoing calls.	Invoicing methodology description in the technical proposal demonstrating compliance with the requirement.	Tenderers (including all consortium members and any proposed subcontractors cumulatively)
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Failure to comply with any of these minimum requirements will lead to the rejection of the tender.

2.2.6 Minimum requirements for Lot 2

Ref. #	Minimum requirement	To be evidenced by	Applicable to
Lot2.M1	The services proposed must be compatible with the existing GSA infrastructure based on Skype for Business.	Proof of compatibility including at least service specification in the technical proposal demonstrating compliance with the requirement.	Tenderers (including all consortium members and any proposed subcontractors cumulatively)
Lot2.M2	The Tenderer must commit to support the following technologies concurrently (at least for video, audio transmission and Video Based Screen Sharing features): <ul style="list-style-type: none"> • Microsoft Skype for Business video conferencing • Cisco video conferencing • Polycom video conferencing • ISDN based video conferencing • Skype (consumer version) video conferencing • WebRTC or other web-browser compatible protocol 	Description of the support to be provided in the technical proposal demonstrating compliance with the requirement.	



Lot2.M3	The Tenderer must commit to provide minimum of 25 independent video virtual meeting rooms with hosting capacity of at least 18 concurrent global users.	Description of the proposed services, demonstrating compliance with this requirement in the technical proposal.	Tenderers (including all consortium members and any proposed subcontractors cumulatively)
Lot2.M4	The Tenderer must commit to extend the number of video virtual meeting rooms including the capacity to host the concurrent global users (both short and long-term).	Description of the proposed services, demonstrating compliance with this requirement in the technical proposal.	
Lot2.M5	The Tenderer must confirm that the quality of the video stream to the GSA and other participants will be at least up to full HD standard (1080p).	Description of the proposed services, demonstrating compliance with this requirement in the technical proposal.	
Lot2.M6	The Tenderer must commit to provide DDI numbers in at least the following countries: Czech Republic, France, Spain, the Netherlands, Belgium, Germany, and Italy.	Description of the proposed services, demonstrating compliance with this requirement in the technical proposal.	

Failure to comply with any of these minimum requirements will lead to the rejection of the tender.

2.3 Deliverables (Lot 1 and Lot 2)

The deliverables during the execution of the Framework Contract through Specific Contracts shall include (to be further detailed in each Specific Contract):

- Website or other online reporting tool, with real-time access to information related to consumption, technical utilisation, etc., with ability to create custom ad hoc or regular electronic reports based on specific time periods.
- Ad hoc/regular electronic reports from the online reporting tool as requested by the GSA in the Specific Contracts.



Unless otherwise specified by the GSA, the Contractor shall deliver 1 (one) electronic copy of each deliverable with all relevant data as requested by the GSA in the Specific Contracts.

The language in which the deliverable is to be submitted is English.

The GSA will have 30 (thirty) calendar days from receipt of the deliverables to approve or reject them in full or in part. The Contractor will have 15 (fifteen) calendar days to submit additional information / another report / clarifications upon reception of the comments and/or request for clarification from the GSA.

2.4 Legal and contractual terms of reference

2.4.1 Form of Contract

The aim of this procurement is to award two single Framework Contracts - one for each lot- for the provision of the services described in present Tender Specifications.

A single Framework Contract is a Framework Contract concluded between the Contracting Authority and a single economic operator (or consortium). Following signature of the Framework Contract, the GSA may issue Specific Contracts depending on the specific needs. The services requested will be subject to Specific Contracts and involve the tasks detailed in the terms of reference for the relevant Specific Contract.

Signature of the Framework Contracts imposes no obligation on the GSA to purchase and the Contract value per lot is an estimate ceiling for purchase of services under each Contract. Only implementation of the Contract through Specific Contracts is binding for the GSA.

The Contracting Authority reserves the right to make use of a negotiated procedure without prior publication of a Contract notice for new services consisting in the repetition of similar services with the same Contractor in case of need, of a value up to 50% of the initial maximum Framework Contract value as foreseen in Point 11.1(e) of Annex 1 to FR.

2.4.2 Place of performance

The place of performance of the tasks for both lots shall be at the Contractor's premises.

2.4.3 Volume of the Contract

The indicative budget estimated for the total/maximum duration of the Contracts for each lot is:

For Lot 1: 100,000.00 EUR (one hundred thousand euro)

For Lot 2: 200,000.00 EUR (two hundred thousand euro)



This budget is only indicative; it will be subject to budget allocations given to the GSA.

2.4.4 Duration

Each FWC is intended to be signed for an initial period of one year.

The Contracts are automatically renewed 3 (three) times for three additional 12 (twelve) months period under the same conditions, unless written notification to the contrary is sent by the Contracting Authority. The maximum duration of the Contract is 48 (forty-eight) months.

2.4.5 Language of the Contract

The working language of the Contract (including invoicing documents) shall be English with application of further requirements as specified in these Tender Specifications.

2.4.6 Subcontracting

The Contractor will be able to call on subcontractors (natural or legal persons) to provide specific expertise and know-how. However, the Contractor will remain the sole partner and person legally and financially responsible vis-à-vis the GSA.

Particular attention will be paid to the approach proposed by the Contractor for the management of his subcontractors.

The Tenderer must indicate clearly which parts of the work will be subcontracted and to what extent (proportion in %). The subcontractor must not subcontract further.

Subcontractors must satisfy the eligibility criteria applicable to the award of the Contract. **If the identity of the intended subcontractor(s) is already known at the time of submitting the tender, Tenderers must furnish a statement guaranteeing the eligibility of the subcontractor.** In addition, each subcontractor shall complete and sign a Letter of Intent (Annex I.G).

The Tenderer shall present the name, contacts and legal representatives of the proposed subcontractors.

In case the Tenderer relies on a subcontractor to fulfil specific selection criteria, i.e. capacity requirements, it has to mention that subcontractor already clearly in the tender, accompanied with the subcontractor's Letter of Intent (Annex I.G).



If the identity of the subcontractor(s) is not known at the time of submission of the Tender, the Tenderer who is awarded the Framework Contract will propose the subcontractors for each Specific Contract and will have to seek GSA's prior written authorisation before entering into a subcontract.

Where no subcontracting is indicated in the tender the work will be assumed to be carried out directly by the Tenderer.

2.4.7 Participation of consortia

Consortia may submit a tender on the condition that it complies with the rules of competition.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure.

Such grouping (or consortium) must specify a single legal entity heading the project (of submission of the tender) (the leader), which is the sole point of contact, and must also submit necessary, relevant document(s) proving authorisation of this legal entity to (i) submit a tender on behalf of the consortium, and (ii) sign the ensuing Contract in case of award on behalf of the consortium.

All members of a consortium (i.e. the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion, selection criteria and minimum requirements (see sections 2 and 3 of these Tender Specifications). The evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria, if so indicated for the particular criterion.

The participation of an ineligible person may result in the automatic exclusion of that person. If that ineligible person belongs to a consortium, the whole consortium will be excluded.

2.4.8 Participation conditions for both Lots

Participation in this procurement procedure shall be open on equal terms to all economic operators (natural and legal persons) coming within the scope of the Treaties, as well as to international organisations. It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement, when applicable to the Agency, under the conditions laid down in that agreement. It shall also be open to international organisations.

Economic operators referred to above are considered established in the EU when they are formed in accordance with the law of an EU Member State, and have their central administration / registered



office / principal place of business in an EU Member State (if legal persons) or they are nationals of one of the EU Member States (if natural persons).

Tenderers shall clearly indicate in Annex I.A their place of establishment and present supporting evidence applicable under the law of the country in which the Tenderer declares to be established.

2.4.9 Notice on the United Kingdom's withdrawal from the EU (complementing the participating conditions)

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the European Union, pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement⁹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 1st November 2019, 00:00h (CET) ("the withdrawal date"¹⁰). The United Kingdom will then become a "third country"¹¹.

Subject to any transitional agreement that may be contained in a possible withdrawal agreement, as of the withdrawal date, Tenderers and –, which are no longer established in the European Union as a result of the withdrawal of the United Kingdom, will no longer comply with the participating conditions as mentioned in this section 2.4.8 Therefore, subject to the following paragraph, those entities will no longer be in a position to carry out their activities under the Contracts.

In as far as the tenderer is in the situation described in the previous paragraph, Tenderers shall provide in their tender adequate explanations, assurances and commitments on how they will ensure that, as from the withdrawal date, will continue to comply with the participating conditions set out in the section 2.4.8.

The proposal of Tenderers so concerned shall therefore contain adequate explanations, assurances and commitments on how they will ensure that, as from the withdrawal date, they will continue to comply with those specific participating conditions. This is hereinafter referred to as "Mitigation Plan". Should the Mitigation Plan be considered inadequate to uphold the participating conditions set out in the section 2.4.8 as from 01 November 2019, or any other date as may be relevant, and not comply with the further requirements for the content of the Mitigation Plan elaborated in the following paragraphs as may be applicable to the case of the concerned Tenderer, the Tenderer shall be excluded from the procurement. This shall also apply to consortia consisting of UK partner(s) regardless of partners from any other Member States, as in this case also the entire consortium may be excluded.

⁹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

¹⁰ Furthermore, in accordance with Article 50 (3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

¹¹ A third country is a country, which is not a member state of the EU.



The following list describes the required content for the Mitigation Plan for the respective cases or combination of cases, if/as applicable:

A. Case: UK Prime - the Mitigation Plan shall contain:

1. a firm, irrevocable and unconditional commitment by the Tenderer to assign the respective Contract at the latest as from 01 November 2019 to another economic operator satisfying the participating conditions (the "Proposed Assignee"), as well as a firm, irrevocable and unconditional commitment and acceptance by the Proposed Assignee to be bound by all requirements, rights and obligations of the respective Contract subject to this procurement; and
2. shall provide, as a minimum, the following information and documents:
 - i. The Tenderer shall clarify and justify that the schedule of activities under the respective Contract subject to this procurement will not be affected and it shall submit relevant information supporting such statement;
 - ii. The Tenderer shall confirm and justify that the implementation of the Mitigation Plan will not cause any additional costs for the GSA;
 - iii. The Tenderer shall provide evidence of compliance of the Proposed Assignee with the participating conditions of this section and additionally, the Proposed Assignee shall state in a duly signed declaration its compliance these participating conditions, as applicable;
 - iv. The Tenderer shall assume full responsibility, ensure and confirm all formalities which are required for such an assignment to be legal, valid and enforceable by the Contracting Authority under the applicable law;
 - v. The Tenderer and the Proposed Assignee shall explicitly state their compliance with article II.9 of the draft Contract (Annex II) (clauses related to assignment) by a declaration in writing to be submitted as part of the tender.
 - vi. In order to substantiate the assignment, the Tenderer is further expected to elaborate the mitigation plan to a full extent as an integral part of the tender, including complete technical, management and administrative, implementation, financial and contractual volumes as defined in the Tender Specifications.

B. Case: Consortium with UK and Member States partners:

For consortia with UK partner(s) and partner(s) from other Member States, the requirements described under section A.1. above shall apply accordingly, with the new partner(s)¹² joining in place of the UK partner(s) by way of novation.

¹² New partner(s) joining a consortium by way of novation shall also be referred to as "Proposed Assignee".



2.4.10 Confidentiality and Conflicts of Interest

2.4.10.1 Confidentiality

The Tenderers undertake to treat in the strictest confidence and not make use of or divulge to third parties any information or documents which are linked to the procurement process and/or the performance of the Framework Contract. The Contractor shall continue to be bound by this undertaking after completion of the tasks. In this respect the Tenderers are invited to pay attention to the FWC provisions related to confidentiality which the Contractor has to observe.

The Tenderer shall further be ready for his service personnel to provide a written statement that they will respect the confidentiality of any information which is linked, directly or indirectly, to execution of the tasks and that they will not divulge to third parties or use for their own benefit or that of any third party any document or information not available publicly, even after completion of the tasks.

The GSA reserves further rights to ask the Contractor (including any member of a consortium and any subcontractor and any member of their staff performing the services) to sign a declaration regarding confidentiality, non-disclosure and/or declaration regarding precise obligations of processing of personal data.

2.4.10.2 Conflicts of interests

In addition to signing the Declaration of Honour provided as Annex I.D Tenderers are required to prove their absence of conflict of interests at the time of the tender submission by providing of a Declaration on absence of conflict of interests (Annex I.I).



3 Assessment of tenders

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of **non-exclusion** of Tenderers on the basis of the exclusion criteria;
- Selection of Tenderers on the basis of selection criteria verifying the (a) the legal and regulatory capacity, (b) the economic and financial capacity, and (c) the technical and professional capacity of each Tenderer;
- Verification of compliance with the **minimum requirements** set out in the specific technical terms of reference;
- Evaluation of tenders on the basis of the **award criteria**.
A single Framework Contract per lot will be concluded with the Tenderer ranked best as the result of the evaluation of admissible tenders.

3.1 Exclusion criteria

The Tenderer shall not be in any exclusion situation described in the Declaration of Honour included in Annex I.D of the Tender Specifications. To this end, the Tenderer must submit with its tender this Declaration of Honour duly completed, signed and dated.

In case of joint tender, each member of the group must provide a Declaration on Honour signed by an authorised representative.

Supporting evidence on exclusion criteria requested as part of the Declaration of Honour must be submitted only by the successful Tenderer upon notification of award by the GSA within one week of the notification¹³. The GSA reserves the right to request the supporting evidence during the tendering procedure.

¹³ The compliance to this deadline is of essence, the GSA reserves the right to re-consider the award if the winning tenderer is not in a position to comply with it. The tenderers are invited to check in advance the deadlines for obtaining of the documentary evidences required and to start the process early enough in order to be able to comply with the set deadline. More information on the documents to be submitted may be found here: <https://ec.europa.eu/tools/ecertis/search>



3.2 Selection criteria

Tenderers must have the legal and regulatory capacity, the financial and economic capacity as well as the technical and professional capacity to perform the tasks required in this tender.

Tenderers must sign the Declaration of Honour on exclusion criteria, selection criteria and minimum requirements (Annex I.D) stating their compliance with selection criteria listed in the Tender Specifications.

The Tenderer may rely on the capacities of other entities but must include the proportion of the Framework Contract that the Tenderer intends to subcontract.

In case of joint tender, each member of the group must provide the Declaration on Honour (Annex I.D). The same applies for the subcontractors..

Additionally, to the submission of the Declaration of Honour (Annex I.D), tenderers shall submit with their tenders evidences for compliance with:

- **Legal and regulatory capacity criterion L1** as requested in the section 3.2.1.
- **General technical and professional capacity criterion S1** as requested in the section 3.2.3.

Upon notification of award by the GSA, only the successful Tenderer shall provide upon request and within the time limit set (within max. of two weeks) by the GSA the evidences for compliance with:

- **Financial and economic capacity criteria F1 and F2** as requested in the section 3.2.2
- **Specific technical and professional capacity criteria S2 and S3** as requested in section 3.2.4



3.2.1 Legal and regulatory capacity (applicable for both Lot 1 and Lot 2)

Ref. #	Legal and regulatory capacity	To be evidenced by	Applicable to
L1	<p>General requirement</p> <p>Tenderers must be authorised to perform the Framework Contract under the national law.</p>	<p>A duly filled in and signed Legal Entity Form (Annex I.B) alongside a copy of the trade or professional register excerpt of the entity and the supporting documents required in the form, i.e. copy of the value added tax (VAT) registration document.</p> <p>Where a Tenderer has already signed another Contract with the GSA or applied in a GSA procurement, it may provide instead of the legal entity file and its supporting documents a copy of the legal entity file provided on that occasion or refer to it, unless a change in its legal status occurred in the meantime or the legal entity file or its supporting documents are older than one year.</p>	<p>Tenderers (including all consortium members and any proposed sub-contractors individually).</p>



3.2.2 Financial and Economic and capacity criteria (applicable for both Lot 1 and Lot 2)

Ref. #	Financial and Economic and capacity	To be evidenced by	Applicable to
F1	Tenderers must be in a stable financial position and have the economic and financial capacity to perform the Contract.	Submitting a full copy of the Tenderer's annual accounts (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable) and financial statement in the form provided in Annex I.E.	Tenderer – in case of consortium – to each consortium member individually and any subcontractor whose capacities were used to demonstrate compliance to selection criterion F2
F2	The Tenderers shall prove minimum annual general turnover of : <ul style="list-style-type: none"> • Lot 1: 50,000.00 € • Lot 2: 100,000.00 € In case the Tenderer intends to submit a proposal for more than one lot, the minimum yearly turnover threshold shall be equal to the sum of minimum thresholds of the corresponding lots. If the Tenderer does not have this turnover, it shall submit, upon notification of award by the GSA, any other elements demonstrating the financial and economic capacity to perform the Contract.	Submitting a statement of overall turnover and turnover relating to the relevant services of the last three years, as approved by the competent body of the company and, where applicable, audited and/or published in the form provided in Annex I.E.	Tenderers (all consortium members cumulatively)



3.2.3 General technical and professional capacity criteria (applicable for both Lot 1 and Lot 2)

Ref. #	General technical and professional capacity	To be evidenced by	Applicable to
S1	The Tenderer shall not be in any situation of conflict of interests at the time of submission of the tender. To this end the Tenderer shall:	- duly filled, signed and dated Declaration of Honour (Annex I.D) - duly filled, signed and dated Declaration of absence of conflict of interest and confidentiality (Annex I.I)	Tenderers (including all consortium members and any proposed subcontractors)



3.2.4 Specific technical and professional capacity criteria (applicable for both Lot 1 and Lot 2)

The specific technical and professional capacity criteria for both lots are described in the below section.

Note: The Agency reserves the right to verify any of the information provided, therefore the Agency may elect to contact any of the presented organisations/companies for reference. With provision of the requested information the Tenderer's permission is assumed granted unless otherwise specified in the offer.

Further documents may be requested at a later stage for the purpose of providing evidence of compliance with the Agency's requirements.

Ref. #	Specific technical and professional capacity	To be evidenced by	Applicable to
S2	Experience in provision of similar services	The Tenderer must provide a verifiable reference to at least 3 projects of similar size, done in the past 3 years in the area of subject matter of the lot. The references to such projects shall be in the form of whitepaper, documentation excerpt or live demo of the application.	Tenderers (including all consortium members and any proposed subcontractors cumulatively)
S3	The personnel proposed to be involved in the implementation of this Contract (e.g. contract management, incident management, invoicing, etc.) must have level of English equivalent to B2.	Demonstration of the ability in the technical proposal / CV /certificate.	Tenderers (including all consortium members and any proposed subcontractors)



3.3 Minimum requirements evaluation

Failure to comply with the minimum requirements indicated in section 2.2.4 (for both lots), 2.2.5 (for Lot 1) and 2.2.6 (for Lot 2) shall lead to the rejection of the tender.

3.4 Award Criteria

All tenders will be assessed in the light of the objectives, specifications and criteria set out in these Tender Specifications.

The assessment of the tenders in award stage is carried out in two successive stages against the Qualitative and Financial Award Criteria set out below.

3.4.1 Qualitative Award Criteria

The technical quality of the tender will be solely assessed on the basis of the Tenderer's technical proposal. The maximum score is 100 points. Tenders who do not receive a minimum of **60 points** on quality will be rejected. Furthermore, any tender which receives a score in any of the qualitative criteria which is less than the minimum indicated in the respective table will be rejected.

3.4.1.1 Qualitative Award Criteria Lot 1

Ref. no.	Qualitative award criterion	Minimum points	Maximum points
LOT1.Q1.	<p>Quality of the proposed SIP trunking or equivalent services, evaluated on the basis of the below sub-criteria and applying the applicable weightings:</p> <ul style="list-style-type: none"> - Quality of implementation of proposed solution [max. 23 points]; - Security aspects of proposed solution [max. 34 points]; - Efficiency of organisation of ad-hoc burst provision of additional SIP or equivalent channels and additional services [max. 23 points]. 	40	80



LOT1.Q2.	Quality and efficiency of the proposed Service Level Agreement, evaluated applying equal weighting on the basis of: - Service availability; - Service quality; - Service recovery; - Service reporting. Simple acceptance of the baseline SLA proposal of GSA will be scored with 13 points.	13	20
		Minimum required quality score	Maximum possible quality score
	TOTAL	60	100

3.4.1.2 Qualitative Award Criteria Lot 2

Ref no.	Qualitative award criterion		Minimum points	Maximum points
LOT2.Q1.	Quality of the proposed video bridging service, evaluated applying equal weighting on the basis of: - Security aspects of the service (encryption, identification, authentication); - Number of additional protocols, technologies and extra functionalities (e.g. chat, etc.)		30	60
LOT2.Q2.	Quality of provision of additional video bridges and concurrent participants,	Long Term	3	6



	<p>evaluated applying equal weighting on the basis:</p> <ul style="list-style-type: none"> - Speed of implementation of changes since the moment of request. - Possibility of self-management of changes, without the need of the Tenderer to intervene. - Flexibility and granularity of possible changes. 			
		Short Term	5	9
LOT2.Q3.	<p>Quality and efficiency of the proposed Service Level Agreement, evaluated applying equal weighting on the basis of:</p> <ul style="list-style-type: none"> - Service availability ; - Service quality ; - Service recovery ; - Service reporting. <p>Simple acceptance of the baseline SLA proposal of GSA will be scored with 16 points.</p>		16	25
			Minimum required quality score	Maximum possible quality score
	TOTAL		60	100

3.4.2 Financial Award Criteria

Following the appraisal of the qualitative award criteria the Financial proposals for each lot will be evaluated with regard to the price which shall be provided by filling in and signing the Template Financial Offer (Annex I.F.1 for Lot 1 and Annex I.F.2 for Lot 2).



The unit prices quoted in Annex I.F.1 and Annex I.F.2 that constitute the prices of tender are binding for the Tenderer as maximum prices and they will be considered as such for the Framework Contract.

The price index will be calculated as follows: the least expensive Total Price of the Tender, as calculated using the formula included in the Template Financial Offer Annex I.F.1 for Lot 1 and Annex I.F.2 for Lot 2 that is above the technical threshold will receive 100 points. The other tenders receive the points according to the ratio between the least expensive offer and their one, and then multiplied by 100, as shown in the formula below:

$$\text{Price Index} = (\text{Cheapest Total Price of Tender received} / \text{Total Price of the Tender X}) * 100$$

3.4.3 Calculation of final score and ranking of Tenderers

The Contract will be awarded to the most economically advantageous tender, which is established by weighing technical quality against price on a 50/50 basis.

The consolidated score for each Tenderer will be calculated as follows:

$$\text{Final score for Tender X} = \text{Technical score} * 0.5 + \text{Price Index} * 0.5$$

4 Conditions of submission of tenders

4.1. Disclaimer

This invitation to tender is in no way binding on the GSA. The GSA's contractual obligation commences only upon signature of the Contract with the successful Tenderer. Up to the point of signature, the Contracting Authority may either abandon the procurement or cancel the award procedure, without the Tenderers being entitled to claim any compensation. This decision must be substantiated and the Tenderers notified.

Submission of a tender implies acceptance of all the terms and conditions set out in Invitation to Tender, in the specifications and in the draft contract and, where appropriate, waiver of the Tenderer's own general or specific terms and conditions. It is binding on the Tenderer to whom the Contract is awarded for the duration of the Contract.

In drawing up your tender, the provisions of the draft contract (see Annex II to the Invitation to Tender) should be kept in mind. In particular, the draft contract indicates the method and the conditions for payments to the Contractor.



4.2. Visits to premises

Visits to GSA's premises or briefings during the tendering process are not foreseen.

4.3. Variants

Variants are not permitted under this tender procedure, therefore tenders shall not deviate from the services requested.

4.4. Preparation costs of tenders

Costs incurred in preparing and submitting tenders are borne by the Tenderers and will not be reimbursed.

4.5. Form and Content of the tender to be submitted

4.5.1. Submission requirements

- All tenders, including the forms Annexed to this document, must be signed by the Tenderer or an authorised representative;
- Tenders must be clear and concise, perfectly legible with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled, etc.);
- The tenders will have to fulfil the conditions of submission set out in section 4 of these Tender Specifications;
- Since Tenderers will be evaluated on the content of their submitted tenders, they must make it clear that they are able to meet the requirements of the Tender Specifications;
- The GSA reserves the right to request additional evidence in relation to the tender submitted for evaluation or verification purposes;
- The GSA retains ownership of all applications received under this procedure. Consequently Tenderers shall have no right to have their tenders returned to them;
- It is strictly required that tenders are presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender.

4.5.2. Structure of tender

If the tender is presented by a consortium or group of service providers, it must be accompanied by a letter signed by each member undertaking to provide the services proposed in the tender and specifying each member's own role and qualifications.



In case of submission of a tender by a consortium, please provide all necessary, relevant document(s) proving authorisation of this legal entity to (i) submit the tender and (ii) to sign the ensuing Contract in case of award on behalf of the consortium (as defined in section 2.4.7):

- The **Administrative File**
- The **Technical Offer**
- The **Financial Offer**

Prices must not be included nor in Administrative File nor in the Technical Offer.

4.5.3. Administrative file

The **Administrative File** shall consist of the following elements, completed and duly signed:

ENVELOPE 1 – ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and FINANCIAL AND ECONOMIC SELECTION CRITERIA and MINIMUM REQUIREMENTS (one (1) ORIGINAL and three (3) COPIES per envelope).

- A **cover letter**, dated and signed by the Tenderer or by any other duly appointed representative and including:
 - declaration of full acceptance of the requirements in this Invitation to Tender and its Annexes, and Framework Contract and its Annexes ;
 - A reference to the lots for which Tenderer submits an offer;
 - The Tenderer's undertaking to provide the services related to the associated lot(s);
 - A list of all the documentation included/enclosed in the tender;
 - A list of the legal entities involved, specifying each entity's role and qualifications;
 - In case of subcontracting, indication for which elements of the services and to which overall proportion of the tender subcontracting is planned and include a statement guaranteeing the eligibility of each subcontractor proposed.
 - Tenderer's contact details
- The duly filled in, signed, stamped and dated **Identification Sheet of the Tenderer (Template Annex I.A)**¹⁴;

¹⁴ 1 (one) per Tenderer (presenting all the legal entities involved in the consortium and/or subcontractors).



The duly filled in, signed and dated Legal entity form ¹⁵ using the template available in Annex I.B - any supporting documents required in this template
The duly filled in, signed and dated Financial Identification Form using the template in Annex I.C - any supporting documents required in this template
The duly filled in, signed and dated Declaration of Honour ¹⁶ for exclusion and selection criteria and minimum requirements (Template Annex I.D.1 for Lot 1 and Annex I.D.2 for Lot 2)
Declaration on confidentiality and absence of conflict of interests (template Annex I.I)
In case of subcontractors, a signed, stamped and dated Letter of intent (template Annex I.G)
Documentary evidence of authorised representative Each Tenderer must include documentary evidence which proves that the authorised representative is authorised to act on behalf of the company/organisation and to sign any documentation. This authorisation must be granted by person(s) indicated in the register of the company/organisation or must be traceable to such persons.
In case of consortia, the Power of Attorney (Annex I.H) designating the entity that will sign on behalf of the consortium duly signed and dated by the authorised representative of each group/consortium member

4.5.4. Technical Offer

The table below presents a summary of the content and format requirements of the Technical Offer of maximum 50 pages:

ENVELOPE 2 – TECHNICAL OFFER (one (1) ORIGINAL and three (3) COPIES per envelope).
NOT INCLUDING THE PRICE OF THE SERVICES
Duly signed and dated Executive Summary (2 pages maximum) on the Technical Offer.

¹⁵ 1 (one) per legal entity (i.e. tenderer, all consortium members, all subcontractor(s))

¹⁶ One per legal entity (i.e. tenderer, all consortium members, all subcontractor(s))



Technical Proposal , in accordance with the requirements of the present Tender Specifications .
Duly filled, signed and dated Service Level Agreement (SLA) (Annex I.J.1 for Lot1 and Annex I.J.2 for Lot2)
2 USB sticks containing any and all electronic files related to TECHNICAL OFFER, strictly identical in full to the original tender.

4.5.5. Financial offer

Each tender of each lot shall include a financial proposal. Below is a summary of the requirements of the financial proposal:

ENVELOPE 3 – FINANCIAL OFFER (one (1) ORIGINAL and three (3) COPIES per envelope.
Duly filled, signed and dated financial offer using the standard template in Annex I.F.1 (for Lot1) and Annex I.F.2 (for Lot 2).

The financial offer must be provided by filling in, dating and signing Annex I.F for the respective lot. The Tenderers must provide unit prices for each type of service specified in the tables of the templates provided for the lot they intend to apply for. Tenderers shall fill each cell indicated in the respective Template. Only Templates with all unit prices filled shall be evaluated. Tenderers may add to their financial offer a proposal for additional services, included in their portfolio, which are not explicitly requested in Annex I.F but fall within the scope of the lot they apply for and comply with the requirements set therein. The GSA shall have the right to order such additional services within the frame of the Specific Contracts issued under the FWC, providing the total value of the purchases of such additional services does not exceed 10 % of the maximum FWC value.

The unit prices in the Financial Offer will constitute the price list for the Framework Contract, and shall include all costs and expenses which are necessary for performance of the tasks.

Cost and expenses are: effort for all the tasks (including drawing up quotations and re-ports) necessary for their performance, including all costs (management of contracts, co-ordination, quality control, support resources, etc.), all overheads (management of the firm, secretarial services, social security, wages, etc.) necessary for the performance of the tasks described, incurred directly and indirectly by the Contractor in performance of the tasks that will be entrusted to him.



The offered prices must be all-inclusive and expressed without VAT¹⁷ in Euro (EUR). For Tenderers in countries which do not belong to the Euro zone, the price quoted may not be revised in line with exchange rate movements. It is for the Tenderer to select an exchange rate and assume the risks or the benefits deriving from any fluctuation.

4.6. Submission

Tenders must be submitted in a separate envelope or parcel for each lot that should be sealed with adhesive tape, signed across the seal and carry the following information:

- the reference number of the invitation to tender "**GSA/OP/28/18**" and project title "Voice over IP (VoIP) to Public Switched Telephone Network (PSTN) Services & Videoconferencing Bridging Services"
- the reference number of the Lot – "**LOT [insert Lot number applied for]**"
- the name of the Tenderer
- the indication "**Tender - Not to be opened by the internal mail service**"
- the address for submission of tenders (*as indicated below*)
- the date of posting (*if applicable*) should be legible on the envelope

The outer envelope must contain **three (3) inner envelopes**, with the content specified in sections for the respective envelope:

- **Envelope 1-** Administrative File (section 4.5.3);
- **Envelope 2-** Technical Offer (section 4.5.4);
- **Envelope 3-** Financial Offer (section 4.5.5).

¹⁷ The GSA is exempt from all taxes and dues, including value added tax (VAT), pursuant to Articles 3 and 4 of the Protocol on the privileges and immunities of the European Communities, these must not be included in the price. Upon signature of the contract the GSA shall issue a VST certificate to the Contractor. No VAT exception certificates shall be issued to the subcontractors.



Each envelope must contain also three electronic versions of the documents (USB flash drive).

Tenders can be drafted in any one of the official languages of the European Union. However, the Tenderers are invited to draft the tenders in English - which is the GSA working language.

Tenders sent by post mail, express mail, or commercial courier are to be sent not later than **on date indicated in section 1.2 above**, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the following physical address:

European GNSS Agency
Legal and Procurement Department
Tender ref: GSA/OP/28/18/Lot[*insert Lot number applied for*]
Janovskeho 438/2
170 00 Prague 7
Czech Republic

Tenders which are hand-delivered should be delivered to the same postal address not later than **17.00 (CET) on date indicated in section 1.2 above**. In this case, a receipt must be obtained as proof of delivery, signed and dated, and with the time marked by the reception desk officer. The reception is open from 08.00 to 18.00 Monday to Friday. It is closed on Saturdays, Sundays, European Commission holidays and some Czech national holidays.

Once the Contracting Authority has received the tender, it becomes its property and it shall be treated confidentially. Tenders will not be returned.

4.7. Opening of the tenders

The tenders will be opened **on date and at the time specified in section 1.2 above**, in the offices of the GSA, Janovskeho 438/2, Prague 7, Czech Republic.

An **authorised representative** of each Tenderer may attend the opening of the tenders. Companies wishing to attend are requested to notify their intention by sending an e-mail at least 5 calendar days in advance to tenders@gsa.europa.eu indicating the name of the attending person and the Tenderer (s)he represents. This notification must be signed by an authorised officer of the Tenderer and specify the name of the person who will attend the opening of the tenders on the Tenderer's behalf.



4.8. Period of validity of the tenders

Period of validity of the tenders, during which Tenderers may not modify the terms of their tenders in any respect: nine (9) months from the closing date for the reception of the tenders.

4.9. Contact with Tenderers

Contacts between the Contracting Authority and Tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

At the request of the Tenderer, the Contracting Authority may provide, before the final date of submission, additional information solely for the purpose of clarifying the nature of the Contract.

Any requests for additional information (clarifications) must be made in writing only to tenders@gsa.europa.eu. The subject line of the e-mail has to quote the reference of the procurement procedure “**GSA/OP/2018/18 Voice over IP (VoIP) to Public Switched Telephone Network (PSTN) Services & Videoconferencing Bridging Services**”. Requests for additional information received after deadline specified in section 1.2 will not be processed (*for practical reasons*).

The GSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, the GSA may contact the Tenderer, although such contact may not lead to any alteration of the terms of the submitted tender.

4.10. Information on the outcome of the procedure

The Tenderer must appoint a single point of contact who will be informed of the outcome of this procurement procedure by e-mail only. It is Tenderer's responsibility to provide a valid e-mail address together with your contact details in your tender and to check this e-mail address regularly.

The GSA will inform Tenderers on the grounds for any decision not to award the Contract or to recommence the procedure.

If a written request is received, the GSA will inform all rejected Tenderers of the reasons for their rejection and all Tenderers submitting an admissible tender of the characteristics and relative advantages of the selected tender and the name of the successful Tenderer.



However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

4.11. Data protection

Any personal data that may be included in the tenders received during the present procedure will be processed in accordance with (1) the applicable rules on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies (currently Regulation (EU) 2018/1725) and (2) the modalities of the following privacy statement:

Identity of the controller and Data Protection Officer:

- **Controller:** European GNSS Agency (GSA), Head of ICT Department, Janovskeho 438/2 170 00 Prague 7, Czech Republic, ict-dataprotection@gsa.europa.eu
- **Data Protection Officer:** GSA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, dpo@gsa.europa.eu

Purpose of the processing:

- the management and administration of the tender procedure
- additionally, and only with regard to the personal data of the awarded Tenderer(s), the preparation of the Contract

Data concerned:

- Contact information of Tenderers, e.g. name and last name of authorised representatives, email address, postal address, telephone numbers, company/agency/body and department, country of establishment, position
- Financial information of Tenderers, e.g. bank account number, IBAN and BIC codes, address of respective bank branch
- Information that may be included in CVs of experts proposed by Tenderers: name and last name of proposed experts, educational background, professional experience including details on current and past employment, technical skills and languages etc.
- Data related to criminal convictions and offences of: (1) members of the administrative, management or supervisory body of Tenderers, (2) natural persons who have powers of representation, decision or control of the Tenderer, (3) owners of the Tenderers as defined in Article 3(6) of Directive (EU) 2015/849, (4) natural persons assuming unlimited liability for the debts of the Tenderers, (5) natural persons who are essential for the award or the implementation of the Contract; such data are collected through the submission of the Declaration of Honour (Annex I.D)



It is specifically noted that:

- the abovementioned processing operations will not entail the processing of any special categories of personal data. If, however, a Tenderer submits such data at its own volition and without any specific request, it is implied that the data subject has given its consent to the processing of such data.
- the provision of personal data by the Tenderers is a requirement necessary to enter into the FWC

Legal bases: Article 5(1)(a), 5(1)(c), 10(2)(a) and 11 of Regulation (EU) 2018/1725

Lawfulness of the processing:

- Article 5(1)(a): the processing is necessary for the performance of a task carried out in the public interest, specifically the management and functioning of the GSA through the launching of tender procedures.
- Article 5(1)(c): the processing is necessary for the performance of a Contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a Contract; the GSA processes the personal data of the Tenderers at their request (through the submission of their tenders) in order to take the necessary steps prior to enter into the Contract with the awarded Tenderer(s).
- Article 11: the processing of personal data relating to criminal convictions and offences shall be carried out only when authorised by Union law; such processing, in the form of an extract from the judicial record or declaration of honour, is explicitly foreseen in the Financial Regulation¹⁸ (Articles 136-140)
- Article 10(2)(a): as explained above, in case any Tenderer submits special categories of data at its own volition and without any specific request, it is implied that the data subject has given its consent to their processing

Recipients of the data processed:

- a limited number of staff of the GSA managing this tender procedure
- data processors:
 - a limited number of staff of GSA Contractors assisting GSA staff in the management of this tender procedure

¹⁸ Regulation (EU, Euratom) 2018/1046



- a limited number of staff of GSA Contractors in charge of the provision of hosting services for the GSA's servers
- bodies charged with a monitoring or inspection task in application of Union law (e.g. internal audits, Financial Irregularities Panel, European Anti-fraud Office – OLAF)
- members of the public: the winning entities will be announced to the public, which may also entail the announcement of the personal data of the representatives of such entities (e.g. name, last name)

Information on the retention period and storage locations of personal data:

- any information pertaining to this tender procedure shall be kept for up to 7 years following the end of the year when the Contract(s) has been awarded as a result of the tender procedure; files may also have to be retained until the end of a possible audit if one started before the end of the above period;
- all collected data may be stored:
 - electronically on GSA servers with access control measures (i.e. one or two factor authentication) hosted by GSA Contractors which are located in the EU and abiding by the necessary security provisions
 - physically in secure storage cupboards in the GSA HQ in Prague
 - electronically and physically on the servers/cupboards of the processors identified above (all of which are established in an EU Member State)

The data subjects' rights:

- Data subjects have the right of access, rectification and erasure of their personal data or restriction of processing at any time, provided that there are grounds for the exercise of this right, as per the applicable rules
- Data subjects have the right to object, on grounds relating to his or her particular situation, at any time to the processing of personal data concerning him or her. Requests shall be addressed to the GSA ICT Department at ict-dataprotection@gsa.europa.eu by describing the request explicitly. It is noted that pursuant to such a request, the Controller shall no longer process the personal data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims
- Data subjects may obtain their personal data, submitted to the GSA, in a structured, commonly used and machine-readable format and transmit them to another controller, provided that there are grounds for the exercise of this right, as per the applicable rules
- Data subjects are entitled to lodge a complaint at any time with the European Data Protection Supervisor (<http://www.edps.europa.eu>; EDPS@edps.europa.eu) if they consider that their rights under the applicable rules on the protection of individuals with regard to the processing



of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data have been infringed as a result of the processing of their personal data by the GSA

- Only in cases where the data subjects' consent is used as the legal basis for the processing of personal data (i.e. in case they have submitted special categories of data at their own volition and without any specific request), they can withdraw their consent at any time, without affecting the lawfulness of the processing before the withdrawal

Any request for the exercise of any of the abovementioned rights shall be addressed to the GSA ICT Department at ICT email address; data subjects are kindly requested to describe their requests explicitly

5. List of acronyms and abbreviations used

Acronym / Abbreviation	Complete Designation
BIC	Bank Identifier Code
CET	Central European Time
Contract	The FWC to be awarded subject to the procurement process GSA/OP/28/18
Contractor	The Tenderer to whom the Contract will be awarded.
EC	European Commission
EDPS	European Data Protection Supervisor
EU	European Union
FWC	Framework Contract
GNSS	Global Navigation Satellite System
GSA	European GNSS Supervisory Authority
GSA HQ	GSA Headquarters in Prague, Czech Republic
IBAN	International Bank Account Number
ISND	Integrated Services Digital Network
PSTN	Public Switched Telephone Network
SIP	Session Initiation Protocol
SLA	Service Level Agreement
TLS	Transport Layer Security
VAT	Value Added Tax

6. List of Annexes

These Tender Specifications (Annex I to Invitation to Tender) have the following Annexes:



- Annex I.A - Template Identification Sheet of the Tenderer (separate document)
- Annex I.B - Template Legal Entity Form (link provided hereinafter)
- Annex I.C - Template Financial Identification Form (link provided hereinafter)
- Annex I.D.1 - Template Declaration of Honour for exclusion and selection criteria and minimum requirements for Lot 1 (separate document)
- Annex I.D.2 - Template Declaration of Honour for exclusion and selection criteria and minimum requirements for Lot 2 (separate document)
- Annex I.E Template financial statements relating to the selection stage (separate document)
- Annex I.F.1– Template Financial Offer Lot 1 (separate document)
- Annex I.F.2– Template Financial Offer Lot 2 (separate document)
- Annex I.G – Subcontractor Letter of Intent (separate document)
- Annex I.H – Power of Attorney (separate document)
- Annex I.I– Declaration of absence of conflict of interest and of confidentiality (separate document)
- Annex I.J.1 – Template Service Level Agreement Lot 1 (separate document)
- Annex I.J.2 – Template Service Level Agreement Lot 2 (separate document)



Annex I.B- Legal Entity Form

To be downloaded, depending on the Tenderer's nationality and legal form, from the following website:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm



Annex I.C- Template Financial Identification Form

To be downloaded, depending on the Tenderer's nationality and legal form, from the following website:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm