



## **CALL FOR TENDERS**

No. PS/SRV/TOD/015/2021

# **Detailed Design, Development and Maintenance of the Transport Observatory Database/ Information System (TODIS)**

## **TENDER SPECIFICATIONS**

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## **1. INFORMATION ON TENDERING**

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

This call for tenders is launched and managed by the Permanent Secretariat of the Transport Community, further referred to as the “Contracting Authority” (or “TCT Secretariat”) for the purposes of this call for tender.

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

The subject of this call for tenders is the Detailed Design, Development and Maintenance of the Transport Observatory Database/Information System (TODIS).

### **1.3. Legal basis**

This call for tender is governed by the provisions of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC

### **1.4. Lots:** This call for tenders is not divided in lots

### **1.5. Participation**

Participation in this procurement procedure is open on equal terms to all natural and legal persons or associations of such persons established in:

- Signing Parties of the Transport Community Treaty;
- A Member State of the European Economic Area;
- A Candidate Country to the European Union.

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 on the conditions laid down in that agreement. Where the multilateral Agreement on Government Procurement concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

To enable the Contracting Authority to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the legal capacity as described in *Section 3.2.2*.

## 1.6. Contractual conditions

Tenderers need to take full account of the provisions of the draft contract as the latter will define and govern the contractual relationship(s) to be established between the Contracting Authority and the successful tenderer(s). Special attention is to be paid to the provisions specifying the rights and obligations of the Contractor, in particular those on risks assignment, payment schedule and conditions, performance of the contract, confidentiality, and checks and audits.

## 1.7. The Estimated Contract Value

The estimated contract value is EUR 810,000, of which:

- EUR 600,000 for TODIS detailed design, development and implementation;
- EUR 210,000 for 3 years of TODIS maintenance.

## 1.8. Duration of the contract

The duration of the contract resulting from this award is 48 months, of which:

- 12 months for TODIS detailed design, development and implementation (Activities 1 to 6 under Section 2.4);
- 36 months for TODIS maintenance (Activity 7 under Section 2.4), starting from TODIS taking over.

## 1.9. Compliance with applicable law

The tender must comply with applicable environmental, social, and labour law obligations established by European Union law, Serbian national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU<sup>1</sup>.

## 1.10. Ways to submit a tender

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

In order to fulfil the selection criteria set out in **Section 3.2** *Error! Reference source not found.* the tenderer can rely on the capacities of subcontractors or other entities that are not subcontractors.

The role of each entity involved in a tender (hereafter referred to as “*involved entity*”) must be clearly specified in the tender: i) sole tenderer, ii) Group leader of a group of tenderers, iii) member of a group of tenderers, or iv) subcontractor. For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (**Annex 1.1**). This applies also where the *involved entities* belong to the same economic group.

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<sup>1</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

### 1.11. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons) regardless of the link they have between them. Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Group members must appoint a Group leader and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. The model power of attorney attached in **Annex 6** is to be used

The joint tender must clearly indicate the role and tasks of each member and of the Group leader who will act as the Contracting Authority's contact point for the contract's administrative or financial aspects and operational management. The Group leader will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the Contracting Authority shall sign the contract with the Group leader, authorised by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in **Annex 6**.

Changes in the composition of the group during the procurement procedure (after the submission deadline and before contract signature) shall lead to rejection of the tender except in case of a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see **Section 1.5**) and is not in an exclusion situation, (see **Section 3.1**).

In any case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the former entity must be taken over by the new entity member of the group, the change must not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

### 1.12. Subcontracting

Subcontracting is permitted but the Contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

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

By filling in the form available in **Annex 2** tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under **Section Error! Reference source not found.**;

- whose individual share of the contract, known at the time of submission, is above 20% .

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in *Annex 1.2* and signed by its authorised representative.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority. Such approval might only be granted, providing that:

- any new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

### **1.13. Entities on whose capacities the tenderer relies to fulfil the selection criteria**

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in *Annex 1.1*, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity, the Contracting Authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

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

### **1.14. Structure and content of the tender**

The tenders must be presented as follows:

- Part A: Identification of the tenderer (see *Section 1.15.*)
- Part B: Non-exclusion (see *Section 3.1*)

➤ Part C: Selection (see *Section 3.2*)

➤ Part D: Technical Offer

The Technical Offer shall meet the requirements provided in the Technical Specifications and include all the information needed to assess compliance with the Technical Specifications and apply the award criteria.

➤ Part E: Financial Offer

The financial offer must be submitted using the template provided in *Annex 3*. Tenders exceeding any of the following values will be considered unacceptable:

- The estimated value of TODIS detailed design and implementation (EUR 600,000);
- The total estimated contract value (EUR 810,000).

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone must quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

Price must be quoted free of all duties, taxes and other charges, including VAT, as the Contracting Authority is exempt from such charges under Article 10 of the [Agreement between the Republic of Serbia and the Transport Community regarding the seat of the Permanent Secretariat of the Transport Community](#).

The quoted price must be a fixed amount (lump sum) which is deemed including all costs and charges related to the proper delivery of services, including (but not limited to) logistics, travel and subsistence. No expenses shall be separately refunded under the contract.

➤ Part F: Power of attorney (for joint tenders only)

Tenders shall be submitted by electronic mail to [todis.procurement@transport-community.org](mailto:todis.procurement@transport-community.org) in two separate e-mails. Parts A, B, C, D and F (with all relevant annexes) shall be included in one e-mail, while part E (Financial Offer) shall be included in a separate e-mail. Tenderers should note that the maximum size of incoming electronic mails is limited to 35 MB. If necessary, Parts A, B, C, D E and F (with all relevant annexes) could be split in separate e-mails to accommodate the maximum size requirement.

All documents referred at above shall be submitted in pdf format.

The time and date displayed by the server clock within the Authority's system shall be the standard upon which compliance with tender submission deadlines shall be determined. Tenderers are strongly advised not to transmit their Tender immediately before the deadline for submission.

It is the Tenderer's sole responsibility to ensure that its Tender complies with the submission requirements and is received by the Contracting Authority by the date and time set out. The Contracting Authority accepts no liability whatsoever for any problems arising from issues such as (but not limited to) the Tenderer's IT software, infrastructure, internet connectivity, etc. that would result in the Tender not being properly or timely received.



### 1.15. Identification of the tenderer

The tender must include a **cover letter** signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point in relation to this procedure.

In case of joint tender, the cover letter must be signed by the leader authorised by the other members with powers of attorney (*Annex 6*). Entities on whose support the tenderer relies and identified subcontractors must provide commitment letters in the forms provided in *Annex 1.1* and *Annex 1.2* respectively.

Tender must also include the Tenderer Identification Form (*Annex 4*) to be completed and signed by each service provider, including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, proof of registration in a professional or trade register or any other official document showing the registration number.

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct Contractors) are not obliged to provide such evidence.

<b>Summary of necessary documents (Part A – Identification of the tenderer)</b>		
<b>Document</b>	<b>Who should submit the document</b>	<b>Template available</b>
Cover letter	Sole Tenderer/Group leader	N/A
Commitment Letter	Entities on whose support tenderer relies, identified subcontractors.	Annex 1.1 Annex 1.2
List of identified subcontractors	Sole Tenderer/Group leader	Annex 2

Tenderer Identification Form	Sole Tenderer/Group leader and Members of the group, identified subcontractors	Annex 4
Financial Identification Form	Sole Tenderer/Group leader	<a href="http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm">http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm</a>
Power of Attorney	Members of the Group	Annex 6
Evidence of the person authorized to represent the tenderer in dealings with third parties and in legal proceedings	Sole Tenderer/Group leader and Members of the group	N/A

### 1.16. Confidentiality of tenders

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

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the Contracting Authority is entitled to make available (any part of) the tender to its staff as well to other persons and entities working for the Contracting Authority or cooperating with it, including Contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- The Contracting Authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure, the Contracting Authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

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

### 1.17. Informing tenderers

The Contracting Authority shall inform tenderers simultaneously and individually of decisions reached concerning the outcome of the procedure, including the grounds for any decision not to award the contract or recommence the procedure.

Within such communication, the Contracting Authority shall inform:

- Any unsuccessful tenderer of the reasons for the rejection of its tender;
- Any tenderer that has made an admissible tender of the characteristics and relative advantages of the tender selected, the price of the offer as well as the name of the successful tenderer.

The Contracting Authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as prices included in the financial offer, technical or trade secrets<sup>2</sup>.

### 1.18. Means of redress

Any person that considers itself harmed by any act or decision made by the Contracting Authority might seek remedy by the following means:

#### a) Seeking remedy with the Contracting Authority

Objections should be sent using the e-mail address [todis.procurement@transport-community.org](mailto:todis.procurement@transport-community.org) and shall include:

- The no. of the procurement procedure and the word “*objection*” in the subject line;
- Sender's identification data;
- Proof of interest;
- Challenged act or decision and remedy sought;
- Grounds or evidence supporting the objection.

Objections not meeting the formal notification requirements provided above shall be disregarded.

Only actual participants to the tender procedure shall be considered interested parties and allowed to object. In order to be found admissible, objections should concern any of the following:

- Decision to exclude (Contracting Authority’s decision to exclude a participant in the tender procedure);
- Decision to award the contract (Contracting Authority’s decision to award the contract to a certain bidder).

Timing for sending objections shall be no later than 10 days following Contracting’s Authority notifications of the outcome of the tender procedure. The relevant provisions of **Section 1.14** on communication means and deadlines apply.

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

Upon review of the objection, the Contracting Authority shall respond as soon as possible and provide the sender its decision and reasoning on the case. Such decision might confirm (fully or in part) or reject the objection. In case the Contracting Authority accepts (in full or in part) an objection it will take immediate remedial action and inform all interested parties in this regard.

#### **b) Permanent Court of Arbitration in Hague**

Disputes arising out of the Contracting Authority's decision on an objection shall be settled by final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organizations and States, as in effect on the date of launching the tender.

The appointing authority shall be the Secretary General of the Permanent Court of Arbitration. The arbitration proceedings shall take place in the Hague and the language used in the arbitral proceedings will be English. The arbitrator's decision shall be binding on all parties and there shall be no appeal.

### **1.19. Awarding of the Contract**

The Contracting Authority shall award the contract to the selected bidder:

- Not earlier than 10 days following the communication of the outcome of the procedure (the standstill period), providing that no objections are being lodged within such period by any interested party.
- After the Contracting Authority's review and decision on all objections lodged during the standstill period.

In case the Contracting Authority revises its initial award decision on the basis of examination of objections received in the standstill period and decides to award the contract to another tenderer, a further standstill period of 10 days shall apply.

Raising a dispute to the Permanent Court of Arbitration shall not prevent the award of the contract by the Contracting Authority. By submitting tenders in response to this procedure, bidders acknowledge and accept that whatever the outcome of arbitration proceedings might be it shall not result in the contract becoming ineffective through retroactive cancellation or otherwise.

### **1.20. Period of validity of tenders**

The period of validity of tenders is fixed at 3 months from the deadline for the submission of tenders.

In exceptional cases, the Contracting Authority may ask the tenderers for a one-off, specific extension, which may not exceed 40 days.

The successful tenderer is bound by the tender for a further 60 days, irrespective of the date of notification of the award of the contract.

### 1.21. Contacts during the tender submission stage

Before the time limit for receipt of requests to participate or tenders, the Contracting Authority may communicate additional information about the procurement documents if it discovers an error or omission in the text or upon request from candidates or tenderers. Information provided shall be disclosed to all candidates or tenderers at the same address where the procurement documents have been made available and observe the time limit set-up below.

Any requests for clarifications shall be sent in writing using the address [todis.procurement@transport-community.org](mailto:todis.procurement@transport-community.org). Clarifications requests shall be sent no later than 10 days before the time limit for submitting bids. The Contracting Authority shall respond to any clarification request as soon as possible and in no event later than 6 days before the time limit for submitting bids without disclosing the identity of the person requiring clarification. If an additional information/response to a clarification request is given less than 6 days before the deadline, the Contracting Authority shall extend the time limit for receipt of tenders proportionally.

## 2. TECHNICAL SPECIFICATIONS

### 2.1. Background

The Transport Community is an international organisation in the field of mobility and transport, consisting of 33 participants – the entire EU and the South East European Parties (namely the Republic of Albania, Bosnia and Herzegovina, North Macedonia, Kosovo\*, Montenegro and the Republic of Serbia hereinafter referred as „*Regional Participant/s*”). It was founded on the Treaty for establishing the Transport Community (“*the Treaty*”) signed on 12 July 2017 in Trieste, Italy.

The core obligation the parties have committed to under the Treaty is the creating of a Transport Community in the field of road, rail, inland waterway, and maritime transport based on progressive transposing by the Regional Participants of the relevant EU acquis.

The two pillars of the Transport Community are:

- a) The transposing by the Regional Participants of the relevant EU acquis;
- b) The development of the indicative extensions of the TEN-T Comprehensive and Core networks in Western Balkans.

The outline of the indicative trans-European transport network (TEN-T) extension of Comprehensive and Core networks to the Western Balkans as incorporated in Annex I.1 of the Treaty (hereinafter referred as “the TEN-T Network”) is presented below:

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.



Comprehensive Network: Railways and Comprehensive and Core Networks: Roads, ports, rail-roads terminals, and airports  
 Comprehensive and Core Networks: Inland Waterways and Ports  
 Core Network: Railways (passengers) and airports

Work of the Transport Community is supported by a Permanent Secretariat, based in Belgrade, Republic of Serbia. Among others, the Permanent Secretariat's mandate under the Treaty includes:

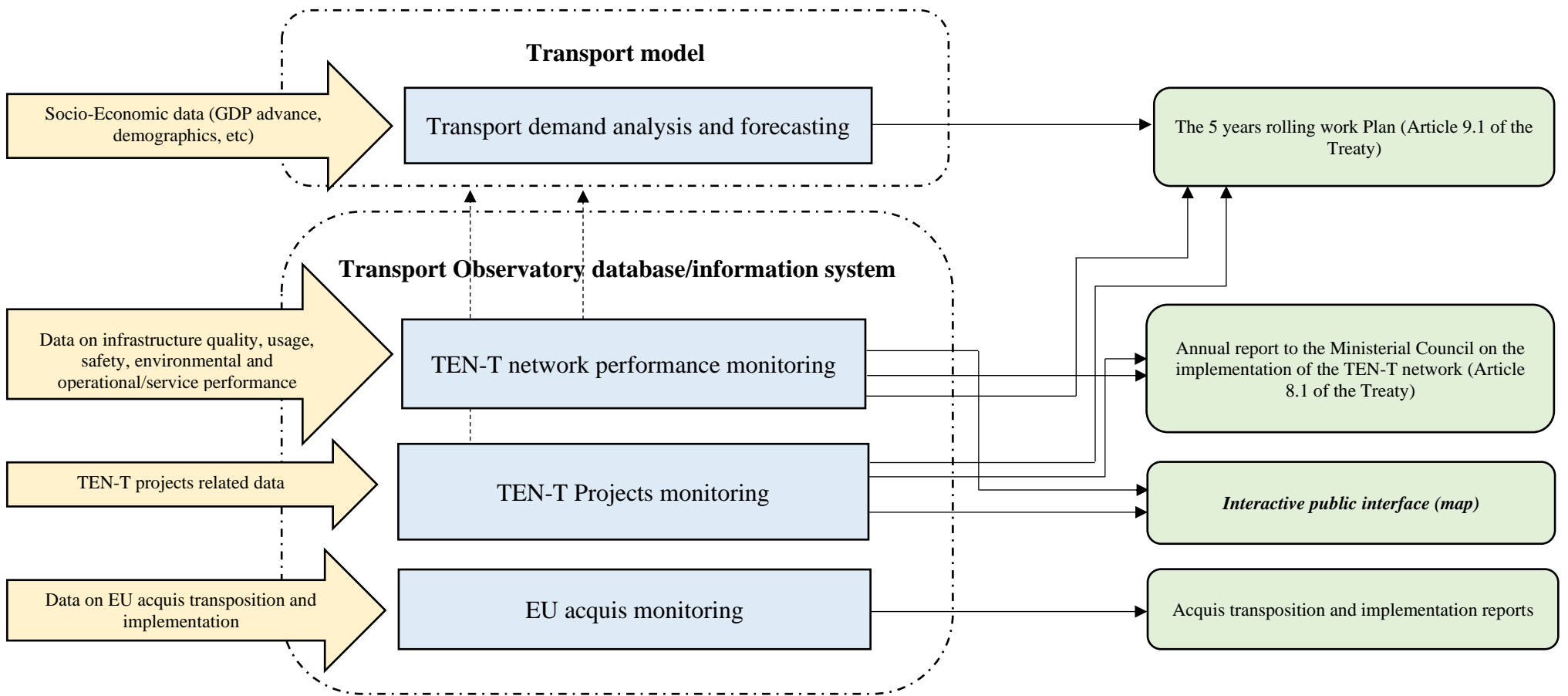
- Monitoring the performance of the TEN-T Network in Western Balkans;
- Preparation of a strategy for TEN-T Network development (the 5-years rolling plan);
- Annual reporting on the status TEN-T Network implementation;
- Monitoring the transposition of the EU acquis in the legal systems of the Regional Participants.

The above have been transposed in the *Transport Observatory* concept which is deemed becoming the main information repository in relation with the TEN-T indicative extensions in the Western Balkans. Transport Observatory shall provide consolidated information and data for the benefit of people and business in the region and a solid analytical basis for political and technical decision-making processes at national/regional level.

The Transport Observatory shall fulfil four core functions, namely:

- a. Monitoring the performance of the TEN-T Network in Western Balkans (in terms of both infrastructure quality and operation/service performance).
- b. Monitoring of TEN-T projects;
- c. TEN-T network demand analysis and traffic forecasting;
- d. EU Acquis transposition monitoring.

The above-listed functions (hereinafter also referred at as *core functions* of the Transport Observatory) have been designed to support the proper fulfilment by the Transport Community Permanent Secretariat of its legal mandate under the Treaty. A rough outline of the Transport Observatory functional scheme highlighting the contribution of each of the foreseen individual components to the reporting duties of the Permanent Secretariat is provided below.



The setting-up of the Transport Observatory is a long-time endeavour that shall be gradually implemented over the next few years. It comprises three main stages, as listed below:

- ✓ Phase I: Concept development and definition of the Transport Observatory's functional and technical requirements definition (completed);
- ✓ Phase II: Setting-up of the Transport Observatory Database/Information System (**subject of this tender**);
- ✓ Phase III: Development of the Transport Observatory's modelling component.

## 2.2. Objectives

The overall objective of this assignment is the detailed design, development, implementation and maintenance of the Transport Observatory Database/ Information System (TODIS).

TODIS is deemed becoming the main analytical tool supporting the 4 core functions of the Transport Observatory. TODIS implementation shall allow the Contracting Authority to perform 3 of the 4 core functions of the Transport Observatory, namely:

- a. Monitoring the performance of the TEN-T Network in Western Balkans.
- b. Monitoring of TEN-T projects;
- c. EU Acquis transposition monitoring.

TODIS data shall be also used as inputs for the modelling component (to be developed outside the scope of this contract, under Transport Observatory Phase III).

The scope of work includes TODIS detailed design and development (based on the functional and technical specifications provided), undertaking the first data collection and populating the system with it, system testing, implementation and set in operation, training, and maintenance of the system for three years following the system commissioning.

TODIS shall be developed on the basis of the following conceptual and technical principles:

- To bridge the gap between technical and the decision-making side of key stakeholders, related users/systems, and the general public;
- To provide access to a maximum set of data to a variety of users;
- Be based on the principle of shared ownership (collect/consume data and provide/share data);
- Design around the concept of reuse of information (one data set can be used/applied in different ways and use cases);
- Assume that any information is better than no information, whilst still ensuring that only quality assured (vetted) data will be used within the system;



- Avoid repetition or duplication of the same information through rigorous validation procedures;
- Be based on internationally recognised standards (e.g., OGC WMS<sup>3</sup>, WFS<sup>4</sup>, CSW<sup>5</sup>, SOS<sup>6</sup>, etc. / ISO 19115<sup>7</sup>).

### **2.3. Geographical area to be covered**

TODIS shall be including data from the 6 Regional Participants.

Contracting Authority's headquarters are located in Belgrade, Republic of Serbia. While the Contractor shall not be asked to open a branch office or otherwise register in Serbia for the scope of performing the contract, physical presence of its key personnel in Belgrade shall be required from time to time. Also, the Contractor will have to nominate a contact point that shall be physically present in Belgrade during the implementation of the contract.

Data collection and users training shall require physical presence of the dedicated experts in all 6 Regional Participants (Tirana, Sarajevo, Banja Luka, Pristina, Podgorica, Skopje, Belgrade).

Performance of some specific obligations during the Maintenance Period might imply permanent presence of the Contractor's staff in Belgrade, at the Contracting Authority's headquarters.

### **2.4. Tasks**

For achieving the above-mentioned objectives, the Contractor is requested to perform the following activities/tasks:

1. Inception Phase;
2. Business Analysis and System Detailed Design;
3. System Development;
4. Data Collection and Import;
5. System Implementation;
6. Training;
7. TODIS Maintenance.

Each of the above-listed activities is presented in more details below.

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<sup>3</sup> <https://www.ogc.org/standards/wms>

<sup>4</sup> <https://www.ogc.org/standards/wfs>

<sup>5</sup> <https://www.ogc.org/standards/cat>

<sup>6</sup> <https://www.ogc.org/standards/sos>

<sup>7</sup> <https://www.iso.org/standard/53798.html>

### **2.4.1. Activity 1: Inception Phase**

During the Inception Phase a detailed review of the ToR requirements and related documentation (reports, data, data description, key stakeholders, legislation, etc) will be undertaken. This task will also include the analysis, development, and confirmation of detailed plan for the successful implementation of the project, including all phases of the project implementation. The Contractor shall also (a) review and further develop its risk mitigation strategy (b) define the communication strategy and (c) update and submit as an appendix to the Inception Report the Quality Assurance Plan provided in the Technical Offer. Based on the detailed review, the Contractor shall provide description of the technical equipment, software, definition of the conceptual data model, high level business processes and overall training plan (to be further detailed under Activity 3).

All the above shall be duly reflected in the Inception Report that shall also include a detailed implementation timeline showing compliance with the contractual deadlines. Such timeline shall entail sequencing project activities (tasks and sub-tasks), milestones and the project's critical path.

The overall duration of the inception phase shall not exceed 1 month, and the task will conclude with the delivery of the Inception Report.

**Delivery:** Inception Report

**Deadline:** Commencement plus 1 month

### **2.4.2. Activity 2: Business Analysis and System Detailed Design**

This activity would follow the Inception Phase and includes the business analysis and the development of system's detailed design.

The business analysis and system design shall be developed according to the requirements defined in the following documents:

- TODIS Overview (see *Annex 8*);
- TODIS Functional Specifications (see *Annex 9*);
- TODIS Non-Functional Specifications (see *Annex 10*).

The business analysis shall include the proposed approach for each of the defined requirements and the procedures to be followed for each of the processes defined.

The system design shall include the system architecture with the description of models in UML (Unified Modelling Language), detailed design of main system modules, detailed design of the system database (logical and physical design), system functionality and interface (including workflow diagrams and mock-up screens with logical sequence and validation procedures), detailed description of system integration and hardware/ cloud/ communication infrastructure.

This activity shall be completed by the end of month three with the delivery of the Business Analysis and System Design Report.

**Deliveries:**

- Business Analysis and System Design Report.

**Deadline:** Commencement plus 3 months

**2.4.3. Activity 3: System Development**

This major activity will include the development of all system modules and implementation in the development environment of the Contractor. It will entail conducting continuous testing and quality assurance on development (as per the Quality Assurance Plan provided in the Technical Offer and further revised at the time of Inception Report), staging and production environment. During this period, the plans for acceptance testing and training plan will also be developed in line with the relevant provisions of the Technical Specifications. System Development is expected to commence in month four and entails the delivery of the acceptance testing plan on month eight, the training plans on month ten together with the release candidate version of the system (fully compliant with all ToR requirements in staging environment which will go in production mode after successful acceptance testing). The release candidate version shall be considered as delivered after undergoing the acceptance testing, as per the approved acceptance testing plan (please refer to *Section 2.6.2*). This last task shall also define the issues to be dealt with in the system implementation phase (Activity 5)."

**Deliveries:**

- TODIS release candidate;
- Acceptance Testing Plan;
- Training Plan.

**Deadlines:**

- Commencement plus 8 months for the Acceptance Testing Plan;
- Commencement plus 10 months for the rest.

**2.4.4. Activity 4: Data Collection and Import**

This activity is divided in two distinctive sub-tasks:

- Data Collection (to commence in month three); and
- Data Import (to commence in month eight).

**a) Data Collection**

For the Data Collection, the Contractor shall undertake the initial collection of data from:

- a) The Regional Participants

This would require physical presence in each of the Regional Participants by an expert fluent in the local language who would arrange and hold individual meetings with each of the Regional Stakeholders and literally collect the available data from all sources. In performing this activity, the Contractor is required to keep the Regional Stakeholders workload at a minimum and not over rely on their inputs and capacities. This include, among others, extracting relevant TODIS data from sources like scanned or printed versions of Feasibility Studies, other reports, excel/word files etc..

The data to be collected has been defined and the corresponding sources have been partially identified. The detailed tables of the required data, its availability and formats (where confirmed), together with the list of Regional Stakeholders per Regional Participant/sector and the engagement status are provided in the TODIS Overview document (*Annex 8*).

b) Third Parties

A review of on-going or currently planned initiatives from third parties has been undertaken, and the potentials of utilising their information systems and tools for the purposes of TODIS have been identified. The on-going consultation process shall continue throughout the development of TODIS to ensure maximisation of the benefits for all parties. The findings of the consultations and the required tasks to be undertaken by the Contractor can be found in the TODIS Overview document (see *Annex 8*).

To support the proper performance of this activity, the Contracting Authority will facilitate contacts with the relevant stakeholders in the public sector, but the Contractor will be responsible for establishing contact, data collection and the fulfilment of the required tasks as these are defined in *Annex 8*. Data collection from the Regional Stakeholders shall be completed within two months from the start of Activity 4. Further on, the Contracting Authority will verify the collected data in regard to its accuracy and validity. In case discrepancies are identified, the Contracting Authority will notify the Contractor and request a revision of the input. This sub-task shall be considered completed, only after the successful verification and confirmation of all data by the Contracting Authority.

**b) Data Import**

Following the collection and confirmation of data, the sub-task of importing the available data to the system would be undertaken, including data formatting and restructuring, according to the data model requirements.

Data structure and format must be tested, verified, and validated before being imported for operational use. During the data processing and import, the Contractor should ensure the quality for spatial characteristics of the data, for the completeness and logical accuracy of the attribute information of the data and for the metadata. The quality of data and information must be ensured throughout their life cycle.

The task will conclude with the delivery of the Report on Data Import and Validation on month 10.

**Deliveries:**

- Data collected, validated and imported;
- Report on imported and quality assured data.

**Deadline:** Commencement plus 10 months

**2.4.5. Activity 5: System Implementation**

This activity comprises the implementation of staging and production environment on the stakeholder's infrastructure (cloud or on-premises as per the agreed Technical Offer and detailed system design), as well as conducting the system acceptance testing. It also includes the development of the system documentation and system maintenance plan. The overall duration is estimated at one month (month 11).

**Deliveries:**

- Acceptance testing protocols;
- System documentation (user guides, administrator's guides, installation, and configuration guides);
- System maintenance plan.

**Deadline:** Commencement plus 11 months

**2.4.6. Activity 6: Training**

This task includes the training on the system for both regular system users (i.e. Regional Users, Regional Coordinators, TCT Subject Matter Experts) as well as the system power users (i.e. administrators). This would include conducting training on data input, analysis, and interrogation, as well as reporting and data outputs.

The training should be carried out in accordance with the requirements of the Technical Specifications and based on the Training Plan previously developed by the Contractor and approved by the Contracting Authority (see Activity 3).

There should be specialised courses for individual users of the system to include a comprehensive set of topics in order to increase the capacity to work with the system and use the full amount of its resources. The training materials should be distributed both on paper and electronically and should include a different set of materials for the different categories of learners.

Training of Regional Users and Regional Coordinators is expected to take place in the following cities: Tirana, Sarajevo, Banja Luka, Pristina, Podgorica, Skopje and Belgrade. Training of the TCT SMEs and system administrators is expected to take place in Belgrade.

The Contractor shall be responsible for all aspects related to training organization and logistics and shall cover all related costs, including rental of adequate venues, refreshments and meals for all participants.

The overall duration of this Activity would be one month, thus completing the delivery of the TODIS within 12 months.

**Deliveries:**

- Training materials;
- Training protocols.

**Deadline:** Commencement plus 12 months

**2.4.7. Activity 7: TODIS Maintenance**

Following the successful implementation and put into operation of TODIS, after the system commissioning, a maintenance period of three years shall commence.

The minimum requirements during the maintenance period include:

- Keeping information systems functional and secure;
- Monitoring the performance of the system (through analytic utilities, logs, etc.), regular diagnostics of the components of the system and performing regular security audits;
- Making necessary alterations to or corrections of the information system;
- Documenting the use of and alterations made to the information systems;
- Monitoring the operation and use of information systems;
- Error fixing with response and resolution time of 1 working day for critical issues and 3 working days for non-critical issues;
- System general support (Including software updates, updates of security certificates, etc.);
- Ensuring of regular backup, and monitoring the free space available;
- Carrying out tests of new hardware equipment and software products;
- Recommendations to the employer for improvement of the system through purchase of software and hardware upgrades;

Additional TODIS maintenance requirements are also provided in **Annex 10** (TODIS Non-Functional Specifications). The Contractor shall bear all costs needed to ensure full functionality of TODIS during the maintenance period. All such costs are considered included in the Contract price.

**Deliveries:**

- Monthly reports with all issues, bug fixes and maintenance activities;
- Final Maintenance Summary with all issues, bug fixes and maintenance activities and recommendation for next steps of the system life-cycle maintenance and improvement of the software and hardware components.

**Duration:** 36 months, from TODIS commissioning

## 2.5. Delivery requirements

All reports included in the deliverables shall be prepared in English.

All system documentation (user guides, administrator's guides, installation, and configuration guides) shall be delivered in English.

Draft version of the deliverables shall be handed over in electronic editable format. The approved version of the deliverables shall be also handed over in two hard copies.

## 2.6. Acceptance of the services by the Contracting Authority

All the services and deliverables to be produced under the contract shall be subject to acceptance by the Contracting Authority. The following acceptance procedures shall apply.

### 2.6.1. Technical Reports

**2.6.1.1** The list of technical reports to be prepared by the Contractor is provided in table form below.

No.	Deliverable	Deadline for submission
1.	Inception Report	Commencement plus 1 month
2.	Business Analysis and System Design Report	Commencement plus 3 months
3.	TODIS Acceptance Testing Plan	Commencement plus 8 months
4.	TODIS Training Plan	Commencement plus 10 months
5.	Report on imported and quality assured data	Commencement plus 10 months
6.	TODIS System Documentation and Maintenance Plan	Commencement plus 11 months
7.	TODIS Maintenance Reports	Monthly, following TODIS Taking Over
8.	Final Maintenance Summary	Month 36 after TODIS Taking Over

### 2.6.1.2 Approval of Technical Reports

Contracting Authority's feedback shall be submitted within 20 days upon receipt of the draft version of a deliverable and may take one of the following forms:

- Unconditioned approval;

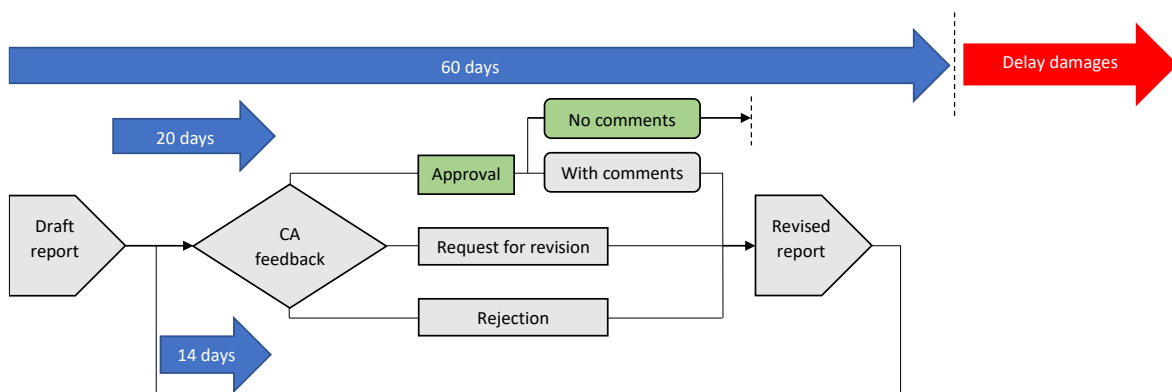
- b. Approval with comments;
- c. Request for revision (in case the deliverable needs quality and/or content improvement);
- d. Rejection (in case the minimum contractual requirements on the deliverable's content and quality are not met).

In cases listed at points b, c and d above Contracting Authority's decision shall be accompanied by a list of comments that the Contractor will have to consider when preparing a revised version of the deliverable. The Contractor shall send the revised version as soon as practically possible, and the Contracting Authority shall provide its feedback within 14 days from such submission.

Notwithstanding Contracting Authority's entitlement to reject or request revision of a deliverable until its feedback properly addressed, failure of the Contractor to have its reports approved within 60 days from the initial submission would trigger the provisions of Article I.13.2 of the contract applicable starting from the first day following such deadline.

Contracting Authority's failure to send feedback within the time limits set under this article would result in the reports being deemed approved starting from the day following the date such feedback was due.

The typical sequence of report approval events is presented graphically below:



## 2.6.2 Services acceptance protocols

Activities no. 3 and 5 shall only be deemed completed further to the successful passing of all relevant tests, confirmed by the acceptance protocols. Testing of TODIS shall be conducted based on the Acceptance Testing Plan to be prepared under Activity 3.

Testing starting date and duration shall be defined by the Acceptance Testing Plan, in full observance of the overall completion deadline for Activities 3 and 5. Failure to pass the acceptance tests within 30 days from the completion date of Activity 5 would trigger the provisions of Article I.13.2 of the contract applicable starting from the first day following such deadline.



Activity no. 6 shall be deemed completed further to the delivery of all training sessions as per the approved Training Plan and acceptance by the Contracting Authority of the training protocols. The training protocols template shall be included in the Training Plan Report and shall comprise information on each training sessions held, no. and names of attendees and summaries of courses evaluations.

Contracting Authority's approval on the training protocols shall be submitted within 7 days from submission providing that the approved templates are being used and the information thereunder included is factually correct.

### **2.6.3 TODIS Taking Over**

Notwithstanding approval of individual deliverables/services performed under various activities, TODIS shall be taken over by the Contracting Authority when:

- The Contractor has successfully carried out all tests provided by the Acceptance Testing Plan, all test reports for the system being accepted by the Contracting Authority;
- TODIS system documentation has been submitted and approved unconditionally by the Contracting Authority);
- The Contractor has successfully delivered the training program;
- All hardware and software forming the system is physically and legally in the possession of the Contracting Authority;
- All software that has been developed or acquired to support the development or functioning of the system or the component being taken over is physically and legally in the possession of the Contracting Authority.

Taking over of TODIS shall be formalized through a handover protocol to be concluded between the Contractor and the Contracting Authority. Such protocol will include details on fulfilment of each individual condition for TODIS taking over, as listed above. The template of the handover protocol shall be prepared by the Contractor. Notwithstanding the Contracting Authority's right to ask for template modifications or the time needed for effective signing of the handover protocol by both Parties, the date the last condition was met shall be considered the taking over date from which TODIS maintenance period (Activity 7) shall be deemed commencing.

## **2.7. Staff**

The team delivering the services should include, as a minimum, the profiles hereunder provided.

The team should provide experts who have qualification and legal capacity to perform in a timely manner all the obligations of the Contractor described in this Terms of Reference throughout the term of the contract.

### 2.7.1. Key Experts

Experts who have a crucial role in implementing the contract are referred to as Key Experts. The profiles of the Key Experts for this contract (including minimum requirements with regard to qualifications and skills, specific professional and project related experience) are provided below:

No.	Key Expert	Qualifications and Skills	Specific Professional Experience	Project-related experience*
<b>B1</b>	Team Leader	University graduate in a field of expertise relevant for this assignment (any of the specific requirements for the other experts' profiles).  Proficient English user (at least C1 level in the Common European Framework for Reference for Languages <sup>8</sup> )	7 years of experience in the information systems sector	Working experience in a similar position** in 2 projects of similar size*** concerning development of IT systems with functionalities for collection, processing and analysis of large volumes of data.
<b>B2</b>	Transport Planning Expert	University graduate from Transport/ Civil Engineering /Economic Science, Urban and Regional Planning departments or equivalent****  <u>Alternatively</u> , 3 years of specific professional experience above the minimum level provided in column 4  Proficient English user (at least C1 level in the Common European Framework for Reference for Languages)	7 years of experience in transportation planning*****	Working experience in collection and/or use of data for transport systems in 2 projects of similar size*** for developing transportation planning***** documents or analytical tools at regional, national or international level.
<b>B3</b>	System Architect Expert	University graduate from Computer Science/ Mathematics/ Software Engineering/ Electronics or equivalent****  <u>Alternatively</u> , 3 years of specific professional experience above the minimum level provided in column 4.  Proficient English user (at least C1 level in the Common European Framework for Reference for Languages)	5 years' professional experience in enterprise GIS solution and experience in spatial analysis techniques and solutions.	Working experience as product solution and system architecture design in 2 projects of similar size*** concerning development of IT systems with functionalities for collection, processing and analysis of large volumes of data.

<sup>8</sup> See [http://www.coe.int/t/dg4/linguistic/Cadre1\\_en.asp](http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp)

No.	Key Expert	Qualifications and Skills	Specific Professional Experience	Project-related experience*
<b>B4</b>	Business Analysis Expert	University graduate from Computer Science/ Mathematics/ Software Engineering/ Electronics or equivalent****  <u>Alternatively</u> , 3 years of specific professional experience above the minimum level provided in column 4.  Proficient English user (at least C1 level in the Common European Framework for Reference for Languages)	5 years' professional experience in IT business analysis techniques and solutions.	Working experience in 2 projects of similar size*** in the implementation of activities related to the description of work processes, business analysis and design
<b>B5</b>	Software development coordinator	University graduates from Computer Science/ Mathematics/ Software Engineering/ Electronics/Geography or equivalent****  <u>Alternatively</u> , 3 years of specific professional experience above the minimum level provided in column 3	5 years' professional experience in enterprise GIS solutions and experience in developing and implementing software development projects.	Working experience in 2 projects of similar size*** concerning development of IT systems with functionalities for collection, processing and analysis of large volumes of data

\* For project-related experience to be considered fulfilled, it should refer to a project that was completed within the last five years from the time-limit for submitting bids under the current project.

\*\* "Similar position" means Team Leader, Project Manager or equivalent, providing that the activities undertaken included full and direct responsibility for the project delivery and coordinating of the entire project team.

\*\*\* for a project to be considered as having a similar size, the value of its relevant component(s) should be at least EUR 600,000.

\*\*\*\*"Equivalent" means any other university degree providing the graduates with solid competencies in the specific field the expert will be covering. In case an equivalent degree is relied upon for meeting minimum requirement, the tenderer shall include additional proof of the specific competencies such graduation program provided.

\*\*\*\*\* "Transportation planning" is the process of defining future policies, goals, investments, and spatial planning designs to prepare for future needs to move people and goods to destinations.

## 2.7.2 Non-key Experts

CVs for experts other than the Key Experts are not examined prior to the signature of the contract and should not be included in tenders.

Within 6 weeks from commencement, the Contractor shall propose for Contracting Authority's approval a pool of 6 Non-Key Experts meeting the following criteria:

Non-Key Expert	Qualifications and Skills	General Professional Experience	Specific Professional Experience
6 Data collection experts (1 for each Regional Participant)	University graduate  Fluency in English and local language	5 years of general professional experience in the transport sector	Previous experience in transport data collection and management  Full computer literacy

Contracting Authority’s approval shall be given within 14 days from submission providing that the proposed staff meets the criteria above.

### **2.7.3 Other experts, support staff and backstopping**

The Contractor is responsible to select, hire and/or use any other experts whose inputs might prove necessary for the proper delivery of services without seeking Contracting Authority’s prior approval in this regard. In particular, quality assurance and system security topics are considered of utmost importance for the proper delivery of the services and dedicated experts might be needed in this regard.

The costs for other experts, backstopping and support staff, as needed, are considered to be included in the tenderer's Financial Offer.

### **2.8. Meetings and phone conferences**

The Contractor is expected to participate in the following meetings and phone conferences:

- Kick-off meeting at the latest 14 days following the commencement of the contract
- Meeting at the end of each activity between Contracting Authority’s and Contractor's team, presenting the deliverables.
- Ad-hoc and/or regular progress review meetings with the Contracting Authority’s personnel for ensuring proper management and monitoring of the services delivery.

Meetings will be held virtually or in TCT Secretariat Premises in Belgrade, depending on the evolution of COVID-19 pandemic.

The Contractor shall provide minutes for each meeting or conference call. The minutes should be drafted by the Contractor within 3 working days following the meeting or call and need to be explicitly agreed among the participants.

### **2.9. Assumptions & Risks**

Although the data needs for TODIS have been identified, the Contracting Authority retains the right to request the addition of specific data/ information, if and when the need for them is identified. This is in line with the requirement prescribed in the TODIS Overview document (see *Annex 8*), for the TODIS to include a module that will allow the definition and introduction of new data inputs/ parameters into the system.

The data sources per Regional Participant and the corresponding availability and data formats have been confirmed for part of the identified data needs. Details in this regard could be found in *Annex 8*. Nevertheless, the Contractor will be responsible to complete the Regional Stakeholders engagement process and to confirm and/or amend the above as needed, in order to secure the maximum possible population of system with data.

The Contracting Authority will facilitate the initial contact with the Regional Stakeholders and third parties involved in activity 4 regarding the potentials of utilising their information systems and tools for the purposes of TODIS. The Contractor will be responsible to continue the consultation process throughout the development of TODIS to ensure maximisation of the benefits for all parties. The Contractor should be well aware of the risk of low responsiveness and cooperation from some Regional Stakeholders and take appropriate mitigation measures. The Data collection experts' knowledge, ability and assertion will play a crucial role for ensuring that data is collected in full and at proper timing.

All in person meetings foreseen (relevant to data collection, training, project management) shall follow the local guidance/ restrictions in regard to COVID-19 pandemic.

All the above shall not constitute reason for extension of the duration of any activity under the assignment.

### **3. EVALUATION AND AWARD**

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

- Check if the tenderer has access to procurement (see *Section 1.5*);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements set out in these tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The Contracting Authority will assess these criteria in no particular order. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, on additional information and evidence provided at the request of the Contracting Authority during the procedure and/or before the signing of the contract. If any of the declarations or information provided proves to be false, the Contracting Authority may impose

administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

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

### **3.1. Verification of non-exclusion**

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 57 of Directive no. 2014/24/EU.

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

All tenderers must provide a declaration on honour (see *Annex 5*), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

Declaration on honour must be provided by the following:

- Each member of the group in case of joint tender;
- Identified subcontractors;
- Entities on whose capacity is being relied.

The obligation to submit supporting evidence does not apply to international organisations.

The documents mentioned as supporting evidence in the Declaration on Honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the Contracting Authority. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the Contracting Authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the Contracting Authority can access the document in question on a national database free of charge.

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the Contracting Authority. This requirement applies to each member of the group in case of joint tender and identified subcontractors.

## **3.2. Selection criteria**

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

Tenderers must prove their legal, regulatory, economic, financial, technical, and professional capacity to carry out the work subject to this procurement procedure. The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections. The assessment of whether a tenderer fulfils the selection criteria shall be done based on such evidence. The Contracting Authority reserves the right to request clarifications and/or additional documents enabling it to verify tenderers compliance with the selection criteria.

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

### **3.2.1. Declaration and evidence**

The tenderers (and each member of the group in case of joint tender), subcontractors whose capacity is necessary to fulfil the selection criteria and entities on whose capacity is being relied in this regard must provide the declaration on honour (see *Annex 5*), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see *Section 3.1*) so only one declaration covering both aspects should be provided by each concerned entity.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the Contracting Authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the Contracting Authority can access the document in question on a national database free of charge.

### **3.2.2. Legal capacity**

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

Such capacity shall be proven by the evidence listed below:

- Proof of enrolment in a relevant trade or professional register;

This criterion applies to the Group leader in case of joint tenders.

### **3.2.3. Economic and financial capacity criteria**

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria:

- **Criterion F1:** Average annual turnover of the last two financial years above EUR 600,000; this criterion applies to the Group leader in case of joint tenders.

#### **Evidence:**

- For economic operators required under national law to keep a complete set of accounts: statement of financial position, statement of profit or loss account and annexes of the last two years for which accounts have been closed;
- For economic operators required under national law to keep a simplified set of accounts: the statement of expenditure and revenue and the annex showing assets and liabilities for the last two financial years for which accounts have been closed;
- In all cases, a statement of overall turnover provided over the last two financial years for which accounts have been closed.

The most recent year must have been closed within the last 18 months.

- **Criterion F2:** Ratio between total assets and total liabilities above 1.25; this criterion applies to the Group leader in case of joint tender.

#### **Evidence:**

- For economic operators required under national law to keep a complete set of accounts: the statement of financial position, statement of profit or loss and annexes of the last two years for which accounts have been closed;
- For economic operators required under national law to keep a simplified set of accounts: the statement of expenditure and revenue and the annex showing assets and liabilities for the last two financial years for which accounts have been closed;

The most recent year must have been closed within the last 18 months.

**All the above specified evidence of economic and financial capacity must be provided with the tender.**

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic



and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Contracting Authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

### **3.2.4. Technical and professional capacity criteria and evidence**

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criterion below. The project references indicated below consist in **a list of relevant services provided in the past five years, with the sums, dates, and clients (public or private)**, accompanied by **statements issued by the clients** confirming that information provided is accurate.

<b>Criterion A1</b>	
<p>The tenderer must prove experience in the field of:</p> <ul style="list-style-type: none"> <li>- database design and development (A1.1);</li> <li>- database maintenance (A1.2);</li> </ul>	
<p><b>Minimum level of capacity:</b></p>	<p>At least 2 projects in the field of database design and development (sub-criterion no. A1.1) and maintenance (sub-criterion A1.2) meeting the following conditions:</p> <ul style="list-style-type: none"> <li>- Project activities included the design, development and maintenance of information systems on a regional, national or international level with minimum functionality for data collection, data analysis and data sharing;</li> <li>- Activities related to database design and development were successfully completed in the last five years preceding the tender submission deadline;</li> <li>- Activities related to database maintenance were performed for at least 1 year within the last five years preceding the tender submission deadline;</li> <li>- The minimum value of the activities associated with database design and development is EUR 300,000.</li> </ul> <p>Alternatively, experience in the field of sub-criterion A.1.2 might be also proved by mean of separate projects than those proving compliance with criterion A1.1, providing that:</p> <ul style="list-style-type: none"> <li>- database whose maintenance is ensured meets the same conditions as required for criterion A.1.1, namely <i>information system on a regional, national or</i></li> </ul>

	<p><i>international level with minimum functionality for data collection, data analysis and data sharing.</i></p> <ul style="list-style-type: none"> <li>- Database maintenance activity has been performed for at least 1 year in the last five years preceding the tender submission deadline.</li> </ul>
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.
<b>Evidence</b>	<ul style="list-style-type: none"> <li>- A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, client's name, topic and scope, role of the tenderer (if the project was carried out by a consortium), total project amount (and the tenderer's share if the project was carried out by a consortium), amount related to database design and development (and the tenderer's share if the project was carried out by a consortium).</li> <li>- Statements issued by the clients confirming that information provided is correct.</li> </ul>

### **3.2.5. Technical Offer Requirements**

The Technical Offer must provide all the information needed to assess the compliance with the award criteria, adequately backed-up by support documents. The following information shall be included as a minimum:

#### **3.2.5.1 Project Team**

The Technical Offer shall present the proposed team of experts, distribution of roles and duties, the contributions, the responsibilities of the experts and the links between them.

Key experts shall be evaluated based on CVs and supporting documents indicated under point 2.7.1 (if case). Each CV should indicate the intended function in the delivery of the service. CVs are limited to 5 pages A4 per key expert and shall be structured around the relevant information required for each profile to facilitate evaluation.

No. of years of specific professional experience should be clearly indicated and supported by information on all relevant positions held, main tasks performed in such positions, name and contact details of the employers.

The list of projects for each expert shall indicate details of their start and end date, client's name, information on the project's scope and size (including size of the relevant activities, if case), the expert's position in the project team and the activities performed.

#### **3.2.5.2 Methodology**

The Technical Offer should describe in detail the activities and sub-activities (if any) that will be performed according to the ToR to achieve the expected results. Additional activities may also be suggested, and their need justified for the successful implementation of the assignment.

The Technical Offer should indicate the intended results in the realization of the respective (sub)activity by linking it to the specifics of the activity itself and the proposed way of its implementation and to clearly describe the chronological, technological, and logical interconnection of the processes in the implementation of the individual (sub)activities.

The Technical Offer should include a detailed schedule with specific deadlines for the implementation of specific activities in the individual stages and the assignment as a whole. The proposed timetable should comply with the overall deadlines stated in *Section 2.3* and shall be presented in the form of a Gantt Chart.

Methodology section should not ideally exceed 30 pages.

#### **3.2.5.3 Risk management plan**

The Contractor has to apply a system for the management of the risks within this assignment. This risk management process of the Contractor has to be explained in the Technical Offer, including, as a minimum, a risk analysis, identification of possible risks and the necessary actions to avoid, transfer, mitigate or accept them.

#### **3.2.5.4 Quality Assurance**

The Technical Offer shall include details on the proposed Quality Assurance System and how the tenderer is going to apply it in order to meet the requirements of the assignment.

#### **3.2.5.5 TODIS proposed solution**

The Technical Offer shall include a high-level description of the proposed solution for the TODIS, including the proposed system architecture, main system modules, description of system integration and hardware/ cloud/ communication infrastructure.

The Technical Offer must explicitly confirm compliance of the proposed solution with the TODIS functional and non-functional requirements (see *Annex 9* and *Annex 10*). To this purpose, the Technical Offer shall include the functional and non-functional requirements' tables with an additional column clearly indicating:

- compliance with each requirement;
- any added value elements.

### 3.3. Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

#### 1. Price - 30%

The price considered for evaluation will be the total price of the Financial Offer, covering all the requirements set out in the Technical Specifications.

#### 2. Quality – 70%

The quality of the tender will be evaluated based on the criteria set in the following table. The maximum total quality score is 100 points.

Tenders must score a minimum no. of points for each criterion, as indicated in the table below. The minimum no. of points to be scored in total is 60. Tenders that do not reach the minimum thresholds for each criterion or a total number of 60 points will be rejected and will not be ranked.

No	Award Criteria	Maximum Points	Minimum threshold
1.	<p><b>Relevant experience of key personnel</b></p> <p>Meeting the minimum requirements for all key experts as defined in <i>Section 2.7.1</i> equals to 30 points.</p> <p>The remaining 30 points shall be granted as following:</p> <ul style="list-style-type: none"> <li>- Each Key Expert might be granted a maximum of 6 additional points based on his/her project related experience;</li> <li>- 3 points shall be granted for each additional project covering the relevant requirements defined in <i>Section 2.7.1</i> with the sole exception of the criterion related to project size who shall not apply for this purpose, up to a maximum of 6 points (2 projects) per expert.</li> <li>- No extra points shall be granted for additional projects, if any.</li> </ul>	60	30

No	Award Criteria	Maximum Points	Minimum threshold
2.	<p><b>Quality of the proposed technical approach</b></p> <p>This criterion assesses the applicability and adequacy of the proposed approach for delivering the services by assessing the following elements:</p> <ul style="list-style-type: none"> <li>- The Contractor’s methodology;</li> <li>- The Risk Management Plan;</li> <li>- The Quality Assurance Plan;</li> <li>- The proposed solution for TODIS.</li> </ul> <p>Scoring under this criterion shall be made based on the following principles:</p> <ul style="list-style-type: none"> <li>- Mere repetition of the technical specifications will result in a low score;</li> <li>- Further breakdown of tasks per sub-activities will get higher score, but artificial split should be avoided;</li> <li>- Detailed description of <i>how</i> activities shall be carried out in correlation with the proposed team structure shall get higher score;</li> <li>- Presentation of a general risk management plan shall get lower score. Identifying risks that are relevant for this assignment and well-targeted and realistic mitigations measures shall be scored higher;</li> <li>- Mere listing of tenderer’s quality assurance system(s) will result in a low score. Detailed description of concrete QC measures to be applied during the implementation of each sub-task as described in the tenderer’s methodology will get higher score.</li> <li>- Added value elements for TODIS like proposals for platform with better parameters or higher quality than the requirements set-up in the Technical Specifications will get higher score.</li> </ul>	40	20
	<b>Total</b>	100	60

### 3.4. Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 70/30 is given to quality over price.

<b>Score for tender X</b>	=	<b>cheapest price</b>	*	<b>100</b>	*	<b>30%</b>	+	<b>total quality score (out of 100) for all award criteria of tender X</b>	*	<b>70%</b>
		<hr/>								
		<b>price of tender X</b>								

Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for quality will be deemed to be the most economically advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed in below until a most economically advantageous tender can be determined: criterion no. 1, criterion no. 2, criterion no. 3.

The contract shall be awarded to the tender ranked first, which complies with the minimum requirements specified in the procurement documents and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling the selection criteria.

## 4. ANNEXES

Annex 1.1: Commitment letter by supporting entity

Annex 1.2: Commitment letter by an identified subcontractor

Annex 2: List of identified subcontractors

Annex 3: Financial Offer Template

Annex 4: Tenderer 's Identification Form

Annex 5: Declaration of honour on exclusion criteria and selection criteria

Annex 6: Power of attorney (mandate in case of joint tender)

Annex 7: Draft Contract

Annex 8: TODIS Overview

- Appendix A – TODIS Data Needs Tables
- Appendix B – Information on Regional Stakeholders
- Appendix C – TODIS Key Performance Indicators

Annex 9: TODIS Functional Specifications

Annex 10: TODIS Non-functional Specifications

Annex 11: Glossary of Terms