

Annex I

Tender Procedure No: Frontex/RP/1181/2019/AH

Maritime Analysis Tools

Additional information to Candidates

Table of Contents

I.	GENERAL INFORMATION	3
I.1	General Information on Frontex	3
I.2	Selected procedure: restricted procedure	3
I.2	Eligibility	4
I.3	Penalties	4
I.4	Legal form to be taken by the group of economic operators to whom the contract is to be awarded:	4
I.4	Other particular conditions	5
I.5	Sub-contracting	5
I.6	Cost of preparing applications	5
I.7	Misrepresentation and corruptive practices	5
I.8	Confidentiality and public access to documents	6
II.	SPECIFIC INFORMATION	7
II.1	Subject of the tender	7
II.1.1	Background	7
II.1.2	Description	7
II.1.3	Timeline	7
II.1.4	Budget	7
II.2	Variants	7
II.3	Type of contract	8
II.4	Location and duration	8
II.5	Form and content of the application	8
II.6	Evaluation of applications	8
II.7	Exclusion Criteria	8
II.8	Selection Criteria	8
II.9	Opening of the requests to participate	10
II.10	Assessment of the candidatures	10

I. GENERAL INFORMATION

I.1 General Information on Frontex

Frontex, the European Border and Coast Guard Agency, which was established by the Council Regulation (EC) [Regulation \(EU\) 2016/1624](#), supports EU Member States and Schengen Associated Countries in the management of EU's external borders and fighting cross-border crime. The Agency is a centre of excellence for border control activities at the EU's external borders, sharing intelligence and expertise with all EU Member States, as well as neighbouring non-EU countries affected by migratory trends and cross-border crime. Among its many tasks, the agency coordinates the deployment of border and coast guards, along with boats, airplanes, patrol cars and other equipment, to EU countries facing exceptional pressure at their external borders.

The new European Border and Coast Guard Regulation ([Regulation \(EU\) 2019/1896](#)), which entered into force on 4 December 2019, entrusted Frontex with new powers and tools that will help it meet three main strategic objectives: reduced vulnerability of the external borders based on comprehensive situational awareness; safe, secure and well-functioning EU borders and sustained European Border and Coast Guard capabilities.

Further information about Frontex origin, organisation, its mandate, fields of activities, strategy and planned activities can be read on the Agency's web site: www.frontex.europa.eu.

I.2 Selected procedure: restricted procedure

For its fast growing organisation and performance, Frontex is in constant need of goods and services. Tendering is the structured way to consult the market for the purchase of these goods and services.

The purpose of competitive tendering for awarding contracts is two-fold:

- To ensure the transparency of operations;
- To obtain the desired quality of services and supplies at the best possible price.

The procurement procedure is governed by the following legal provisions: Title VII of Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union (Financial Regulation), repealing Regulation (EU, Euratom) No 966/2012 and Annex I to the same regulation.

This call for tenders is based on a restricted procurement procedure in accordance with Article 164 of the Financial Regulation.

The restricted procedure is composed of two distinct phases:

the first phase concerns the selection of candidates following the publication of a contract notice in the Official Journal;

a second phase concerns the evaluation of tenders submitted by the candidates selected in the first phase.

The assessment of the candidates in the candidature phase and of the tenders in the tender phase will comprise the following phases:

In the pre-qualification phase (phase 1):

Exclusion of candidates

Selection of candidates based on their:

- Economic and financial capacity
- Legal capacity
- Technical and professional capacity

In the tendering phase (phase 2):

Evaluation of tenders:

- Technical evaluation
- Financial evaluation

This document ("Additional information to Candidates") is concerned with phase 1: exclusion and selection of candidates.

Only selected candidates will receive the "Invitation to Tender", which will contain further information related to the scope of the contract, administrative procedure, contractual and financial issues, (guarantees, terms of payments, draft framework contract and draft specific contracts, etc.), the awarding procedure and the detailed technical specifications.

I.2 Eligibility

The Candidate:

- must not be in any of the situations as described in point II.7;
- must demonstrate sufficient economic, financial, professional and technical capacity

In order to ascertain the eligibility the Tenderer must indicate in the application the country in which it has its registered office or in which it is domiciled. It shall also submit the evidence required under their national law.

Frontex procurement procedures are open to any natural or legal person registered/domiciled in the territory of the European Union, European Economic Area and Schengen Associated Countries. **Exceptionally, and without prejudice to any other Frontex procurements, this procedure is open to all economic operators regardless of their place of domiciliation/registration.**

I.3 Penalties

Without prejudice to the application of liquidated damages laid down in the contract, Applicants, Tenderers and Contractors who have been guilty of making false declarations concerning situations referred to in point II.7, shall be subject to the financial penalties set out in Article 135 and 138 of the above mentioned Regulation No 2018/1046.

I.4 Legal form to be taken by the group of economic operators to whom the contract is to be awarded:

If candidates intend to submit a joint candidature in order to submit a joint tender during the second phase of this call for tenders, candidates must mention this fact in their candidature, together with any other information in this respect. They must specify which company will be put forward as coordinator to manage the contract.

If you intend to participate with a partner and have already set up a consortium or similar entity to that end, you should mention this fact in your request to participate, together with any other relevant information in this context.

Consortiums of economic operators may submit a tender. Frontex reserves the right to require the consortium retained to have a given legal form if this is necessary for the proper performance of the contract. This requirement may be communicated by Frontex at any time during the contract award procedure, but in any case before the contract is signed.

The Applicants who are members of the consortium shall describe in detail the contractual arrangements or agreements between them.

The consortium of economic operators shall furnish proof of its legal form in the application. This may take one of the following forms:

an entity with legal personality recognised by a Member State;

an entity without legal personality but offering sufficient protection of Frontex's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association);

the signature by all the partners of a type of 'power of attorney' or equivalent document confirming a form of cooperation.

The document supplied must prove the consortium's actual status.

Frontex may accept other legal forms not referred to above, provided that they ensure the parties' joint and several liability and are compatible with performance of the contract. However, in the contract to be signed with the consortium Frontex will refer expressly to the existence of such joint and several liability. In addition, it reserves the right to require, contractually, the appointment of an authorised representative who may represent the members and who is empowered, inter alia, to issue invoices on behalf of the other members.

Tenders from consortiums of economic operators must specify the role, qualifications and experience of each of the members of the consortium. The tender shall be submitted jointly by the economic operators, who shall also assume joint and several liability for the tender submission.

In the case of a consortium of economic operators, each member will furnish proof of the right of access to the contract (eligibility), as well as proof concerning compliance with the exclusion and selection criteria. With regard to the selection criteria, Frontex may rely on the capacity of the other members of the consortium in order to establish whether the tenderer will have the resources needed to perform the contract. In this case an undertaking will be required from those members stating that they will make available to the other members the resources needed to perform the contract.

I.4 Other particular conditions

In principle the performance of the contract shall not involve access to classified information; however, the contractor and its staff shall be obliged to respect Frontex security rules.

If the contractor or his personnel and, where applicable, sub-contractors fail to comply with the Frontex security rules or with instructions from the Frontex Security, Frontex may, without prejudice to any indemnity due by the contractor to Frontex, terminate the contract with immediate effect by giving notice in writing to the contractor. In these circumstances, no costs or compensation relating to such termination shall be due by Frontex to the contractor.

The processing of personal data by the contractor shall meet the requirements of Regulation (EU) No 2018/1725.

I.5 Sub-contracting

Sub-contracting is allowed, provided that the subcontractor(s) and his scope of work shall be clearly indicated in the tender. Nevertheless, the responsibility for the full execution of the contract rests with the Contractor, as Frontex has no direct legal commitment with the subcontractor(s).

All members of the consortium and subcontractors shall meet the eligibility and exclusion criteria given in points I.2 and II.7.

If your application envisages subcontracting, your file must include a document:

- Mentioning the reasons why you are envisaging subcontracting;
- Stating clearly the roles, activities and responsibilities of subcontractor(s), and
- Specifying the volume/proportion for each subcontractor

A letter of intent by each subcontractor stating its intention to fully collaborate with the main contractor in the execution of the contract and the terms of this collaboration if you win the contract must be included.

I.6 Cost of preparing applications

The contract notice does not constitute any commitment on behalf of Frontex for award of the contract to a company. Frontex shall not reimburse any costs incurred in preparing and submitting applications.

I.7 Misrepresentation and corruptive practices

The contract shall not be awarded to Tenderers who, during the procurement procedure:

- a) are subject to a conflict of interest;

- b) are guilty of misrepresentation in supplying the information required by Frontex as a condition of participation in the contract award procedure or fail to supply this information;
- c) attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or Frontex during the process of examining, clarifying, evaluating and comparing tenders.

All the above-mentioned circumstances shall lead to the rejection of the offer and may result in administrative penalties.

I.8 Confidentiality and public access to documents

In the general implementation of its activities and for the processing of tendering procedures in particular, Frontex observes the following EU regulations:

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

For the purpose of performing the services the Contractor and its staff engaged in the implementation of the contract will be required to sign the Declaration of Confidentiality.

II. SPECIFIC INFORMATION

II.1 Subject of the tender

II.1.1 Background

The Border and Coast Guard Agency (Frontex) shall carry out risk analysis as regards all aspects of integrated border management (IBM). This risk analysis activity performed by the Agency shall cover all aspects relevant to European IBM with a view to developing a pre-warning mechanism.

For our purposes, Maritime Analysis Tools is a system that works with maritime 'big data' (e.g. maritime reporting systems data, information on ship ownership/management, historical movements of vessels, and relevant open source information). The system must be capable of producing information of interest for border/coast guard and law enforcement authorities by performing the following functions:

- a. Capturing, collecting, storing, searching, querying, visualization and updating maritime 'big data'.
- b. Analysing, identifying/categorising high-risk threats, assessing maritime risks and informing policy and practice in this work area of the maritime domain.
- c. Performing analytical capabilities to research systematically the maritime risk environment and deliver a set of products, such as risk alerts/profiles, periodical strategic overviews, maritime area analyses and EU/regional risk maps.

II.1.2 Description

By this procurement Frontex aims to acquire multiple access (minimum four) to already existing Maritime Analysis tools for a period of one (1) year. The contract shall be renewable, maximum three times, each time for another year and by the decision of Frontex. The overarching objective is to put in place a dedicated analytical capability to research systematically the maritime risk environment and deliver a set of products that identify high-risk threats, assess maritime risks and inform the key stakeholders: policy-makers and law enforcement in this important area of work. Thus, the deployment of Maritime Analysis tools is intended to enhance Frontex operational support to EU border/coast guard and law enforcement authorities in suppressing and preventing, among others, illegal migration and cross-border crime in the maritime domain.

II.1.3 Timeline

The initiation and setup of the contract service shall be started in the second quarter of 2020 for the provision of one year with three possible renewals (from 2021 to 2024).

The selected provider will set-up Maritime Analysis Tools for Frontex. The provider shall ensure secure accessibility and usability of these tools permitting that a minimum of four simultaneous access points (licenses) to the maritime analytical tools are available to Frontex staff at any given time.

The decision of the renewal of the contract shall be based on the evaluation of results during the first year of its implementation and it shall be communicated to the Contractor at least one month in advance.

II.1.4 Budget

The maximum estimated budget earmarked for the contract is 650,000 euro per year, 2,600.000,00 euro including all possible renewals.

II.2 Variants

Variants are not allowed.

II.3 Type of contract

Frontex will conclude a single service contract with the successful Tenderer following the second stage of the procedure. The draft of the contract shall be included in the tender dossier.

II.4 Location and duration

The tasks will be mainly performed at Contractor's (services relevant to the provision of maintenance and support) and Frontex' (installation/accesses, training, meetings) premises.

The contract shall be concluded for an initial period of one (1) year with three possible renewals, each for twelve months.

II.5 Form and content of the application

The application shall be clear and concise, with continuous page numbering, and assembled so as to constitute a coherent whole. It shall be submitted in paper by hand or by post (as indicated in the invitation letter), compiling the prescribed questionnaires and forms together with all mandatory supporting documentation.

It shall include all the information and documents required by Frontex for the evaluation of applicants on the basis of the exclusion and selection criteria, in the absence of which, Frontex may decide to reject the application.

Your application should be submitted in the format of the Standard Reply form and include:

- A. Request to Participate (covering letter) accompanied by the Identification of the Candidate
- B. Declaration on honour (Annex II) and documentary evidence related to the exclusion criteria
- C. Selection criteria questionnaires (indicated templates) and documentary evidence related to the selection criteria

II.6 Evaluation of applications

Evaluation of applications shall be conducted in two stages in regard to **exclusion and then selection criteria**.

II.7 Exclusion Criteria

In line with the legislation in force the Tenderers shall be excluded from participation in a procurement procedure (or the contract shall not be awarded to them) if they are in any of the situations of exclusion.

The Tenderer or in case of consortium all members of consortium shall provide a declaration on their honour, duly signed and dated stating that they are not in one of the situations referred the above (*Tenderers Declaration on Honour*).

In addition, the evidence confirming the *Declaration on Honour* must be included in the application.

If the person already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

II.8 Selection Criteria

Each application shall be verified against the criteria specified below. Incomplete applications shall be rejected. However, Frontex may request that missing formal documents are submitted by fax (normally these are to be submitted within 48 hours following the request).

II.8.1 Economic and Financial Capacity

Candidates must demonstrate that they have sufficient economic and financial resources to be able to carry out the tasks specified in this contract notice.

Minimum requirements:

- average annual turnover must be equal to or greater than 2,000,000 EUR for the last 3 financial years for which the accounts have been closed.

This evaluation shall be based on the following:

- (a) a statement as to overall annual turnover during the past 3 financial years signed by the duly authorized legal representative of the company.

Should the application be submitted by a grouping, the information requested under (a) and (b) must be submitted to the contracting authority in the form of a separate document for each grouping member and subcontractors and a document summarizing the consolidated data for the grouping as a whole.

For the criteria that are deemed to be achieved above a certain level, i.e. overall turnover a consolidated assessment of all members of consortium together shall be made.

II.8.2 Legal, Technical and Professional Capacity

A tenderer is asked to prove that they are authorised to perform the contract under the national law as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

Evidence required:

The tenderer shall provide a duly filled in and signed Legal Entity form (see the link below) accompanied by the documents requested therein.

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

The candidates shall provide information and formalities necessary for evaluating their technical and professional capacity to provide the services required by Frontex:

- (a) a list of similar projects/contracts implemented in the past 3 years with a brief description, showing experience in the subject of this call for tender; the minimum required number is three (3).
- (b) Characteristics/functionalities of the tool which they can provide:

The candidates are required to fill in the dedicated table (below) inventorying the required capacity and capability to deliver the service required.

Only tenderers capable of providing a tool with all mandatory and at least one of the optional features shall be invited to tender.

The tenderers are required to declare the features of their solutions in the table below and evidence them by at least one page description how each of them is implemented. It is advisable to enclose relevant screenshots or cases/examples. Frontex reserves the right to request additional information and/or evidence if those provided do not allow for a conclusive assessment.

Reference No	Maritime Analysis Tool (MAT) Capacity	Answer
1 Mandatory	Your MAT capture, store and manage global positional data from ship reporting systems for at least the last five years (e.g. comprehensive historical data on voyages, previous/next ports of call)?	Yes/No
2 Mandatory	Your MAT allow the user to establish search rules and queries based on specific ship behaviour?	Yes/No
3 Mandatory	Your MAT deliver advanced analytical capabilities supported by artificial intelligence/machine learning algorithms? (e.g. assessment of vessel risk-level).	Yes/No
4 Optional	Your MAT include the fusion of historical, static and dynamic vessel data (e.g. vessel particulars, shipping company information and economic performance)?	Yes/No
5 Optional	Your MAT have analytical capabilities to assess the risk level of vessel and fleet ownership/management?	Yes/No

II.9 Opening of the requests to participate

In the first phase (selection of candidates), the opening of the requests to participate will not be public.

II.10 Assessment of the candidatures

The assessment will be based on the information provided by the candidates via the forms and questionnaires that are part of the requests to participate and of the accompanying documents.

All the information will be assessed in the light of the criteria set out in this document. The procedure for the selection of the candidates, which will concern only admissible requests to participate, will be carried out in two successive stages. Only requests meeting the exclusion criteria will be examined in relation to the selection criteria.

The aim is:

1. to check, in the first stage (exclusion criteria), whether candidates can take part in the tendering procedure and, where applicable, be awarded the contract;
2. to check, in the second stage (selection criteria), the economic and financial capacity and the technical and professional capacity of each candidate who has passed the exclusion stage.

All candidates will be informed of the decision regarding their request to participate as soon as the selection is completed.

III.4 Assessment of joint tenders and tenders involving sub-contracting

Joint applications shall be assessed as follows:

- a. The exclusion criteria and the selection criteria for economic and financial capacity shall be assessed in relation to each company individually.
- b. The selection criteria for technical and professional capacity shall be assessed in relation to the combined capacities of all members of the consortium, as a whole.

- c. The award criteria shall be assessed in relation to the tender, irrespective of whether it has been submitted by a single legal or natural person or by a tendering group.

Joint offers in the stage following the award:

If the Tenderer submits a joint offer but has not yet set up an entity with a legal form, and if he is awarded the contract, the contracting authority may require the Tenderer to give a formal status to his collaboration before the contract is signed, if this change is necessary for proper performance of the contract. This can take the form of an entity with or without legal personality but offering sufficient protection of Frontex contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract shall be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the group (a power of attorney or sufficient authorisation has to be provided and shall be attached to the contract as an annex), when the Tenderers have not formed a legal entity.

Applications involving subcontracting shall be assessed as follows:

- a) The exclusion criteria and the selection criteria for economic and financial capacity shall be assessed in relation to each company individually².
- b) The selection criteria for technical and professional capacity shall be assessed in relation to the combined capacities of the Tenderer and the subcontractor, as a whole, to the extent that the subcontractor puts its resources at the disposal of the Tenderer for the performance of the contract.

The award criteria shall be assessed in relation to the tender. Subcontracting as such cannot be an award criterion

² For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with the respect to the specific procurement, a consolidated assessment of a Tenderer plus subcontractor together shall be made, to the extent that the subcontractor puts its resources at the disposal of the Tenderer for the performance of the contract.