

FWC for provision of SARS-CoV-2 testing and close contacts tracing

Lot 1 - Provision for the SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP testing to Frontex personnel, contractors and visitors physically accessing Frontex HQ

Lot 2 - Provision of 'close contacts' tracing

Terms of Reference

Annex II to invitation to tender no

Frontex/2021/0143/OP/MS

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1. INTRODUCTION

The European Border and Coast Guard Agency (“Frontex”) is governed by the European Border and Coast Guard Regulation (“Regulation”)¹.

The Headquarters (HQ) of Frontex is located in Warsaw, Poland, as laid down in the Regulation. A HQ Agreement has been concluded between Frontex and the Republic of Poland².

Further information about Frontex can be found on the Agency’s web site <http://www.frontex.europa.eu>.

2. PURPOSE

The still ongoing coronavirus pandemic has a significant impact on workforce organisational arrangements at Frontex HQ. Frontex, an EU Agency, needs to ensure business continuity and high performance while respecting the safety and well-being of Frontex personnel, in line with the well-established duty of care principle.

To that end, a bi-weekly rotational shift regime, an extended teleworking regime, strict behavioural rules, sanitising measures, and regular communication and support to Staff, which reduce the risk of COVID-19 (and its mutations) transmission within the Frontex HQ workplace, have been introduced.

Frontex is currently employing circa 1400 staff (temporary agents, contract agents, seconded national expert, trainees and interims). This figure also includes personnel belonging to the newly established Standing Corps, which is regularly deployed in operational areas on the European external borders. Of the total staff indicated, 900 - 1000 are assigned to work at the Agency’s headquarters in Warsaw and currently, in March 2021, on average circa 25-30% of all staff is required to work on weekly shift being physically present in the office, while the rest is teleworking from remote. That percentage may increase or decrease, depending on the modalities described into Frontex Exit Strategy - The action plan for a phased return to the office.

In order to contain and further reduce COVID-19 infection risk for the part of the workforce that is working on-site and, at the same time, to protect other staff on shift, this tender foresees 2 services under two respective LOTS, as following:

Lot 1:

SARS-CoV-2 Rapid Antigen, PCR³ and RT-LAMP⁴ testing, which, together with additional measures established into Frontex Exit Strategy, constitute important elements of such effective prevention actions to ensure a safe environment.

The main reasons to provide three types of **SARS-CoV-2** tests are:

- **Rapid Antigen**, to ensure a swift, almost immediate result for safe presence of personnel working on-shift in the HQ and for contractors and visitors who access HQ
- **PCR and RT-LAMP**, for staff who need to travel for business reasons since those tests are alternatively required by destination countries and/or flight companies.

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

² Headquarters Agreement between the European Border and Coast Guard Agency (Frontex) and the Republic of Poland, signed on 9 March 2017.

³ PCR stands for a laboratory technique known as **polymerase chain reaction**. In this test, the goal is to selectively amplify trace amounts of genetic material, identifying specific parts of DNA. Just as a reminder, DNA is the genetic code that is present in every cell in the body.

⁴ RT-LAMP stands for Reverse Transcriptase loop-mediated isothermal amplification technology. This is a one-step nucleic acid amplification method to multiply specific sequences of RNA of the coronavirus.

Lot 2:

Management of 'close contacts' tracing in case staff is reported positive to COVID-19 following modalities agreed with Contracting Authority.

3. OBJECTIVE

Frontex Exit Strategy describes the processes for a phased return to work for personnel. After a series of indicators' assessment presented by the Crisis Management Team to the Executive Management, Frontex Executive Director decides to move from one phase to another. The gradual return to work is the establishment of shift regime that ensures a percentage of required personnel physically present in the office on a weekly basis while the rest is teleworking. The staff assigned to shift A present at HQ in a given week physically comes back to work at HQ after two weeks, being replaced in the second week by the personnel assigned to shift B. As point out above in par. 2, to date, 25 - 30% of the staff is physically present on a weekly basis into HQ.

The objective of the planned open tender procedure is the conclusion of one Framework Service Contract (FWC) with a selected service provider for provision of SARS-CoV-2 testing (Lot 1) and the conclusion of one Framework Service Contract (FWC) with a selected service provider for provision of 'close contacts' tracing (Lot 2).

As above briefly illustrated, the FWC is divided into the following Lots:

Lot 1

Provision for the SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP testing to Frontex personnel, contractors and visitors physically accessing Frontex HQ, through the modalities below described.

Specifically, the service foreseen by this LOT1 is planned to apply:

- To Frontex HQ staff effectively coming to work on-site within the rotating, bi-weekly shift pattern;
- To that staff who is going to mission and needs to be tested as per requirement set by the destination country or the flight company;
- To contractors and visitors who need to access Frontex HQ either on regular basis or just for short time.

Lot 2

Provision of the 'close contacts' tracing in case staff is reported positive to COVID-19.

The service related to contacts tracing is a task that the contractor shall perform using a medical expert (or a team) such as a nurse/doctor/paramedic to locate the 'close contacts', when staff is reported positive to COVID-19. That service would ease the activity of Frontex in managing self-isolation and quarantine, according to Polish sanitary and Frontex internal rules in force in those areas.

The above planned configuration, as outlined, reflects a measured, proportionate approach meant to balance concerns about business continuity and high performance while respecting the safety and well-being of Frontex personnel.

4. DESCRIPTION OF THE SERVICES AND DELIVERABLES

All the requirements described in these Terms of Reference (hereinafter ToR) with use of the word “shall” are the minimum requirements that the tender shall meet in order to be evaluated based on the award criteria. Tenders not meeting the minimum requirements will be rejected.

4.1. Lot 1 - Testing

The contractor shall:

- Provide a SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP Tests in a site in Warsaw through an infrastructure compliant with similar medical business in the field of SARS-CoV-2 testing
- Provide a SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP Tests in a mobile setting, if necessary
- Ensure the maximum number of people a week can be tested for SARS-CoV-2, using Rapid Antigen, PCR and RT-LAMP
- Ensure testing availability within 24 hours since notification to the contractor
- Ensure that test results are available within max 12h for SARS-CoV-2 PCR tests and within max 15 minutes for Rapid Antigen/RT-LAMP Tests
- Ensure that whether the test result is inconclusive or non-diagnostic, so insufficient to give a full response, the test is re-taken at contractor's expenses

Tests shall be conducted:

- On a weekly basis to the respective shift and on need when visitors and external contractors access HQ, in the days (including public holidays) and times agreed between the contracting authority and the contracted provider. The price of service during the public holidays is separately reflected in the Annex IV Financial tender template.
- Within eight working hours each day above. For business reasons, if the tests need to be performed outside working hours, a prior agreement is needed between the parties.

The contractor shall:

- Organise the collecting of samples
- Queue and result awaiting zones
- Ensure necessary safety and COVID-19 health precautions all times
- Ensure comfortable access and transit into the testing area
- Ensure the appropriate number of healthcare professionals and infrastructure to accommodate the required testing capacity
- Detail the logistics requirement regarding testing administration and present to Frontex with the tender (technical proposal).

4.2. Lot 2 - 'Close contacts' tracing

Within the medical team, the contractor shall offer an administrative service for the 'close contacts' tracing, in case staff is reported positive to COVID-19. As detailed into par 4.3.2, the tracing shall:

- Be carried out by one person (or a team), a medical staff included into the categories of nurses, paramedics or doctors, familiar with contacts tracing task.
- Be carried in accordance with Frontex internal rules and Polish regulations in force.
- Adapt to changes in the rules in Poland and Frontex, upon the agreement with the contracting authority.
- Be conducted in respect of the data protection regulation specified in par 9 below.

4.3. Specificities of services required

4.3.1. Technical specification for Lot 1- Testing

SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP tests to be considered for the use by the contractor must comply with recommendations and guidelines issued by [WHO](#) and EMA/Polish competent national authority ([Office for Registration of Medicinal Products, Medical Devices and Biocidal Products](#)) as compliant with the Council Recommendation on a common framework for the use, validation and mutual recognition of COVID-19 rapid antigen tests in the EU⁵.

In particular, tests must possess the following clinical performance (evaluated based on comparison with PCR tests on population n=100 or higher)⁶:

- Sensitivity 95% or higher;
- Specificity 95% or higher.

The tests used by the contractor cannot be listed in the exclusion list published by [WHO and shall able to detect the COVID-19's mutations](#).

4.3.2. Technical specifications for Lot 2 - 'Close contacts' tracing

The 'close contacts' tracing shall be performed by the personnel specified in par 4.2 with the following assignment of tasks:

- Receiving information from staff about the COVID-19 infection or about 'close contacts' outside the Agency.
- Identification of the personnel within the Agency being in 'close contacts' with the reported COVID-19 carrier.
- Making decision on self-isolation of COVID-19 carriers and 'close contacts' personnel following Polish sanitary and Frontex internal rules.
- Providing anonymous statistics on the infected staff and 'close contacts' persons to the Agency.
- Keeping the records of the COVID-19 infected persons and 'close contacts' carriers having the access to EWP system (Polish isolation/quarantine system) and rights to manage data which is essential for the management of isolation periods.
- Providing information on self-isolation rules within the Agency to the COVID-19 positive and 'close contacts' persons.

⁵ https://ec.europa.eu/health/sites/health/files/preparedness_response/docs/covid-19_rat_recommendation_en.pdf

⁶ Instructions for use of certain products: https://www.who.int/diagnostics_laboratory/EUL/en/

4.4. Frequency of tests and engagement of contacts tracing

The testing shall be carried out up to 50% of HQ Frontex Staff as well as to visitors and contractors physically present into the Agency on a weekly basis; indicatively **600 people in May 2021 - April 2022, and 700 people in May 2022 - April 2023.**

The contracting authority reserves the right to increase or decrease the frequency and the number of tests to be provided depending on the factual situation (this notably concerns advances in the progressive roll-out of COVID-19 vaccinations to all staff). In such a case, the contracting authority will notify the contractor within 2 weeks' notice period.

In order to protect the privacy and health data of Staff, contractors and visitors, Frontex will support any decision to vary the frequency of testing by arranging anonymous test scheduling.

The expected weekly engagement for 'close contacts' tracing is between 2 and 15 hours.

5. Location for test administration

The contractor shall ensure the tests take place:

- **In the proximity⁷ of Frontex HQ**, located at Plac Europejski 6, 00-844 Warsaw (PL), in an appropriate location identified and secured by the contractor.

OR/AND

- **At Frontex HQ**, located at Plac Europejski 6, 00-844 Warsaw (PL), prior the agreement of the Contracting Authority, having all necessary safety measures in place.

Moreover,

- **As per exceptional necessity, in a mobile station not further than 1-kilometer radius around Frontex HQ** arranged by the contractor, prior agreement of the Contracting Authority and to be paid by the Agency in a pre-agreed price not exceeding the average market price proved by market research analysis conducted by the Contracting Authority.

6. Location for Contacts Tracing

The contacts tracing activity shall take place at contractor's office. The contractor shall ensure proper administrative, logistical and technical infrastructures to perform such service.

7. Service Delivery Timeframe

The test results shall be made available only to the individual, tested Frontex staff member, visitor and contractor in the above-mentioned timeframes for SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP, respectively, following test administration. No test outcome shall be communicated to Frontex.

The contacts tracing results shall be made available to Contracting Authority on daily and weekly basis as well as on request from Frontex, the latter whenever is necessary with a notice of 12 hours e.g. for statistical purposes.

⁷ Proximity shall be defined as a 15-kilometers radius around the Frontex Headquarters.

8. Composition and responsibilities of healthcare professionals of the contractor

Lot 1 - Testing

The services shall concern the SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP testing.

The contractor shall provide the list of health professionals (at least 10) with proved capacity of conducting the testing as described in this ToR and the Contract Manager and its replacement. All of them shall possess the English language level as described in point 10 below.

It is responsibility of the healthcare professionals of the contractor to keep secrecy and discretion when interacting with staff; no communication in that sense is foreseen between Frontex and the healthcare professionals.

Moreover, in the processes of testing, all medical equipment and samples shall be handled and disposed safely and securely in a manner, which eliminates the risk of virus transmission to others.

Lot 2 - 'Close contacts' tracing

The activities related to contacts tracing shall be conducted in duly manner, respecting good administrative practices and security rules in order to ensure proper communication with the concerned parties (such as Staff, Contracting Authority, Sanitary Authorities, etc.) and avoid information leaking.

The person or the team of contacts tracing, shall be composed by medical staff included into the categories of nurses, paramedics or doctors, familiar with contacts tracing task and whose tasks are described into the par. 4.3 above. In order to prove the respective qualifications, the contractor shall provide CV of the team member(s) in which academic title(s) and relevant professional experience are clearly stated.

9. Data Protection applicable to both Lots

The processing of the personal data by the service provider shall be in accordance with the Regulation (EU) 2016/679⁸ and other relevant data protection provisions that may apply.

Together with the offer, the service provider shall submit its Privacy Policy, Privacy Statements, detailed description of the different processing operations of personal data (including collection and processing and disposal of samples), detailed description of technologies to be used for processing personal data, including the reliability and percentages of false positive on each of the testing procedures, of false negatives on each of the testing procedures in addition to the false positive ones, and any other relevant data protection documentation, in particular legal obligations they may be subjected in accordance to their national legislation. Frontex will perform an assessment to verify the compliance with data protection obligations.

The service provider shall not, under any circumstances, process personal data for any other purpose than provision of required service. The service provider will be considered as a Data Processor vis-à-vis Frontex. All processing of personal data by the service provider has to follow the provisions agreed in the controller-processor agreement (data processing agreement) and according to the guidelines provided by Frontex. In case the processor engages sub-processors that will partially/fully perform the activities which are object of this tender, the processor shall disclose the contract details and names of those sub-processors,

⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to processing of personal data and the free movement of such data

as well as their privacy policies, privacy statements and any other data protection obligation imposed by the national legal framework of such sub-processor.

As part of the offer, the service provider shall submit information about any third party engages in processing personal data (including providers of technical infrastructure) to enable Frontex to assess the compliance with data protection obligations.

The service provider shall allow Frontex at any time to carry out audits in respect to compliance with the data protection requirements.

The service provider shall process only personal data that is strictly necessary for the provision of service and not collect any other information that is not strictly required for the provision of service.

The service provider shall not store any personal data concerning Frontex personnel, including provided samples and test results, unless mandated by national legal obligations. Samples shall be destroyed as soon as possible upon the performance of the test. The test result shall be shared exclusively with the person whom the results concern.

The service provider shall have appointed a Data Protection Officer (DPO), and provide the details of the DPO to Frontex.

All personal data shall be processed by the service provider exclusively in the EU/EEA region.

The service provider shall not disclose any personal data to any third party without prior written authorisation by Frontex, unless mandated by a national legal obligation. As part of the offer, the service provider shall submit information about any requirement to disclose any personal data to enable Frontex to assess the possibility of such disclosure, as well as about the third party to whom the data must be disclosed.

The service provider shall keep all personal data strictly confidential as for Lot1 and Lot2.

The whole process of testing and contact tracing and further communication with Frontex personnel shall be designed in accordance with the principle of Privacy by Design and by Default and utmost diligence shall be ensured to protect privacy and dignity of the individuals.

A template of the controller - processor agreement that has to be concluded between the service provider and Frontex is attached to the tender documentation.

10. Maximum value of the FWC

All prices shall be expressed in Euro and quoted as net prices (without VAT).

The estimated total maximum value of the FWC for its total duration including possible renewal (2 years) is indicated as 6.306.000€ comprising Lot 1 - Testing and Lot 2 - Contacts Tracing activity, detailed as following:

- 6.254.000€ for Lot 1 - Testing.
- 52.000€ for Lot 2 - 'Close contacts' tracing.

10.1. Testing

The testing shall include the following elements for the SARS-CoV-2 Rapid Antigen, PCR and RT-LAMP tests:

- A unit price and handling (including transportation and any additional administration costs). The price shall also include the maintenance and communication with Frontex personnel of a schedule for testing.
- The price of the product and service shall be based on price per test.

The service shall be based on a maximum of the numbers described into the par. 4.3, with flexibility to potential increase or decrease the number and frequency of testing. Frontex will only pay for the tests that are actually carried out.

- The parties shall agree on a revision of the testing price(s) and services before the contract is extended to the next 12 months period with the purpose of adapting them to the changes that have taken place in the relevant market. The agreement on the price revision shall be the condition to extend the contract for another 12 months period. Detailed methodology regarding the price revision is described in draft contract (Annex III).

10.2. Renting of the site for testing

Whether the contractor needs to rent the location in the proximity of Frontex HQ⁹, the contractor will bear that cost and this shall be reflected in the financial offer, where the offer shall be all-inclusive. The contractor may use its own facility located in the proximity of Frontex HQ as defined above.

10.3. Arrangement of the mobile station

Whether the installation and use of a mobile station close to Frontex HQ is needed, the contracting authority shall cover those costs; the price shall reflect the market quotation in force in Warsaw to establish similar business. The Contractor shall provide Frontex with the supporting justification/documents towards the price of the mobile station and after a research market analysis conducted by the Contracting Authority and with its prior agreement the cost shall be borne by the Agency.

10.4. Contacts Tracing

The contacts tracing activity shall foresee all-inclusive price covering service and administrative costs incurred to perform such task.

11. Language

Healthcare professionals and Contract Manager and its replacement carrying out the services shall be able to communicate (speaking and writing) in English at a level of B2 Common European Framework of Reference.

12. Duration of the contract for service delivery

The duration of the contract is described in the Annex I Tender Specifications as well as in the relevant provisions of the draft contract.

13. FWC implementation

The services shall be ordered via the Order Forms issued by Frontex. Template of the Order Form is attached to the contract. Order will indicate the type of services to be performed and the time frame applicable to those services. It is planned to issue orders covering one year, however, there may be orders issued for different length of time e.g. month(s), quarter, etc.

14. Payment and invoicing

The payment shall be executed on a monthly basis (unless time indicated on the order form is shorter than one month or the order form specifies different payment conditions), based on a correctly issued invoice.

⁹ Proximity shall be defined as a 15-kilometers radius around the Frontex Headquarters

The payment shall be made within 30 days from the receipt (i.e. registration in Frontex Registration Office) of invoice under the condition that Frontex (Appendix 1 - Acceptance form) accepts the services.

The invoice shall specify the following information:

- Timeframe for the invoiced period
- Services types together with number of units and prices

The invoice in pdf form shall be sent to the following e-mail address:
invoices@frontex.europa.eu.

15. Appendix 1 - Acceptance Form

APPENDIX 1 - ACCEPTANCE FORM

This document is used to formalize the acceptance of the task/deliverable by Frontex. Acceptance constitutes approval of the task/deliverable and will allow for processing the payment.

Contract No		Subject	
Order Form No		Frontex Contract Manager	
Business Unit		Prepared by	
Task/Deliverable: <i>(Please give reference to the Technical Specifications and short description of the task or deliverable)</i>			

Criteria for acceptance (as specified in the contract) ¹⁰ and verification against contractual provisions	YES/NO	Comments
Quantity		
Compliance with min. requirements (may be copied from the contract)		
Quality		
Delivery deadline		
Delivery (other aspects)		
The price in line with contractual provisions and payment schedule		
Thoroughly checked for irregularities (if detected, a report and, if applicable, justification accompanied by <i>Record of Exception</i> shall be enclosed)		

I hereby declare that the above criteria have been verified and, consequently, I recommend to:

ACCEPT ☐ REJECT ☐ ACCEPT with RESERVATIONS ☐ PARTIAL ACCEPTANCE ☐

Reservations:

Remarks:

Signature of the Project/Contract Manager Date:

Final validation Signature of the HoU/AO Date:

¹⁰ The criteria must be copied from the contract, no additional criteria allowed