

PEE Annex 2 – Market Survey Summary

The contracting authority conducted a market survey involving the partners of ITL (Estonian Association of Information Technology and Telecommunications), TMPO (Tallinn Mechanism Project Office) and SIDA-ESTDEV project CURE™ (Cybersecurity for Ukraine: Resilience and Enhancement) in Ukraine.

As a result of the market research, a number of questions were asked and proposals were made, an overview of which is presented below:

| Question/suggestion | Contracting authority's response/explanation | Did it result in a change in the procurement documents? |
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| We have noticed that <i>Kosovo</i> is included among the eligible countries. As you may know, Ukraine does not officially recognise Kosovo . Therefore, it would not be appropriate for Ukrainian public institutions or projects implemented in Ukraine to include entities from Kosovo as eligible participants. We kindly ask you to take this into account when finalising the documentation. | As the EU has a trade agreement with Kosovo, it is not possible to take the proposal into account. | No |
| Please clarify whether this list of eligible countries applies equally to: 1 All consortium members (i.e. whether all consortium participants must be registered in these listed countries); 2 Subcontractors or partner organizations involved in implementation (e.g. local partners in beneficiary countries); 3 References – whether projects performed for clients or beneficiaries located outside the listed countries are acceptable as past performance evidence; 4 Offices or resources – whether the bidder may demonstrate experience and team capacity located in countries not included in the eligibility list (for example, technical staff or delivery centers in third countries). Clarification is needed to understand if the country list applies only to the legal registration of bidders and consortium members, or also limits the geographical origin of experience, projects, and personnel. | 1. All joint tenderers must be from allowed countries. 2. The subcontractors at the stage of the performance of the contract do not have to be from these countries, only if their competence is invoked to fulfil the qualification criterion. 3. Yes, because the law does not restrict it, i.e. it is a matter of choosing the contracting authority. 4. Doesn't limit the location of staff and experience. | No |

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| For an international company or consortium with operations in several countries, please confirm: 1 Whether the turnover requirement may be aggregated across the bidder's group entities, branches, or subsidiaries operating in different countries; and 2 Whether the project experience (e.g. minimum three similar contracts of at least EUR 100,000 each) may include references implemented in various countries, provided they are relevant to the subject matter of the procurement. | 1. No, the turnover of the members of the consolidation group cannot be relied on if the entire consolidation group does not come as joint tenderers or as a reliant subcontractor. 2. Yes. | No |
| Parts 1 and 2: Net turnover of at least EUR 1,000,000 per year for the last 3 years. Question: Is the net turnover in the case of a consortium total or per unique company? | The turnover can be summed up as members of the consortium, who are marked as joint tenderers or subcontractors in the tenders. | No |
| Parts 1 and 2: at least 3 similar contracts in the last 36 months, each worth at least €100,000 (excluding VAT). Question: Is it a consortium or a unique company? | Reference contracts can be combined with the experience of consortium members who have been identified as joint tenderers or subcontractors. | No |
| Part 3: At least 3 contracts in the last 36 months in the field of IT or cybersecurity infrastructure, each worth at least €100,000 (excluding VAT). Feedback: The condition is not proportionate compared to the requirement of a contract similar to Part 1 and Part 2 3, because infrastructure projects are usually significantly more expensive than those of the consultation. | The contracting authority analysed the feedback and slightly changed the costs of previous reference contracts in the procurement document and adjusted the turnover requirements. | Yes |
| Minimum turnover in parts 1–2. Current wording. 'Lots 1 and 2: net turnover of at least EUR 1 000 000 per year for the last 3 years.' Recommendation. Align with tranche 3: €4,000,000 per year. | The contracting authority does not take this into account, since it would exclude the SME from participating in the tender, which is the purpose of the division. | No |

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| <p>The documents currently refer to English and Estonian as the working languages, while Ukrainian is not mentioned. Considering that most of the framework's activities will be implemented in Ukraine and that direct interaction with Ukrainian institutions and experts will be required, we would recommend including Ukrainian language proficiency as a relevant requirement for project teams operating in Ukraine. This would ensure smoother coordination and communication with local recipients and stakeholders.</p> | <p>If necessary, the condition is established in a mini-competition and the respective possibility is regulated by the framework agreement.</p> | <p>No</p> |
| <p>The project manager of the team must be fluent in Estonian. Question: What is ESTDEV's vision of the project team and how it works? The requirements state that the Team's project manager must be proficient in Estonian, and at the same time, the procurement is open to non-EU countries in addition to the EU. Are these companies from non-EU countries really expected to participate in the procurement and are these companies expected to hire Estonians as project managers for the team??</p> | <p>The contracting authority analysed the proposal and found that, taking into account the content of the projected projects, it is appropriate to require the project manager to speak English, which ensures smooth cooperation between the parties. However, the tenderer must take into account that the procurements will be carried out in accordance with the Language Act at least in Estonian, and if possible also in English. The contract partner must also be able to ensure communication in Estonian and prepare documents, if necessary, but an interpreter can also be used for this.</p> | <p>Yes</p> |
| <p>From clause 3.2.2 "Documentation concerning the performance of the contract in Estonian." + Requirements for the tenderer's team and CV form: from clause 1.2 "... to prepare and check the procurement contract documentation in Estonian." Regarding the Estonian language requirement, we think that since English is indicated for the performance of the works (other local language by agreement), it could also be allowed to write the tender/description of the works, project documentation, etc. Submission. This would ensure a clearer common understanding of the content of the works and that the actual project corresponds to the tender (there will be no problems with terminology and no need to translate the</p> | <p>The contracting authority allows the submission of tenders in English (the relevant right specified in the Procurement Registre in the subsection "Additional details of the procurement").</p> | <p>Yes</p> |

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| tender into English in the case of work carried out in a foreign country). | | |
| As most Ukrainian recipient institutions are objects of critical infrastructure, we strongly recommend that all installation, configuration and training activities be carried out by personnel fluent in the Ukrainian language. This will guarantee precision, operational safety and effective communication during all stages of implementation. | If necessary, the condition is established in a mini-competition and the respective possibility is regulated by the framework agreement. | No |
| In point 1.1, it is incomprehensible why the project manager may not also perform another role in the project, if necessary. Also, a situation may arise if a consultation (consultant) and a penetration tester are needed in the project and they are listed as key roles, then two different people should definitely be involved, while a cybersecurity specialist is generally able to both successfully consult and perform a pentest. | The contracting authority wishes that the key roles presented in the procurement for concluding the framework agreement would be mutually supportive. The contracting authority wants to make sure that the partner has a competent team. Considering that key members in 2-3 roles have been asked, the contracting authority does not consider the requirement to be unreasonably restrictive. It is possible to take a more flexible approach to assembling specific teams within the framework of mini-competitions. | No |
| Requirements 2 and 3 of section 1.4 are very restrictive and seem unreasonable. As a hypothetical example: If the project is directed to Poland, for example, then it seems unreasonable to us that it is mandatory to have a team member who is located in Poland and also partially carries out the project there, if it is always possible to travel to Poland as needed to carry out the project. | This is a definition of the term "international project" and is not a separate requirement. | No |
| Whether it is mandatory to identify and present potential local partners already at the framework procurement stage, or whether such partnerships will be established later during mini-competitions for specific projects; If demonstration of local partners is expected now, what form of evidence or documentation (e.g. letters of intent, cooperation agreements, or general descriptions of potential partnerships) is required; Whether the evaluation | In order to participate in the framework procurement, there is no obligation to submit on-site experts or specialists to be involved. The corresponding need will be presented only in the mini-competition. However, when drawing up a vision for cooperation, it is necessary to explain how locals will be involved, if necessary, in order to receive additional points in the assessment. | No |

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| will give additional points or preference for already having identified local partners. | | |
| The requirements for the tenderer's team in point 3 PART 1 (people/roles) are very strict. At least 5 years of work experience (in the role of project manager, consultant) and participation in at least 10 projects during this time is required, which is a very large number. This means that, in essence, the project should only be carried out <i>with senior</i> roles. Our proposal is to ask for a tender in the procurement, where roles of different levels - expert, <i>senior</i> , <i>junior</i> - <i>can participate</i> . The roles have different work and project experiences as well as hourly rates. At the same time, the above-mentioned requirement only favours those carrying out very short-term projects. Information and cyber security projects are long-term, many e.g. 3-year projects, so the requirement is disproportionate in the current wording. Proposal: For example, it would be reasonable to participate in three international projects over a five-year period. | In the context of finding partners for the framework agreement, the contracting authority wishes to find tenderers who have an extremely competent team of key specialists. Of course, it is possible to involve other team members, including those with less experience, in mini-competitions and then in the performance of procurement contracts, but key members are responsible for the quality of their work. | No |
| Requirements for the tenderer's team set out in clause 4 - for the project manager regarding the PART 2 requirement: "Has participated as a project manager in at least ten international consultation projects related to the field of information and cyber security in the last five years." It is very difficult to distinguish between projects that are purely consulting projects and those that are not. Proposal: instead add as a condition projects where the Project Manager has participated in the part containing the consultation. | The contracting authority specified the requirements for the content and volume of projects. | Yes |
| In terms of the requirements of the project manager and all other members of the project team, the requirement of 10 international projects in the last 60 months is excessively restrictive. Question: What is the purpose of such a requirement? | The contracting authority wishes to find key specialists with international experience who have experience with different cultures and environments. The contracting authority specified the requirements related to international projects and will assess the existence of more international projects within the framework of the evaluation criteria. | Yes |

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| Current wording. International experience is currently required in several separate roles (e.g. project manager, consultant, architect, administrator), which may exclude competent local specialists. Recommendation. International experience should be required at the company level – showing that the company has carried out international projects in different countries. Where necessary on an individual basis, the requirement should only apply to the project manager or lead expert responsible for the overall management and quality of the project. | The contracting authority considers it necessary for the team members to have personal experience in the implementation of international projects, as the service is provided personally. The contracting authority has also set qualification criteria for the company. | No |
| Experience Threshold: Leading Expert Current Wording. "The leading expert has over 85 months (7+ years) of experience in creating and implementing cybersecurity solutions." Recommendation. Raise the threshold to 10 years to emphasize in-depth strategic experience (but this should not be reflected in 2 different projects per year). Prove through a relevant role. | The contracting authority has set the minimum requirement of length of work experience as a condition of compliance and more than that as an evaluation criterion for experience. The contracting authority specified the threshold somewhat in the assessment. | Yes |
| Confidential projects and submission of contacts. Current wording. "The contracting authority does not accept confidential projects..." Recommendation. Allow the submission of classified projects in anonymized form, adding contacts for later verification before signing the contract. | The contracting authority is subject to the obligation to keep business secrets and keep the tender secret pursuant to the Public Procurement Act. In addition, the contracting authority must carry out a check on the basis of the data submitted regarding the conformity of the tender, which cannot be done if the tenderer has not submitted the required data on the project. Therefore, the submission of confidential projects is also prohibited, as the contracting authority does not have the opportunity to validate the experience in such a case. | No |

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| <p>Number of projects vs duration Current wording. At least 10 international projects in the last 5 years required. Recommendation. Prioritize the duration and impact of the experience; ask for 3 major projects in the last 5 years (or split into phases by program). The number of projects is not a sign of quality/competence. An alternative proposal is to reformulate the requirement as the volume (in hours) that has been carried out as a project manager in international information and cyber security projects over the past five years. NB! The proposal applies to all roles and parts of the project.</p> | The contracting authority specified the conditions in this regard. | Yes |
| <p>Expansion of the project manager's experience Current wording. 60 months of experience in the field of information and cybersecurity. Recommendation. Experience in software development and digital consulting project management should also be taken into account, if the content of the work is relevant.</p> | The contracting authority specified the conditions in this regard. | Yes |
| <p>5. Part 3 – Project Manager Current wording. "60 months of experience in analysis and prototyping." Recommendation. Add "or at deployment" to cover the entire lifecycle.</p> | The contracting authority specified the conditions in this regard. | Yes |
| <p>6. Architect (part 3) Current wording. "Participated in at least ten international ICT infrastructure implementation projects in the last 5 years." Recommendation. Add "analysis and/or design" as equivalent experience.</p> | The contracting authority specified the conditions in this regard. | Yes |

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| <p>It is essential that all equipment delivered to Ukrainian institutions under the Framework Procurement comes with an official manufacturer's warranty that is valid and enforceable on the territory of Ukraine. The supplier should ensure the availability of an authorised service centre in Ukraine capable of performing warranty repairs or replacements within one business day, in accordance with the warranty terms. The warranty documentation should explicitly indicate that Ukrainian recipients are recognised as warranty beneficiaries and confirm that service and spare parts are available locally. Please note that, in the absence of such provisions, Ukrainian recipients may not be able to formally accept or register the delivered equipment.</p> | <p>If necessary, the condition is established in a mini-competition and the respective possibility is regulated by the framework agreement.</p> | <p>No</p> |
| <p>Section 5.2.4 states that <i>'the contractor is obliged to provide a warranty of at least 24 months for the goods to be supplied...'</i> Proposal: This wording could be specified in the procurement: for example, "delivered products" instead of "deliverables" or exclude consultations, penetration testing, etc. The provider cannot provide a guarantee for the services (pentest, code review, etc.).</p> | <p>Thing and product are synonyms that do not include a service in the context of the Public Procurement Act. Thus, the contracting authority proceeds from the fact that the word "thing" describes things, products and licenses, and the word "service" describes guarantees, consultations, etc.</p> | <p>No</p> |
| <p>3.3.2. Training on the implementation of various standards and frameworks (NIST, ISO, CIS, GDPR, NIS2, etc.); Proposal: I would like to add here as examples the frameworks concerning the cybersecurity of equipment: EU CRA, RED, ISO/IEC 62443, of which RED is the EU Radio Equipment Directive.</p> | <p>As far as the contracting authority is aware, there are no plans to order such services.</p> | <p>No</p> |
| <p>4.1.1. Preliminary analysis and requirements mapping – business needs, information security and compliance requirements (e.g. GDPR/NIS2/ISO 27001); Proposal: I would like to add here as examples the frameworks concerning the cybersecurity of equipment: EU CRA, RED, ISO/IEC 62443, of which RED is the EU Radio Equipment Directive.</p> | <p>As far as the contracting authority is aware, there are no plans to order such services.</p> | <p>No</p> |

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| <p>In our opinion, the ISO 27001 requirement established in Part 1 of the procurement is disproportionate and it is not directly necessary to achieve the objective of PART 1. However, the provision of such a requirement would inhibit the effective exploitation of potential competition: o The provision of information and cyber security consulting services in international development cooperation projects does not require the existence of this standard, because the providers of such services are generally not (and should not be) companies that need to protect a large amount of sensitive information. The ISO 27001 standard and equivalent systems are primarily used in companies with critical information and infrastructure, where it is necessary to strictly handle and protect a large amount of very different sensitive information (including IT companies, financial institutions, healthcare institutions, etc.). Proceeding from the general principles of public procurements (§ 3(1) and (3) of the PPrA), the procurement conditions must be proportionate, i.e. related to the object of the procurement and should not restrict the effective exploitation of competition in the market. If the procurement condition is not necessary for the achievement of the objective of the procurement and creates unjustified restrictions on participation, such a requirement is in conflict with the Public Procurement Act and should be omitted from the procurement conditions.</p> | <p>The contracting authority decided to waive this qualification criterion with the aim of increasing competition and will include the implementation of the principles of the ISO 27001 certificate in the composition of the cooperation vision assessment.</p> | <p>Yes</p> |
| <p>o <i>“1. The project manager has at least 1 international certificate, e.g. Prince2, PMP or 2. The consultant has at least 1 international certificate, e.g. CISM, ISO 27001 Lead Implementer, CISSP, etc.”</i> In our opinion, the requirement for project manager and consultant certificates is unjustified, the existence of the required certificates is not an unavoidable prerequisite for fulfilling the role of project manager and consultant, and such a condition would potentially limit the range of tenderers participating in the procurement. As the existence of the certificate is not</p> | <p>These are requirements subject to assessment, the fulfilment of which is not mandatory in order to participate in the procurement.</p> | <p>No</p> |

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| necessary for achieving the objective of the procurement, the requirement can be considered disproportionate within the meaning of the Public Procurement Act. | | |
| The weight of the cooperation vision is significantly lower (20%) in all parts of the evaluation criteria compared to the team and price parts. Only on the basis of a vision drawn up for evaluation can it be possible to assess the actual capabilities and experience of the tenderer and to rule out unstable projects filled with random people. Proposal: to increase the weight of the vision of cooperation, i.e. for example, 30% price + 30% competence + 40% vision of cooperation. Also, the evaluation of the criterion "vision of cooperation" is too general (for example: The tenderer's vision of cooperation meets the needs of the contracting authority). Specific criteria could be included. | The contracting authority has specified the proportion of evaluation criteria in the procurement. | Yes |
| We also consider the requirement of 10 and 15 international projects to be too strict for receiving points. Again, only <i>senior</i> consultants and experts are suitable for these conditions. | The goal of the contracting authority is to become partners only good and very good, competent companies with whom to carry out important international projects in the next 4 years. The purpose of the selection criteria cannot be to include all potential tenderers in the contract. | No |
| 1. Valuation based on the principle of "value and results", not the lowest hourly rate Current wording. In the case of parts 1–2, the "price of one hour of work" gives 40 points; The same logic for part 3 "price of the shopping basket" (40 p). Recommendation. Set the proportion of cost $\leq 30\%$. | The contracting authority has specified the proportion of evaluation criteria in the procurement. | Yes |

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| <p>Legal status: Is it required that the consortium be formally established as a legal entity (e.g. registered joint venture) prior to bid submission, or is it sufficient for the lead bidder to apply and identify consortium members through a consortium agreement or statement of intent (or teaming agreement)?</p> <p>Financial qualification: If the second option applies (a consortium led by one entity), will the financial requirements (e.g. minimum annual turnover) be assessed only for the lead bidder, or can they be aggregated across consortium members?</p> <p>Technical and project experience: Can past experience and project references be cumulative across consortium members, provided that each member's role in those projects is clearly defined?</p> <p>Strategic value: Please confirm whether the consortium model provides any comparative advantage over a single implementing partner, considering that future mini-competitions will allow the engagement of local partners as needed for specific projects.</p> | <p>Legal status: The consortium does not have to be established as a legal entity (e.g. registered joint venture) prior to submission. Consortium members just have to be identified. In practice, this means that all joint tenderers have to be registered on the Estonian procurement portal and linked to the offer.</p> <p>Financial qualification: Financial requirements can be aggregated across consortium members.</p> <p>Technical and project experience: yes, past experience and project references can be cumulative across consortium members, provided that each member's role in those projects is clearly defines.</p> <p>Strategic value: N/A</p> <p>Additional remark: When submitting team members within the framework of the eligibility criteria, it is the roles and acting in these roles that are important on a personal level, not from the consortium of the project implementer (projects do not have to be related to the consortium at all, but only to the person himself).</p> | <p>No</p> |
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