

OUTLINE - CALL FOR TENDER FOR DEVELOPMENT AND MAINTENANCE

Presentation of the contracting Authority (HCCH)/ Grant agreement

- HCCH (languages, location, budget, members, secretary general, staff, established in 1893)
- Regulation and Convention (short overview of both instruments, States that are bound or about to be bound, number of States that might eventually sign the 2007 Convention, number of iSupport points of contacts)
 - iSupport (official one-pager)
 - Grant, co-beneficiaries and key partners (date of signature, amount of the grant, time line, co-beneficiaries, partner States and Organisations)
 - Common Procurement Vocabulary (has to appear somewhere near the title).

1. INSTRUCTION TO TENDERERS

A. Conditions of the call for tender

- **Context of the call for tender**
- WG and AB reports,
- Prior information notice, HCCH will make known its intention of planned procurement through the publication of a prior information notice. (containing information annex V part B section 1) (can be done in iSupport buyer profile on the EU website)
- Minutes of information meetings published on the HCCH website
- Electronic availability of procurement documents on the HCCH website
 - **Lots very brief description**
 - Lot 1 Development, test and pilot
 - Lot 2 Support and maintenance activities
 - **Duration of the tender / deadline / Extension of the deadline**
 - Tenders should remain valid for a fixed duration (OCDE, 180 days)
 - Deadline (minimum 35 days under the 2014 Directive, art. 26) date + hour, at The Hague time
 - Right to extend the deadline in the following cases
 - Where additional information is not supplied at the latest six days before the time limit fixed for the tender (although requested by the tenderer in good time)
 - Where significant changes are made to the procurement documents
- The HCCH reserves its right to refuse to extend the time limit where the additional information has either not been requested in good time or its importance is insignificant.
- **Point of contact /written request**
- Email address to send any query regarding problems of interpretation. Written request may be submitted no later than 10 calendar days before the deadline, by electronic means only.
- All answers will be made available on the iSupport webpage.
 - **Acceptance and rejection of tenders**
 - Open procedure to any interested economic operator
 - There is no commitment to accept any offer. Right to accept non substantive defects, and to reject tenders after the deadline without further justification
 - **Tendering expenses**
- Offers are not paid. No reimbursement of expenses related to the preparation of any proposal or attend the meeting will be made by iSupport.

- **Tenders submitted by partnerships (encouraged)**

- HCCH encourages service providers to respond to both lots, either directly or through partnership. We might have to indicate that we will favor this option.
- Under the 2014 Directive, Art 19, groups of economic operators including temporary associations, may participate in the procurement procedure. We may require groups of economic operators to assume a specific legal form once they have been awarded the contract in the view of granting the satisfactory performance of the contract (legal form to be defined)

- **Modification or cancellations**

Right to modify or cancel all or part of the call for tender, without further justification.

- **Confidentiality**

The HCCH will not disclose information forwarded by economic operators which they have designed as confidential.

In addition any information furnished to the candidate, or to which the candidate may have access in this CFT and in the performance of the contract shall be treated as confidential.

- **Offers will be treated as contractually binding, and have to be signed and dated (including proposal of prices)**

B. Presentation, submission and contents of the tenders

- **Presentation**

- Maximum of 8 pages plus the table
- Word and / or Excel format
- Two paper versions + USB key sent by recorded delivery in return for a receipt form ISupport in sealed double envelope bearing the words “ DO NOT OPEN – iSupport Call for tender”)

- **Time line**

- detailed description of the process,
- reception,
- opening of the tenders, place and procedure (all the tenders or their representative shall be permitted to participate to the opening of the tender)

- **Content**

- Number of copies, paper and or electronic, signature
- Attached documentation
- Including letter of motivation /Approach
- Why the tenderer offers this solution
 - **Divulcation of conflict of interest/lobbying**
 - **Financial conditions (prices quote level of detail) per lot**
 - **Clarification requests**
- Any clarification request will be published on our website immediately
- Answers to those requests will be also published without delay (See A, right to extend the dead line)
- **Interviews**
- Including interviews with the key employees (lead development, contact person) which name and CV must be included in the offer: see Resources in chapter D.
 - **Publication of the results/information of the tenderer**
- Not later than 30 days after the conclusion of the contract, a contract award notice will be sent on the results of the procurement procedure.
- Each candidate will be informed as soon as possible of decisions reached concerning the award of the contract.

- On request from the tenderer, the HCCH will within 15 days from receipt of a written request, inform any unsuccessful tenderer of the reason of rejection of its tender and of the name of the successful tenderer and the conduct and progress of negotiations and dialogue with tenderers.

C. Contract award criteria/ Evaluation Plan

- **Evaluation process**

General framework (2014 Directive):

-tenders which do not comply with the procurement documents, which were received late, where there is an evidence of collusion or corruption, or which are abnormally low, shall be considered as irregular.

- tenders submitted by tenderers that do not have the required qualifications, and tenders whose price exceeds the iSupport budget as determined and documented shall be considered as unacceptable

- **Quality**

- **Price**

- Budget and time are fixed. Requirements labeled as “Must have” must in any event be included in the tender. Tenderers will have to describe how many other Requirements (these are the Should have, Could have, and Would have if applicable) they can provide, for this budget and time conditions?
- General chapter (costs) if applicable plus table with sum per
 - **Strategic resources**
- Experience, expertise, availability, staff profiles (See 2014 Directive, art. 19)
- Name and CV of the persons involved
 - **Other assessment/evaluation criteria**
- References of the company (Previous similar projects, Results)
- Location of the company and implications (distance from the Hague; remote work if applicable; cooperation with the Service Provider at the last stage of the project; piloting States)
- Financial status
- Evaluation of the bids based on the attached table
 - **Questions to the tenderers**
 - **Response Framework**

2. DELIVERABLE DESCRIPTION

A. Lot 1 Development and testing of the iSupport case management and secure communication system

- Basic features (Overview)
- Developing, testing and implementation schedule
- PBS (product breakdown structure), for us a check to review the tenderer had thought about all tasks in the project, like how many hours are scheduled for testing.
- Deliverables document
- This is not a strict description-document (creative solutions are encouraged)
- Agile (Scrum) development
 - Functional requirements
 - Technical requirements
 - Justification of e-CODEX if applicable for the secure communication part (reference to a particular source or process is usually prohibited dir art 42-4.)

- Design for all users including disabled person (Dir 2014, art 42) to be verified (mandatory accessibility requirements in the EU legislation)

B. Lot 2 Maintenance of the system

- Overview of the maintenance activities and context
- General description of the iSupport services, here as a reference to the document
- Transition from project to maintenance:
- Description with reference to a document which Brigitte will draft, scheduled for week 9
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 - Governance and Business model with reference to the info doc.
 - Deliverables document : description of the product on which maintenance is needed
 - Specific requests concerning the location of the SP if applicable. Maintenance could be carried out remotely as long as States have a basic IT department.
 - The tenderer has to split the quote in two sections:
 1. A fixed fee, to maintain the SP level of knowledge. This fee will include to the time spent on reading documents, communicating with the Permanent Bureau, informing the SP employees about changes, carrying out the Knowledge management. This fee could also include other fixed tasks such as preparing Reports, meetings with the Governing Body, operating the Helpdesk, operating the other processes.
 2. A 'strippenkaart': a list on which we can 'pinch' units for Incidents and Changes. Those "strippenkaart" fees are also fixed but are based on the amount of Incidents and on the amount and complexity of the Changes.
 - The tender must include a solution about unresolved incidents (breach to the Service Levels).
- Penalty (provisional amount)
- Extra working days/hours to develop changes
- ...

3. DRAFT CONTRACT/ MINIMUM GENERAL CONDITIONS AND TERMS

- Prices, payment and taxes
- Duration (one year with a maximum of four renewals?)
- Termination – knowledge transfer
- Conflict of interest
- Intellectual property
- Confidentiality – privacy- protection of personal information
- Bankruptcy
- Change of ownership
- Settlements of dispute/Arbitration clause
- Applicable law/Choice of jurisdiction in the event of a dispute
- HCCH privileges and immunities
- Public procurement European forms to be completed
- Lot 2:
- Support period
- Varying the services
- Obligation to provide support services and exclusions
- Remote access to Customer system

- Information regarding Updates and New Releases
 - Lot 1 :
- Acceptance testing
- Delivery and installation of the software
- Open source software/ Licenses