

Official webpage : <https://www.auftrag.at//ETender.aspx?id=f5fd5937-04b1-4dbo-a912-ob361fd705df&action=show> (official version of the call for tender in German)

Sponsor

Republic of Austria, represented by
The Federal Minister of Sustainability and Tourism

Proceeding to award a special service contract pursuant to § 151 Para. 1 in
the under-limit range pursuant to the Federal Contracts Act 2018 by way of

a

two-stage proceeding with prior publication

Ref. BMNT-LE.1.4.6/00-III/2/2019

TENDER DOCUMENTS FOR SUBMISSION OF A REQUEST FOR PROPOSAL

Subject of the order

"SUPPORT OF THE ESDN NETWORK"

CPV Number:

75131000-3	Services for public administration
92312213-7	Creation of technical documentation
79951000-5	Holding seminar events
79952000-2	Event organisation

PLACE of submission of the request for proposal:

Federal Ministry of Sustainability and Tourism
Department III/2 Attn.: Dr Wolfram Tertschnig
Room No 602 / 6th Floor
Stubenbastei 5, 1010 Vienna, Austria

DEADLINE for submission of the request for proposal:

16/ 04/ 2019, 10 am (arrival)

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1. INTRODUCTION

This document contains information for submitting requests for proposal in the proceedings to award the special service contract pursuant to § 151 Para. 1 of the Federal Contracts Act 2018 in the currently valid version in the under-limit range for "SUPPORT OF THE ESDN NETWORK".

The service period is from 01 January 2020 to 31 December 2021. The customer shall be optionally entitled to extend the service period within a corresponding additional price scope by up to two further periods of performance (until 31 December 2025).

Within the scope of the first stage of the tender proceedings (current proposal proceedings), interested applicants must submit written requests for proposal based on the current tender documents and submit all required documentation in order to file a request for proposal. The requests for proposal are assessed based on the specified technical suitability and selection criteria, where a maximum of three applicants are then invited to provide an offer presentation.

Within the scope of the second stage of the tender proceedings (offer proceedings), the selected three applicants are then asked to submit an offer based on the information provided with the current tender documents and to provide further detailed information in the offer documents that are then provided. The awarding office will evaluate these offers based on the acceptance criteria made known in the second stage, and bidders are invited to negotiate on the offers submitted by the bidder if required.

The customer reserves the right to award the contract based on the initial offers without entering into negotiations: So that it is also possible to accept an offer without additional negotiations, bidders are therefore asked to submit their initial offers to be submitted in the second phase of the tender proceedings (offer proceedings) in a detailed and final form, so that acceptance of the initial offer can also take place without negotiations.

If negotiations are performed, the negotiation proceedings should largely take place as follows (this will be further specified in the request for offer submissions):

- Any negotiation meetings will be limited to a maximum number of hours to be made known in advance, which shall be equal for all bidders.
- Bidders must present their offer before an awarding jury that will make the decision regarding acceptance.
- The decision to determine the best bidder will be made based on the offers and any additions within the scope of negotiations according to the acceptance criteria specified in the tender documents (offer documents). Bidders should therefore already provide binding agreements to further specify and optimise their offers within the scope of the negotiations.
- Any written publication of additional requirements / specification on offer submission by the customer.
- If required to further optimise the offers: Potential invitation to another final negotiation round to those bidders whose offers have a chance at acceptance based on the evaluation using the acceptance criteria. These further negotiations will also take place with the bidder(s) providing final agreements to further specify and optimise the offer insofar as possible. Otherwise, if necessary, the bidder(s) will be invited to submit a "last and best offer".

Bidders are not allowed to participate in the opening of offers. Strict confidentiality principles apply.

Since the working language of the current contract will be English, some text sections of the tender documents that are significant for bidders are also written in the English language in order to make the text easier to understand for applicants who do not speak German.

2. DESCRIPTION OF SERVICES

2.1 Initial situation and objective

The European Sustainable Development Network is a pan-European platform of staff from the responsible ministries or subnational regional entities that has existed since many years and is entrusted with the preparation and implementation of sustainability strategies and processes to implement the UN Agenda 2030. Documentation on the activities and services of the network, which also cooperates with a wide variety of partner organisations from the thematically relevant social target groups, can be found at www.sd-network.eu. Strategic planning of network activities is performed by a steering group of representatives of those European states that ensure the joint financing of all network activities on a voluntary basis. Operative preparation and implementation of these activities is thus far performed by an external service provider, the so called "ESDN Office", based on a mandate by the Austrian Federal Ministry of Sustainability and Tourism.

The goal of this invitation to tender is to continue to identify a correspondingly competent service provider to support and further develop these network activities and the associated instruments and mechanisms in order to close a contract with this provider for an initially at least two-year service period.

2.2 Contract Partner

The contract partner of the future contractor will be an organization that is currently in formation. It is expected to be a non-profit association. This organization will undertake the tasks of the ESDN, an international network of public administration actors in European countries engaged in sustainability strategies and / or the implementation of the United Nations 2030 Agenda at national or subnational level.

The Austrian Federal Ministry for Sustainability and Tourism assumes the client function in the handling of the award procedure up to and including the award decision. The Austrian Federal Ministry for Sustainability and Tourism, in agreement with other members of the ESDN network, will carry out the present award procedure and make the award decision. The client or partner of the contract that is to be concluded with the contractor will then be the organization described above.

2.3 Price Range

For the services to be commissioned, an annual budget of € 150,000, including any taxes, is provided.

2.4 Services

The working language is English. The contractor must have subject-specialist English language skills and sufficient language experience in relation to the services to be provided.

The services to be provided are listed below. It should be noted that all in-kind benefits will also be an element of the contract. The contractor must act in close cooperation with the client.

1. Supervise the ESDN, an international network of public administration actors of European countries who are involved in sustainability strategies and / or the implementation of the United Nations Agenda 2030 at national or sub-national level (www.sd-network.eu), as well as individual support of individual members of this network.
2. Carry out different events for the ESDN (Annual Conferences, Workshops, Peer Learning Platforms and Visits)
3. Continuation of the European Sustainable Development Week (www.esdw.eu)
4. Improvement and modernization of communication between network actors and virtual outreach (for instance, through the relaunch of the existing ESDN website, interactive exchange platforms, or new media)
5. Advising the client on the strategic development of the network
6. Regular research and publication of comparative policy analyses in the field of sustainable development and support in the development of political position papers of the client
7. Provide an interface with EU institutions and other international and European sustainability networks and organizations, as well as maintaining relations with the relevant mechanisms at UN level, in particular the High-level Political Forum on Sustainable Development (HLPF)
8. Support and advise, as well as idea generation for the possibility of financial sources (third-party funding) for the ESDN

3. GENERAL AWARDING RULES

3.1 Customer and awarding office

The customer and awarding office of the invitation to tender, up to and including the award decision, is the Federal Republic of Austria/Union, represented by the Federal Minister of Sustainability and Tourism [Bundesministerin für Nachhaltigkeit und Tourismus (BMNT)].

The customer and contractual partner of the future contractor will be an organisation that is currently being founded. This will most likely be an association.

The awarding office is the Federal Ministry of Sustainability and Tourism, Section II, Department III/2, Stubenbastei 5, 1010 Vienna, Austria.

Contact person:

Dr Wolfram Tertschnig

Email: wolfram.tertschnig@bmnt.gv.at

Tel. +43 1 71100 – 00

3.2 Awarding standards and responsible government authority

The contract is awarded according to the regulations of the Federal Contracts Act 2018, Federal Law Gazette No. 65/2018 (Federal Contracts Act 2018) in the currently valid version for awarding special service contracts in the under-limit range pursuant to § 151 of the Federal Contracts Act 2018. The

provisions of the Federal Contracts Act 2018 in the currently valid version shall therefore apply only insofar as they are explicitly cited in § 151 leg. cit. or in these tender documents.

The Federal Administrative Court, Erdbergstraße 192 - 196, 1030 Vienna, Austria, Tel. +43/1/601490, is responsible for any legal proceedings within the scope of these contract award proceedings.

3.3 Transmission of information

Any interested party and any company that has downloaded the tender documents from the Amtlicher Lieferungsanzeiger [Official Delivery Gazette] of the Wiener Zeitung [major Viennese newspaper] or the EU-Amtsblatt [official EU gazette] must be registered with the customer's awarding office at the electronic address wolfram.tertschnig@bmnt.gv.at.

Registration is a prerequisite for transmission of further information related to responses to bidder inquiries by the customer. Responses to inquiries will not be sent to interested parties/companies that do not register with the awarding office.

Applicants may request information at the electronic address of the contact person wolfram.tertschnig@bmnt.gv.at.

Inquiries and communications can only be directed to the contact person via email. They will be answered in email, to the address known to the awarding office. The applicant/bidder shall bear the risk for receipt of inquiries/communications. He shall inquire whether inquiries were generally responded to.

Proposal documents and offers must therefore be sent solely in the physical form by mail/messenger, and must be signed in a legally valid manner. Transmission by fax or email is excluded and shall result in the withdrawal of the request for proposal / the offer.

Applicants may submit written inquiries by email concerning the proposal documents until 9 days prior to the deadline for requests for proposal (based on receipt by the contact person). Information on all inquiries will be provided to all known potential applicants in the anonymised form as quickly as possible, however no more than five days prior to the expiry of the deadline for requests for proposal.

3.4 Subject of the invitation to tender

Awarding a special service contract to maintain the European Sustainable Development Network ESDN, an international network of stakeholders in the sector of public administration of European states that works at the national or subnational level for sustainability strategies and/or the implementation of the UN Agenda 2030 (www.sd-network.eu).

The annual contract budget amounts to € 150.000, including any applicable taxes.

3.5 Place of performance

Services shall be provided throughout Europe.

3.6 Performance deadline/period of performance

The period of performance is from 01 January 2019 to 31 December 2021. The customer has the optional right to extend the period of performance until 31 December 2025.

3.7 Permissibility of subcontractor services

It is not permissible to pass on the entire contract. The later contractor is only entitled to pass on parts of the contractual service insofar as these subcontractors were named in the contractor's offer.

The contractor's subcontractors must possess competence, reliability and technical/specialised performance capacity to perform the part of the services allocated to them, as described in the proposal documents. The applicants/bidders must state which subcontractor will provide what part of the services.

Insofar as the performance capacity (that is, particularly the references) and/or the competence of the subcontractor, an associated company or other persons shall be taken into account when documenting the suitability of the applicant/bidder or in the selection of the applicants invited to provide offers, the applicant shall provide documentation **at the time at which the request for proposal is submitted** that these companies/persons are **available** for the contract in question and the applicant's/bidder's offer (submission of a subcontractor's declaration/availability declaration signed in a legally binding manner).

It is hereby pointed out that if the contract is awarded, the contractor shall be liable to the customer for services of the subcontractor employed to fulfil the contract in the same manner in which he is liable for his own services, and shall also be the sole contact and responsible person towards the customer regarding subcontractor services.

3.8 Bidders' consortiums

Bidders' consortiums are permitted. They must appoint an **authorised representative for negotiations** in the request for proposal and must perform the contract in the form of a consortium that is jointly obligated towards the customer for the contractual provision of a service if the contract is awarded to them.

If the contract is awarded to it, the consortium must provide the **delivery address** of the leading company (including telephone number, fax number and email address) and name the **authorised representative**, who must be authorised to make all decisions and perform all scheduling, and sign all documents required within the scope of the work as the responsible person. This communication and changes concerning the identity or accessibility of the authorised representative must be provided to the customer in writing.

3.9 Permissibility of partial offers and partial contract awards

Partial offers are not permissible.

3.10 Permissibility of alternative offers and amending offers

Alternative offers and amending offers are not permitted.

3.11 Lock-in period of the offers

The offers must remain valid for a period of up to and including five months from the expiry of the offer deadline.

3.12 *Costs for requests for proposal and offers*

The costs for producing the requests for proposal and offers shall not be refunded to the applicants/bidders. The applicants/bidders shall bear all costs associated with the submission of requests for proposal and offers themselves.

3.13 *Special duties of applicants/bidders*

The applicants/bidders must create and submit complete requests for proposal, offers and project documents. They must herein exercise the standard of care of a prudent and diligent business person.

The applicants/bidders shall clarify anything that is unclear by making corresponding inquiries (request for information). Subsequent disputes due to error are excluded. In this regard, the applicants/bidders are obligated to clarify anything that is unclear by making corresponding inquiries.

The applicants shall furthermore immediately inform the contact person about any specifications of the invitation to tender or general contractual terms that they regard as unduly burdening. Insofar as possible and reasonable, they shall support the customer or awarding office in performing a legally compliant invitation to tender and contract processing. If an applicant/bidder culpably violates this warning or support obligation and refers to this violation in later proceedings, he shall bear the costs incurred by the customer or awarding office due to the delayed complaint.

The applicants declare that they shall not participate in any competitive agreements that are either non-permissible or directed against the customer's interests. They shall be liable to the customer for any damages caused by non-permissible competitive agreements and shall refund any advantages gained due to the non-permissible agreements to the customer.

The tender documents provided by the awarding office contain confidential information. These documents are furthermore protected by copyright. The applicants/bidders shall maintain the confidentiality of the documents and the copyright of the customer or awarding office. They are particularly prohibited from passing on copies of these documents - including excerpts - to third parties that do not intend to participate in this tender process, either as applicants or as subcontractors. If they have passed on documents to potential applicants or subcontractors, the applicants shall inform the third parties about the requirement to comply with the rights of the customer or awarding office.

3.14 *Acceptance criteria*

The contract shall be awarded according to the best bidder principle. The best bidder (the economically and technologically most favourable offer) in the current invitation to tender shall be determined on the basis of the offered price and quality of offered services (acceptance criteria). The acceptance criteria and their weighting as well as the evaluation methods shall be made known in the second step of the awarding process (offer process).

4.

FORM, CONTENT OF THE REQUESTS FOR PROPOSAL / DEADLINES

Requests for proposal must be received no later than

16/04/2019, 10 am,

by the contact person Dr Wolfram Tertschnig at the Federal Ministry of Sustainability and Tourism, Department III/2, Room No. 602 / 7th Floor, Stubenbastei 5, 1010 Vienna, Austria. The requests for proposal must be submitted in a sealed envelope, marked as "Request for proposal **"SUPPORT OF THE ESDN NETWORK"**". The applicant shall bear the risk of timeliness of receipt.

The request for proposal must be signed by the applicant in a legally valid manner. In the case of a consortium, the request for proposal must be signed by all members of the consortium in a legally valid manner. Any powers of attorney must be present at the time at which the request for proposal is submitted, and must be enclosed with the same.

The request for proposal must be submitted in two copies (original and copy).

The request for proposal must be submitted in the German or English language.

5.

PROOF OF THE CANDIDATE/ELIGIBILITY CRITERIA AND SELECTION CRITERIA

5.1 General information

The applicants must submit a request for proposal that is signed in a legally valid manner, and that lists all members of the consortium and all subcontractors utilised to provide proof of suitability, including their respective addresses and the key persons for the current project. This request for proposal shall include the documentation requested below in the currently valid version, which must not be older than 6 months unless otherwise specified. The applicants/consortiums must be authorised, reliable and capable of performance overall with consideration of the subcontractors to provide the tendered services.

Documentation from Austrian authorities shall be submitted as copies. Documentation from foreign authorities shall also be submitted as copies if it is written in the German or English language. Documentation in other languages shall be submitted as copies and as certified German or English translations. Upon the customer's request, documentation from Austrian or foreign authorities shall be submitted as originals.

In applicant/bidder consortiums, every member of the applicant/bidder consortium shall submit all documentation for the service component that they are concretely intending to perform and for its reliability.

In the case of subcontractors, they must possess the reliability, competence and performance capacity for the service component that they are concretely intending to perform. In the case of subcontractors to whose competence and performance capacity the applicant refers, the corresponding documentation of competence or technical and economic performance capacity must be submitted with the request for proposal.

Self-declaration

Applicants/bidders may also document their **competence, reliability and economic performance capacity** by submitting a declaration that they fulfil the suitability criteria required by the customer and can immediately provide the specified documentation upon request (**self-declaration**, see the appendix).

It is left to the discretion of the applicant whether he wishes to provide the required documentation pursuant to items 5.2 to 5.4 (with the exception of the current excerpt from the commercial register, which must be included with the request for proposal in all cases) as requested, or enclose a self-declaration with his offer. If the bidder utilises a self-declaration, all required documentation pursuant to items 5.2 to 5.4 must be submitted to the awarding office so that they are received within 3 business days upon request by said office.

It is explicitly pointed out that technical performance capacity pursuant to item 5.6 et seqq. cannot be documented by a self-declaration. **Documentation of technical performance capacity must therefore be submitted with the request for proposal.**

5.2 Documentation of professional competence (Proof of Professional Competence)

It is necessary to provide documentation showing that the applicant possesses the required professional competence to perform the current contract. For companies domiciled in Austria, the submission of a corresponding trade license or equal certification or other suitable professional authorisation to perform the service in question and the declaration that this authorisation is valid or a corresponding current excerpt from the commercial register or other suitable documentation is required.

Companies not domiciled in Austria must provide proof of the trade license required in their country of origin (copy from professional or commercial register from the company's country of origin, or certification or declaration under oath specified therein) or other suitable professional authorisation to perform the service in question. Foreign applicants/bidders may also have to perform recognition, equivalence, or registration proceedings with regard to their commercial professional qualifications. The responsible authority in Austria is the Federal Ministry for Digital and Economic Affairs, telephone: +43 1 711000.

5.3 General Professional Reliability

In order to prove general professional reliability, the applicant must enclose a copy of the following with the request for proposal:

1. Current commercial register excerpt or equal document
 3. Most recent valid account statement or current clearance certificate of the responsible social security authority
 4. Most recent valid debit note or current clearance certificate of the responsible financial authority
 5. Current criminal record of all managing directors or executive board members
-

5.4 Evidence of economic and financial performance capacity

The following documents must be enclosed with the request for proposal:

1. Certificate of good standing issued by a banking or credit institute domiciled within the EEA region;
2. Declaration concerning the total sales for the past three fiscal years or a shorter activity period if the company has not existed since this length of time. Minimum total sales in the past three fiscal years must have amounted to at least EUR 190.000.00, respectively;
3. Information on the number of employed staff.

5.5 Replacement certificates

If the documents listed under No. 5.2, No. 5.3, No. 5.4 and No. 5.5 to prove competency, reliability and economic and financial performance cannot be provided for a justified reason, the applicant may also provide this proof with other documentation that possesses the same significance as the originally required documents. The proof of equal significance must be provided by the applicant.

5.6 Proof of Technical and Professional Performance Capacity

The applicants shall include a list of their references (and one customer confirmation for each of these references) or other suitable documentation of equal significance with the request for proposal, documenting the required criteria of technical and professional performance capacity pursuant to Nos 5.7 and 5.8 and indicating that the applicant possesses the required professional competence, specialised knowledge and experience to perform the service contract.

The applicants shall appoint the executing persons (key persons) and prove their qualifications.

At least the following information must be provided regarding the references of the applicants and key persons: Customer and customer's contact person with email address and telephone number, order value, service period, brief description of provided services.

5.7 Technical Eligibility Criteria - Mandatory Requirements

5.7.1 General Requirements

- Multiple years of activity / experience of the organization in the relevant policy areas (at least 5 years)
- Working language English - excellent and proven subject-specific knowledge and work experience in English
- Sufficient staff members with many years of relevant expertise: At least 5 people to cover the areas mentioned in point 5.7.2
- Existence of an adequate office and communications infrastructure

Applicants must provide information on the fulfillment of the above requirements and provide evidence of this.

5.7.2 Special Requirements

- Competence with regards to sustainability in the relevant European processes, mechanisms and institutions, as well as national politics in Europe, including contextual knowledge (national strategies, institutions, etc.) and in-depth knowledge of the mechanisms and initiatives of the stakeholders relevant in the area of sustainability and Agenda 2030
- Detailed knowledge in governance of sustainable development and governance innovation in the public sector (ministries)
- Design and implementation of various event formats
- Several years of moderation experience of large and small groups in international policy processes
- Experience in drafting Policy Briefs and comparative policy analyses
- Experience in evidence-based policy-making (Science-Policy interface)
- Experience in web-based presentation and communication, and in (virtual) community building
- Experience in attracting third-party funding
- Proven international presence through reference projects , lectures, consulting services in the context of sustainability issues

Project-executing person

The applicants shall name the project-executing persons and allocate the criteria of technical performance capacity listed under this item to them. The training/education and professional development of these persons must also be stated. Training/education in combination with the stated requirements must fulfil suitable qualifications as specified by the criteria of technical performance capacity.

References

The specifications of the enclosed reference sheet must be fulfilled for the description of references. Documentation of services provided (references) must contain the following mandatory information:

- Name and domicile of the service recipient and name of person providing information
- Value of services
- Time and place at which services were provided
- Information as to whether the service was performed professionally and correctly

In order to document fulfilment of the criteria of technical performance capacity pursuant to 5.7.2, fundamentally only executed references (or references still in the process of being executed if the performed part clearly proves reliable execution with regard to the required reference) within the past five years or experience within the past five years are taken into account. Unusually significant projects within the period of the past five to ten years may also be considered.

5.7.3. Qualification of Key Personnel

The later contractor is obligated to employ only competent personnel within the scope of contract performance. The contractor shall have the contents and organisation of this project managed by key personnel (project manager and project manager's deputy) whose names have been disclosed. The disclosed key personnel may be removed or replaced at the customer's request or only with the customer's approval. The planned project management must prove management experience in at least two reference projects.

5.8 Selection Criteria

From the appropriate candidates, a maximum of three most suitable candidates will be selected and invited to submit tenders on the basis of the tender dossier made available by the awarding body, provided that a sufficient number of applicants is available. The criterion for selection is the extent of fulfillment of the following criteria.

The selection criteria are weighted as follows:

- Sustainability-specific knowledge and experience demonstrated by projects, studies and stakeholder relationships (points according to intensity based on the information and evidence provided by the candidate) **40%**
- Process knowledge: many years of experience in moderation / event design and execution (points according to intensity based on the information and evidence provided by the applicant) **40%**
- Communication and outreach: Internet, new media, virtual communication (points according to intensity based on the information and evidence provided by the candidate) **20%**

As prove of achieved performances which will be considered for the selection criteria, only already implemented services (or services that are currently implemented, in case the accomplished parts can be explicitly related to the requested references) of the last five years, or experiences within the last five year, can be considered. Exceptionally significant projects in the period of the last five to ten years can be additionally mentioned.

The evaluation and selection is commissioned by a jury. For the selection criteria, 40 points can be achieved twice and 20 points can be achieved once. The maximum number of points per bidder is 100 points.

POINTS ALLOCATION FOR SELECTION CRITERIA:

Specifications	Number of points		Requirements of the respective evaluation criterion...
	40	20	
Maximum number of points	40	20	... very well fulfilled, with fully convincing contents. The content shown indicates high quality of services, and the individual requirements of the respective evaluation criterion are entirely fulfilled.
The requirements are very well fulfilled	28-39	13-19	... largely fulfilled, content is still convincing. The content shown fundamentally fulfils the significant requirements of the respective evaluation criterion.
The requirements are well fulfilled	16-27	7-12	... sufficiently fulfilled, the content is largely satisfactory. The content shown does not fulfil all requirements of the respective evaluation criterion; however, it is sufficient overall.
The requirements are sufficiently fulfilled	1-15	1-6	... only partially fulfilled and the content of some parts is unsatisfactory. The contents shown at least partially fulfil the requirements of the respective evaluation criterion.
The requirements are not fulfilled	0	0	... not or only insufficiently fulfilled. The contents shown do not or only barely fulfil the requirements of the respective evaluation criterion. Based on the information, it is to be assumed that executed services would not be of sufficient quality.

6. BREAKDOWN OF COSTS AND EXPENSES OF THE OFFER PRICE IN THE SECOND STAGE OF THE TENDER PROCEEDINGS

Within the offer proceedings (2nd stage of these tender proceedings), offer prices must be stated in Euro. If the bidder's services are subject to sales tax, prices must be stated exclusive of sales tax. Sales tax must be shown separately. The price structure (item 6) must be taken into account in the price calculation.

Calculatory prices for the various partial services and sub-partial services must be shown in detail.

The bidder has the option of designing the required financing framework for the partial sections himself within the specified price structure.

In the cost breakdown, the bidder shall perform a calculation structured into personnel costs and material costs.

7.1 Costs

Costs must be shown in detail, and personnel costs as well as project-specific material costs must be shown as follows:

7.1.1 Personnel costs

Personnel costs shall be stated as day rates for every 8 hours (mixed cost rate) including aliquot basic and general expenses (office rent and operating expenses).

The amount of the day rate must be transparently shown based on existing salaries and expenses. The salaries of the personnel (project manager, key personnel and other personnel) must be stated. Shares of basic and general expenses must be broken down transparently and traceably.

Furthermore - particularly for any force-account works - the hourly rates of the project management and technical staff must be stated.

7.1.2 Project-specific material costs

Project-specific material costs must be proven and shown transparently and traceably.

8. CONTRACTUAL PROVISIONS

8.1 General contract terms

The following documents constitute the contractual basis between the customer and contractor

- Customer's acceptance letter
- any minutes of the negotiations
- the contractor's most recent valid offer with all appendices, corresponding to any clarifications/further specifications,
- all parts of this offer submission document, including appendices/enclosures, in its most recently valid corrected or further specified version
- general contract terms and conditions
- the provisions of sections 5. to 15. of the ÖNORM A 2060, edition 2013-03-15, unless otherwise specified.

In the event of any objections, the aforementioned documents shall apply in the order in which they are listed, so that the acceptance letter applies with priority over all other documents.

The ÖNORM A 2060 and all EN standards, international standards and ÖNORM standards that cover the technical standard / state of the art can be requested from the ON, Österreichisches Normungsinstitut [Austrian Standards Institute], 1021 Vienna, Austria, Heinestraße 38.

The contractor's General Terms and Conditions are not permissible, and shall not become part of the contract.

8.2 Special contractual provisions

8.2.1 Cooperation with the customers

8.2.1.1 Execution of the contract

The contract shall be executed in constant coordination with the customer. Upon request, the contractor shall report to the customer on the respectively current status of the project and provide brief reports when requested. The contractor guarantees rapid and flexible work methods and clear and definitive decision-making processes, so that even the customer's ad-hoc decisions based on current conditions can be implemented without delay.

In principle, the contractor shall coordinate all measures and actions to be taken with the customer, punctually and in advance. It is possible to coordinate generally for an entire service package. Based on current conditions, the customer may require the execution of individual unplanned services or non-execution of individual planned services, and therefore, content and financial changes to the contractually agreed overall framework. The customer shall make such changes known to the contractor with sufficient notice.

8.2.1.2 Competence and availability of personnel

During the execution of this project, the work performed must be competent and of high quality. In case of repeated deficiencies in performing content-related work or project management, the customer also reserves the right to demand a change of the employed personnel or the employment of another, better suited person.

8.2.1.3 Management control

The customer shall be entitled to demand disclosure of the contractor's entire project management.

8.2.2 Billing and payment processing

Provisions on billing and payment shall be specified in the second stage of the tender proceedings.

8.2.3 Changes to services and personnel by the contractor

Any service changes intended by the contractor require the customer's consent and must be reported to him with sufficient notice. Similarly, changes to personnel must be coordinated with the customer. It is only permissible to exchange personnel for at least equal personnel in terms of the qualifications relevant for suitability and acceptance, and only with the customer's consent.

8.2.4 Subcontracting

Any subcontracting of third parties by the contractor during the contract execution requires the customer's consent.

The contractor shall notify the customer regarding a change of or the involvement of subcontractors with sufficient notice prior to commencing the work relationship. The customer reserves the right to reject a subcontractor for compelling reasons.

Only companies that can prove the competence to provide the services specified for them and are reliable and capable of performing the contractual services shall be employed as subcontractors. The prerequisite for the customer's consent is compliance with all specifications of the tender doc-

uments concerning the reliability of involving subcontracting companies, including the obligation to provide all documents and forms required for this purpose.

The contractor shall bear full responsibility and liability for the supervision, management and coordination of subcontractor services. The contractor shall be liable for the culpability of all persons whom he employs to fulfil his contractual obligations, to the same extent as for his own culpability. It is not permissible to pass the entire contract on to third parties.

8.2.5 Premature contract cancellation

Notwithstanding the provisions of the federation's general contract terms and conditions, the below-listed reasons shall also entitle the customer to premature contract cancellation:

8.2.5.1 Non-attainment of performance targets

If significant performance targets such as submission of an annual work program, compliance with or satisfactory execution of an annual work program are not fulfilled in agreement with the contract, the customer shall be entitled to terminate this contract without notice, effective immediately.

8.2.5.2 Inclusion of unapproved subcontractors

8.2.5.3 Employment of an unapproved project manager or key personnel

8.2.6 Cancellation

The customer shall be entitled to cancel this contract in compliance with a three-month notice period as of 30/06 and 31/12 of each year.

8.2.7 Confidentiality obligation

The contractor obligates himself to maintain secrecy concerning the information that becomes known to him from this contract - insofar as it is not generally known - unless the customers relieve him of this requirement or it is opposed by other legal obligations.

8.2.7 Non-competition clause

While the contractual relationship is in effect, the contractor's staff shall be prohibited from passing on the knowledge gained and concepts developed within the scope of the contract, both with and without payment (on their own account or for third-party accounts).

8.2.8 Labour and social security regulations

The contractor warrants compliance with current labour and social security regulations.

9. DEADLINES

Submission deadline for requests for proposal	16/ 04/2019
Planned submission of offer for offer presentation	End of April 2019

10. *CHECKLIST*

1. Request for proposal signed in a legally valid manner
 2. Excerpt from the commercial register
 3. Documentation of competence pursuant to No. 5.2 or self-declaration stating existing competencies
 4. Most recent valid account statement or current clearance certificate of the responsible social security authority or self-declaration
 5. Most recent valid debit note or current clearance certificate of the responsible financial authority or self-declaration
 6. Current criminal record of all managing directors or executive board members or self-declaration
 7. Certificate of good standing issued by a banking or credit institute domiciled within the EEA region
 8. Declaration of total sales for the past three fiscal years
 9. Information on the number of employed staff
 10. Documentation of technical and professional performance capacity pursuant to No. 5.6 et seqq. for the applicant and key personnel
 11. Documentation regarding selection criteria pursuant to No. 5.8
 12. Information and documentation on subcontractors pursuant to No. 3.7
 13. If applicable, submission of subcontractor declarations
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**REQUEST FOR PROPOSAL FOR THE TENDER PROCEEDINGS
„SUPPORT OF THE ESDN NETWORK“**

[letterhead of the bidder/general coordinator of the applicants'
consortium]

Name:

Address:

Contact person:

Telephone:

Fax:

Email:

[Other members of the bidders' consortium]

Name:

Address:

To the
Federal Ministry of Sustainability and Tourism
Department III/2
Attn.: Dr Wolfram Tertschnig
Room No. 602, 6th Floor
Stubenbastei 5, 1010 Vienna, Austria

Date:

Dear Sir or Madam!

Enclosed with this letter, we are submitting our binding request for proposal to you at no charge to you, including the appendices listed in the following list of appendices.

We are submitting our request for proposal subject to the terms and conditions stated in the publication and in the tender documents. We particularly confirm the fulfilment of all required suitability criteria and the selection criteria that we have stated as fulfilled.

We authorise the customer to obtain information from the central administrative penalty register set up pursuant to § 28 of the Alien Employment Law, and to obtain information from credit rating agencies about the economic situation of our company.

The customer's declarations can be made known to us in a legally valid manner via our aforementioned telephone number and/or email address. In the case of applicant, bidder or other consortiums, the customer's declarations can be made known to us in a legally valid manner for all members of this consortium to the aforementioned number or address.

We declare that there are no reasons for exclusion pursuant to the Federal Contracts Act 2018, particularly:

- no legally valid judgement against us or – insofar as legal entities, partnerships subject to commercial law, registered trading companies or consortiums are involved – against a physical person working in our management exists for any of the offences specified in § 78 Para. 1 Line 1 of the Federal Contracts Act 2018
- no bankruptcy or insolvency proceedings, court settlement proceedings, conciliation proceedings or compulsory settlement were initiated, nor was the initiation of bankruptcy proceedings denied due to insufficient assets
- we are not in a state of dissolution and are not ceasing/have not ceased our commercial activities
- there is no legally valid judgement against us or – insofar as legal entities, partnerships subject to commercial law, registered trading companies or consortiums are involved – against a physical person working in our management for any offence that calls our professional reliability into question
- we have not committed any other serious misconduct within the scope of our professional activity, particularly against regulations of labour, social or environmental laws.

With kind regards,

[legally valid signature of the bidder or in the event of an applicants', bidders' or other consortium - all members of the consortium

Please also write the name of the undersigned in block letters!]

12.

SELF-DECLARATION

Sub-contractor's declaration

The applicant must specify in the request for proposal which significant parts of the tendered services he definitely or potentially intends to pass on to which subcontractors. The applicant shall prove the reliability and competence of the subcontractor(s) and the required technical performance capacity for executing the significant service components in the request for proposal. The applicant shall furthermore prove the financial and economic performance capacity of the subcontractor insofar as it is used to prove the financial and economic suitability of the bidder.

The applicant declares that he will draw on the capacities of the following subcontractors for the below-listed significant service components for reasons of documenting competence (column A), economic/financial performance capacity (column B) and/or technical performance capacity (column C).

Company name and location of subcontractor	Significant service component	A	B	C
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The subcontractor shall confirm the correctness of the information provided and his availability (binding guarantee of performance) for the performance of the tendered services with his signature.

With his signature, the subcontractor - in the event of recourse by the applicant to the economic/financial performance capacity (column B) of the subcontractor - even now declares his consent to be liable to the customer for any damages and other claims arising from the performance of the contract.

[legally valid signature by the subcontractor,

please also write the name of the undersigned in block letters!]

14. REFERENCE PROJECTS

Information on reference projects to prove technical performance capacity

Note:

A separate form must be completed for each reference project.

Subject	Description		
Project description			
Brief service description of the project			
Start and completion of the project (month/year)			
Project customer			
Invoice value	Euro not including VAT		
Was the project accepted by the customer?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Contact person, telephone number, email address	Name	Telephone	Email
If services are provided by consortiums: What services were self-provided?			

**Information on key personnel
Proof of technical performance capacity**

Note:

A separate sheet must be completed for every person employed in the performance of the contract!

Subject	Description
Name of the person	
Function within the project	
Brief description of training	
Information on occupational/professional experience	
Experience in	
Participation in references	

The named person must confirm the correctness of the information provided and availability for the performance of the tendered services with their signature.

[Signature of ...]
