



Commission for
Communications Regulation

Invitation to Tender

Provision of Data Telecommunications Services for the Commission for Communications Regulation ('the Commission')

Document No:	ITT04/01
Date:	27th February 2004

All responses to this ITT should be clearly marked:-

“ITT - Data Services for ComReg ITT04/01”

Tenders should be submitted by registered post or by hand.

Tenders must be submitted in two copies, in the format described in section 4, to:-

**Barbara Delaney
MIS Manager
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland**

Applications must be received by 5PM (Irish Time) on **12th March 2004**.

Tenders which are delivered late will not be considered. No tender may be withdrawn after its acceptance.

Commission for Communications Regulation

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

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1 Invitation to Tender

1.1 Requirement

The provision of a data telecommunication service- Internet connection;
for the following uses:-

- Internet Access;
- Email services – inbound/outbound email traffic; and
- Remote Access for teleworkers and other Commission staff working away from the office

1.2 Awarding Authority

The Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

1.3 Overview of the Requirement

The successful tenderer(s) will be required, subject to contract, to implement the proposed solution and to provide ongoing support and maintenance of the proposed solution for a period of 1 year.

The Commission wishes to implement a high speed/capacity high availability internet connectivity solution to satisfy its three main uses; Internet Access, Email Services and Remote Access.

Currently, the Commission uses a 256k IP line which is no longer sufficient for their capacity & speed requirement.

In addition, as usage of the Commission's internet connection is broadened, it will require that the service has an in-built contingency/reliability to ensure high availability is maintained.

Down-time must be kept to a minimum.

Tenderers must clearly demonstrate their ability to implement, run and support the proposed solution by documenting as relevant the following for each component of the solution which they are proposing to provide:-

- Understanding of the Requirement;
- Overview of the proposed solution including user features and functions;
- Technical specification of the proposed solution; including capacity and availability options;
- Implementation Plan including timing and lead time;
- Proposed Project Personnel and Support Personnel;
- Pricing and Estimated costs for operation of the solution;
- Cost of Implementation including hardware/software/licences and services;
- Solution for on-going service including commitment to availability, Service Level Agreement ('SLA') commitments and penalties, proposed service reporting, escalation procedures and account management. (A sample SLA or detail of the key terms of the proposed SLA should be provided);
- Maintenance/Support costs;
- Samples of similar work completed to date; and
- Implications/costs of termination of the service.

1.4 Provision of Information

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The Commission proposes to release the following information relating to this tender if so requested:-

- The name and address of the successful tenderer; and
- Overall contract value for the successful tender

Note that under the Freedom of Information Act 1997 (as amended) information provided in this tender may be liable to be disclosed where a request is made for access to records. Tenderers must specify to the Commission any information which they do not wish to be disclosed. The Commission will consult with the tenderer supplying confidential information before making any decision on releasing such information in response to a request under the Freedom of Information Act 1997.

The Commission undertakes to hold confidential any information provided by tenderers subject to:-

- Disclosure of the information specified above as being information that will be released on request; and
- The Commission's obligations under law, including the Freedom of Information Act, 1997 (as amended).

1.5 Tender and Contractual Arrangements

Tenders must adhere to the format set out in Section 4 and must be completed in the English language.

The solution offered may involve the provision of services from either a single party or a group/consortium of bidders. Where a bid is based on a group/consortium of business interests, the tender response document must identify:-

- The prime partner in the group/consortium;
- The number of parties involved and names of each party; and
- The proposed arrangements for its operation e.g. the area of participation of each party in the context of the contract in question.

Where a bid from a group or consortium of bidders is selected as the preferred bid, the Commission will enter in to negotiations with a view to concluding a contract with a prime contractor within that group or consortium, who will then take responsibility for matters arising under the contract.

The Commission reserves the right to select individual components from tenders(s) and upon agreement with the tenderer to comprise a total solution as relevant.

The response document must contain the tenderer's best and final offer for the award of contract. All prices must be quoted in Euro and be provided inclusive and exclusive of VAT.

2 Requirements of Contract

2.1 General Requirements

Tenders must clearly demonstrate that the requirements can be met. Proposals above the minimum, should be detailed in the response and any associated costs detailed separately.

Service providers must have a proven track record and capability for providing a professional, high quality, accurate and compliant service similar to the services required in this Invitation to Tender ('ITT').

Award of the contract will be dependent upon compliance by the successful tenderer with the tax clearance requirement of Irish public sector contracts procedures (which are subject to Council Directive 92/50/EEC of 18 June 1992 relating to co-ordination procedures for the award of public service contracts) and relevant statutory taxation requirements in relation to taxation of professional services provided to the public sector.

Tenderers to whom any of the circumstances listed in paragraph 1 of Article 29 of EU Council Directive 92/50/EEC (co-ordination procedures for the award of public service contracts) apply will be excluded from this competition. The said circumstances are outlined in Appendix 1.

It should be noted that the Commission reserves the right, at its sole discretion, to cancel the competition should it see fit to do so.

2.2 Specific Requirements

The minimum requirement is to provide a high speed; high availability internet connection for the Commission's site.

2.2.1 Site Details

The Commission has a single site located at:-

The Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

It is not envisaged that this site address will change or that any additional sites will be added during the period of the contract.

2.2.2 Speed/Capacity

We would envisage that where various options are available in terms of capacity/speed that these would be presented by the tenderer as proposed options and priced separately.

We are looking at implementing a solution in the region of a 1MB to 2MB link.

2.2.3 Reliability

ComReg would like to consider the following options in terms of reliability/redundancy and support:-

- Solution to achieve 100% up time during normal working hours using redundant failover solution with option to extend to 24*7
- Support cover for normal working hours with option to extend to 24*7

2.3 Location and Confidentiality

The successful tenderer will be required to work alongside Commission staff and advisers from time to time. Where face to face meetings are required these will be held at the Commission's premises in Dublin. The confidentiality of the work will be protected at all times.

2.4 Duration of the Assignment

The following timescale indicates key deadlines in the project:

Results of Tendering Process to be communicated to all parties by end March 2004 or as soon as possible thereafter; and

Target date for full implementation of assignment: - Beginning April 2004.

It is intended to put a contract in place for a period of not less than 1 year.

2.5 Other information

The successful tenderer:-

- Will be required to comply with the requirements for the awards of Irish public sector contracts;
- Must agree to a confidentiality agreement covering the organisation and the individuals assigned to the project (see Appendix 1);and
- Must enter into a formal and binding contract for the work specifications required.

3 Conditions of Tendering

Detailed contractual arrangements are not within the scope of this document. However, the following conditions of tendering apply in respect of all tenders submitted and should be noted in tenderers' responses. By responding to this invitation to tender, tenderers agree to be bound in all respects by all of the terms and conditions contained herein. Prior to the deadline for receipt of tenders the Commission may delete, vary, amend or extend any item or requirement in this ITT.

3.1 Conflict of Interest

Any conflicts of interest involving a contractor (or contractors in the event of a group or consortium bid) must be fully disclosed. Any registerable interest involving the contractor and the Commission or their relatives must be fully disclosed in the response to this Invitation to Tender, or should be communicated to the persons specified at Section 3.7 immediately upon such information becoming known to the tenderer in the event of this information only coming to their notice after the submission of the tender and prior to the award of the contract. The terms "registerable interest" and "relative" shall be interpreted as per section 2 of the Ethics in Public Office Act 1995.

3.2 Duration of Contract

It is intended that this ITT will give rise to a contract for the provision of the services in question, to the Commission, for a period of 1 year from the date of commencement of the contract.

At the end of the initial contract period, the Commission will review the service being provided, and reserves sole discretion as to whether or not the contract will be renewed thereafter and if so on what terms and conditions.

3.3 Information supplied by tenderers to be contractually binding

Information supplied by tenderers will be treated as contractually binding. However, the Commission reserves the right to seek clarification or verification of any such information.

3.4 Costs incurred in preparing Tenders

The Commission will not be liable in respect of any costs incurred or loss suffered by a tenderer in the preparation or submission of tenders or any associated work effort.

3.5 Time available for the Commission to accept Tenders

All tenders must be kept open for acceptance from the date specified in section 3.7 for *at least 4 calendar months*.

3.6 Submission of Tenders

Tenders must be completed in accordance with the format specified in Section 4 of this document. Tenders which are incomplete may be rejected by the Commission.

Tenders should be submitted by registered post or by hand. Tenders must be submitted in two copies, in the format described in section 4, to:-

Barbara Delaney
MIS Manager
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

3.7 Deadline for receipt of Tenders

Applications must be received by 5PM (Irish Time) on 12th March 2004. Tenders which are delivered late (whether such lateness is occasioned through the use of tenderers' agents or otherwise) will not be considered.

3.8 Acceptance of Tenders

3.8.1 ComReg reserves the right at its sole discretion, to accept or reject any tender (in whole or in part) and to waive any informality or irregularity. ComReg is not bound to accept the lowest or any tender.

3.8.2 The contract if awarded shall be awarded to the tenderer that has submitted:-

- A tender in compliance with this ITT and the conditions of tendering herein; and
- The tender adjudged to be the most economically advantageous having regard to the award criteria set out in section 6 herein.

3.8.3 If a tender is accepted, written notification of acceptance of a tender will be given to the successful tenderer and no tender shall be deemed to be accepted until such notification has been given.

3.8.4 ComReg may make acceptance of any tender conditional upon the tenderer providing (at the tenderer's expense) such security for the due performance of the contract as ComReg may require.

4 Format of Tender

All costings for the project must be quoted in euro and must be inclusive of all charges (excluding VAT). Any exchange rate risk will be borne by tenderers. Tenderers should outline the payment terms which they consider to be appropriate to the proposed assignment. Separate prices must be provided for the minimum requirements specified together with the additional costs, if any, for supplying additional information specified as desirable. Prices should distinguish between labour costs and associated overheads; and material and postage costs for test letters.

All information arising from the tender process will be and shall remain the property of the Commission. Your agreement to this should be included in your detailed tender. The successful tenderer will be required to sign a confidentiality agreement.

Tenders must take the following format:-

4.1 General Information

1. Name, address, telephone and fax number of tenderer. Name of person within the tendering business dealing with the matter;
2. Name, address, telephone and fax number of any third-parties involved in the tender. Name of person within third-party business dealing with the matter;
3. Where applicable, a description of role or element of contract to be fulfilled by any sub-contractors or third-parties together with their names and addresses;
4. Where applicable, identification of party who will carry overall responsibility for the contract and his/her position within the contracting company/business;
5. Please state if your organisation is accredited with ISO or other recognised quality standard equivalent;
6. Confirmation of acceptance by the tenderer and any third parties of the conditions of tender described in Section 3 of this document.

4.2 Details of the Tendering Firm

During the evaluation, the suitability of tenderers will be checked by reference to their financial and economic standing and technical capability.

4.2.1 *Economic and Financial Standing*

Tenderers must provide evidence that they have a sufficiently sound economic and financial standing to undertake the project. The following information should be provided in response to this paragraph:-

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- (a) An appropriate statement from banks evidencing the tenderer's financial standing or evidence of relevant professional risk indemnity insurance;
- (b) Presentation of the tenderer's balance sheets or extracts therefrom, where publication of the balance sheets is required under company law in the country in which the service provider is established;
- (c) A statement of the undertaking's overall turnover and its turnover in respect of the services to which this contract relates for the three previous financial years;
- (d) A statement from the tenderer that none of the excluding circumstances listed in Article 29 of Council Directive 92/50/EEC (co-ordinating procedures for the award of public service contracts) applies to him/her. The said circumstances are outlined in Appendix 2.

4.2.2 *Technical Capability*

Evidence of the technical capability of the tenderer will be assessed by reference to the following and the required information should be provided in response to this paragraph:-

- (a) The relevant professional qualifications of the personnel, including managerial personnel, who would be responsible for providing the services under the contract;
- (b) An indication of the technical staff who would be involved in the contract, whether or not belonging directly to the service provider, especially those responsible for implementation and quality control;
- (c) A statement of the service provider's average annual manpower, and the number of managerial staff, for the last three years;
- (d) A brief statement of the technical equipment available to the service provider for carrying out the services; and
- (e) A description of the service provider's measures for ensuring quality, which are relevant to this contract.

4.3 Resource Allocation

Tenderers are required to describe the measures in place, including management and the nature and level of supervision which will be provided, for ensuring that a high quality service will be delivered.

4.4 Detailed Proposal

The proposal must include the following:-

- (1) A detailed statement of the tenderer's understanding of the assignment and the work to be performed together with the proposed solution(s).
- (2) A detailed description of the individuals proposed for the assignment, in particular, position within the firm, number of years with the firm,

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proposed role/responsibility in the assignment, description of previous relevant projects and experience;

- (3) A statement on conflict of interest: The proposal must contain a clear statement that there is no existing or potential conflict of interest in relation to the proposed assignment; and
- (4) A statement regarding the property of information arising from the assignment contract: The tenderer must clearly state in the proposal document that he/she agrees that all information arising from any contract that might be awarded will be and shall remain the property of the Commission. In particular, tenderers should include a statement to the effect that copies of all working papers and supporting material arising from the project will be made available to the Commission on request.

4.5 Relevant Experience and References

Comprehensive details of experience of providing the required services are required.

Tenderers must provide a list of names, addresses and telephone numbers of at least 3 existing customers who may be contacted for references in connection with the proposed services.

5 Points of clarification regarding the Tender Process

Companies interested in tendering should signal their interest in writing, on or **before 5pm on 5th March**, giving details of the company's contact person and their contact details

by post to:-

Barbara Delaney
MIS Manager
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

Or email to:-

barbara.delaney@comreg.ie

There will be a period during which prospective tenderers may request clarification on related issues. In particular, tenderers shall immediately notify ComReg should they become aware of any ambiguity, discrepancy, error or omission in this Invitation to Tender.

This period is until **9th March** during which time questions/clarifications may be sought via e-mail which should be sent to the following address:-

barbara.delaney@comreg.ie

After this period, on **10th March**, all questions and answers will be circulated to companies who have signalled interest in tendering, as above.

6 Evaluation of Tenders and Award Criteria

Tenders will be evaluated on the basis of the most economically advantageous tender, applying the following award criteria:-

Commitment to provision of a value for money quality solution and on-going service demonstrated through:-

- Suitability and Quality of technical solution proposed;
- Built in Resilience/Latency including availability of service commitment
- Service Level Agreement – Response & Resolution time commitments including escalation procedures & penalties for breach of service commitments;
- Transition and changeover planning/process as relevant- seamless implementation/transition; and
- Value for money; based on the solution and services being proposed.

It should be noted that the tenders shall be opened at the same time and not before the closing time for receipt of tenders has elapsed. The evaluation criteria will not be changed without prior notification to all applicants.

Tenderers should note also that a further selection stage involving presentations and interviews may be necessary at short notice in order to select the successful candidate.

The Commission expressly reserves the right not to select the tender that is lowest in price or any other tender.

APPENDIX 1

CONFIDENTIALITY AGREEMENT COVERING TENDER TO COMMISSION FOR COMMUNICATIONS REGULATION

The Chairperson
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

We hereby agree not to disclose by any means, any confidential information, written or oral, acquired during the course of our tender to the Commission for Communications Regulation (ComReg) to any company, person or persons.

We agree that we shall not at anytime whether before or after submitting the tender, use or attempt to use any confidential information concerning the business secrets or operational secrets of ComReg which we acquire in the course of our tender for our own, or any other firm or person's benefit.

Signed

For

APPENDIX 2

CIRCUMSTANCES WHICH MAY EXCLUDE A SERVICE PROVIDER FROM PARTICIPATION IN THE CONTRACT (ARTICLE 29, PARAGRAPH 1 OF EU COUNCIL DIRECTIVE 92/50/EEC OF 18 JUNE, 1992 CO-ORDINATING PROCEDURES FOR THE AWARD OF PUBLIC SERVICE CONTRACTS

“Any service provider may be excluded from participation in a contract who:

- (a) is bankrupt or is being wound up, whose affairs are being administered by the court, who has entered into an arrangement with creditors, who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;
- (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding-up or administration by the court or for an arrangement with creditors or of any other similar proceedings under national laws or regulations;
- (c) has been convicted of an offence concerning his professional conduct by a judgment which has the force of *res judicata*;
- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- (e) has not fulfilled obligations relating to the payment of social security contribution in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provision of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying or failing to supply the information that may be required under this Chapter.”