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**Turkey-Ankara: IPA - Technical Assistance for Achieving the
Harmony with EU regarding the Implementation of the NIS Directive
2018/S 105-238720**

Location — Turkey

SERVICE CONTRACT NOTICE

1. **Publication reference**
EuropeAid/139594/IH/SER/TR
2. **Procedure**
Restricted
3. **Programme title**
Annual Action Programme for Turkey for the year 2014 under the Instrument for Preaccession Assistance (IPA II)
4. **Financing**
IPA budget item 22.02 03 01 of the general budget of the EU (90%) and national contribution (10%)
5. **Contracting Authority**
Central Finance and Contracts Unit (CFCU), Ankara, TURKEY

Contract specification

6. **Nature of contract**
Global price
7. **Contract description**
The objective of the project is to contribute to alignment of Turkey's regulatory framework regarding network and information security with the Network and Information Security (NIS) Directive (Directive (EU) 2016/1148). To this end, the Contractor will provide capacity building services to the Information and Communication Technologies Authority and relevant stakeholders' staff via organization of workshops, trainings and study visits on NIS Directive and its implementation. The Contractor is also expected to prepare gap analysis report assessing main pillars and requirements of the NIS Directive, analysing current Turkish legislation and practice regarding network and information security with a view to identify gaps between the national policy and legislation and the Directive's requirements involving concrete legislation proposals and best practice examples for national strategy on network and information security from EU member states.
8. **Number and titles of lots**
One lot only
9. **Maximum budget**
523 000 EUR
10. **Scope for additional services**
Not applicable.

Conditions of participation

11. **Eligibility**

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping — consortium — of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) n° 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed (see also Heading 29 below). Participation is also open to international organisations.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, could be rejected from the procurement procedure.

12. **Candidature**

All eligible natural and legal persons (as per Item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per Item 11) will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

13. **Number of applications**

No more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

14. **Shortlist alliances prohibited**

Any tenders received from tenderers comprising firms other than those mentioned in the shortlisted application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide — PRAG — 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

15. **Grounds for exclusion**

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the PRAG.

16. **Sub-contracting**

Subcontracting is allowed.

17. **Number of candidates to be short-listed**

On the basis of the applications received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

Provisional timetable

18. **Provisional date of invitation to tender**

21.8.2018

19. **Provisional commencement date of the contract**

14.1.2019

20. **Initial period of implementation of tasks**
12 months

Selection and award criteria

21. **Selection criteria**

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and singlemember companies when they are subcontractors.

1) Economic and financial capacity of candidate (based on Item 3 of the application form). In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last 3 years for which accounts have been closed.

Criteria for legal and natural persons:

— the average annual turnover of the candidate must exceed 525 000 EUR.

2) Professional capacity of candidate (based on Items 4 and 5 of the application form). The reference period which will be taken into account will be the last 3 years from submission deadline.

Criteria for legal and natural persons:

— at least 5 staff currently work for the candidate.

3) Technical capacity of candidate (based on Items 5 and 6 of the application form). The reference period which will be taken into account will be the last 5 years from submission deadline.

Criteria for legal and natural persons:

— the candidate has provided services under a single contract or similar assignment with a budget of at least 500 000 EUR (proportion carried out by the candidate) in the field of capacity building for network and information security covered by NIS Directive (Directive (EU) 2016/1148) which was implemented at any moment during the reference period: 5 years prior to the submission deadline of this application (the start and end / completion dates of the references should be specified as day/month/year).

This means that the contract / assignment the candidate refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Candidates / tenderers are allowed to refer either to contracts/ assignments completed within the reference period (although started earlier) or to contracts / assignments not yet completed. In the first case the contract / assignment will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract / assignment, proof of final payment). In case of contracts / assignments still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to contracts / assignments completed) also detailing its value. If a candidate / tenderer has implemented the contract / assignment in a consortium, the percentage that the candidate / tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. Such

entities, for instance the parent company of the economic operator, must respect the same rules of eligibility — notably that of nationality — and must fulfil the same relevant selection criteria as the economic operator. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the 8 best candidates. The only factors which will be taken into consideration during this reexamination are:

- the total number of references satisfying the technical capacity Criterion 21.3.1; and
- for the cases of equality in line with the first re-examination criterion, the second reexamination criterion will be the cumulative amount of the references (proportion carried out by candidate) satisfying the technical capacity Criterion 21.3.1.

22. **Award criteria**

Best price-quality ratio.

Application

23. **Deadline for receipt of applications**

5:00 pm (local time — Turkey) on 6.7.2018.

Any application received by the Contracting Authority after this deadline will not be considered.

24. **Application format and details to be provided**

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B>

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

25. **How applications may be submitted**

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

— either by recorded delivery (official postal service) to:

Mr. M. Selim Uslu — PAO — CFCU Director, Central Finance and Contracts Unit (CFCU), T.C. Başbakanlık Hazine Müsteşarlığı Kampüsü, E Blok İnönü Bulvarı N°: 36 06510 Emek / Ankara, TURKEY

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

— or hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

Mr. M. Selim Uslu — PAO — CFCU Director, Central Finance and Contracts Unit (CFCU, T.C. Başbakanlık Hazine Müsteşarlığı Kampüsü, E Blok İnönü Bulvarı N°: 36 06510 Emek / Ankara, TURKEY, Tel: +90 312 295 49 00 (opening hours of the Contracting Authority are 9:00-18:00).

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

The Contract title and the Publication reference (see Item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Applications submitted by any other means will not be considered.

By submitting an application candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application.

26. **Alteration or withdrawal of applications**

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked "Alteration" or "Withdrawal" as appropriate.

27. **Operational language**

All written communications for this tender procedure and contract must be in English.

28. **Date of publication of prior information notice**

07.4.2018

Notice number in OJ: [2018/S 068-150095](#)

29. **Legal basis**

Regulation (EU) n° 236/2014 of the European Parliament and of the Council of 11.3.2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) n° 231/2014 of the European Parliament and of the Council of 11.3.2014 establishing an Instrument for Pre-Accession Assistance (IPA II), OJ L 77, 15.3.2014, p. 11. — See Annex A2 of the Practical Guide.

30. **Additional information**

Not applicable.