

Tender Specifications attached to the Invitation to tender

Invitation to tender N° EMSA/NEG/37/2015 for a “User-benefit analysis of RPAS operations in the maritime domain”

1. Introduction

1.1 Background

The area of maritime surveillance is of growing importance, due to a number of factors such as the growth of irregular immigration, illegal fishing, and safety of navigation; consequently, there has been an increasing interest by the EC, national authorities and international organisations to obtain effective information in support of maritime domain awareness. There are increased expectations that EU agencies, and in particular the European Maritime Safety Agency (EMSA), will deliver added-value in this area.

Over recent decades, the demand for improved maritime activity detection and monitoring has begun to supersede the already established demand for maritime environmental monitoring activities. In general, maritime domain awareness implies the capacity to cover large sea areas, but also to identify certain risk activity patterns. Detailed analysis and continuous monitoring is necessary to achieve this. Although satellite monitoring provides good coverage and high resolution images, earth observation satellites cannot react to specific events or stay on site. Conversely, vessel assets can stay on site, but cannot monitor large areas.

Recently, on 5-6 March 2015 in Riga, a high level conference on Remotely Piloted Aircraft Systems (RPAS) in the civil domain was organised by the Latvian EU presidency. The European Commissioner for Mobility and Transport, Ms Violeta Bulc, concluded the event by supporting the Riga Declaration on Civil RPAS, which states that ‘drones offer new services and applications going beyond traditional aviation and offer the promise to perform existing services in a more affordable and environmentally friendly way’. This is very much in line with EMSA’s strategy to explore RPAS operations for maritime surveillance.

EMSA’s 5 Year Strategy proposes that “the Agency will explore the possibility of using a wider variety of sensors using different platforms, feeding into its maritime information applications, offering better monitoring and surveillance services to member states. ...”. Anticipating this task, the use of RPAS for maritime surveillance as a potential future technology shall be analysed.

Within the framework of the cooperation agreement between the European Space Agency (ESA) and EMSA, and in particular of the ESA/IAP¹ programme, EMSA and ESA are already supporting a project called RAPSODY, which aims to demonstrate the use of a dedicated set of sensors for maritime surveillance on board of a long endurance RPAS able to operate under maritime conditions.

1.2 Advantages of Remotely Piloted Aircraft Systems (RPAS)

For surveillance of a range of activities in the maritime domain, the detection and tracking of small boats is important. From a technical perspective however, it remains a challenge; the research financed programmes based on satellite imagery have not contributed in a substantial way to improving detection capabilities at an institutional level.

Remotely Piloted Aircraft Systems can potentially improve the surveillance and detection capabilities of the European Agencies and Member States in their respective fields of competence. Aircraft combine the required characteristics: the monitoring of larger areas, the detection of small objects and the capability to stay on site. Compared to manned aircraft, RPAS have longer endurance (duration of flight time). With the fast development of RPAS in recent years, a new platform has become available, which might be able to bridge the operational gaps and is also accessible in financial terms.

The major advantages of RPAS's are:

- RPAS can be steered to a specified location, which allows locking in a specific target and subsequent tracking;
- RPAS have the capability to stay in position over a specified location for a prolonged period of time;
- RPAS can operate at all times and have flight patterns which can be changed during the flight, therefore respond to evolving circumstances;
- RPAS can provide images at a very high resolution, but also permit monitoring of larger areas with lower resolution; and
- RPAS can carry sensors that are not available for satellites or vessels.

The civilian market for RPAS, particularly for safety and security applications such as maritime activity detection and monitoring is growing. The expected increase in the commercial exploitation of RPAS, in particular for large areas and distant maritime environments beyond Radio Line-Of-Sight (BRLOS) will also further increase demand for satellite communication services to support such operations, as a satellite connection is needed for command and control, navigational purposes and for the transfer of data observed from the RPAS to the operational centre.

¹ Integrated Application Promotion

1.3 RPAS for maritime surveillance

The RPAS operations shall support the following thematic areas:

- Maritime surveillance comprising vessel information and activity surveillance, particularly border control, fishery control, maritime safety and security, piracy, drug trafficking and customs purposes (this is an area in which EMSA is active in support of the EC and other EU Agencies).
- Emission monitoring, focusing on SOx emission from ships in order to ensure the legislation on ship emission and in support to member states in their enforcement obligations.
- Pollution detection, mainly oil on sea which was accidentally or deliberately released on sea and which forms a violation to the MARPOL convention. This includes as well the support to clean-up operations by vessels or monitoring the use of dispersants.
- Search and rescue, by searching of vessel and objects in distress and staying on site to provide a situation awareness supporting efficient rescue operation.

A complete maritime picture is needed for each of these activities, provided in real time and over a defined area of interest, combining all available information from RPAS as well as from satellite and from on-scene assets.

1.4 EMSA's Role

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC² of the European Parliament and of the Council to contribute to the enhancement of European maritime safety, maritime security, and prevention and response to pollution by ships. As laid down in Article 2 of Regulation 1406/2002/EC, among its tasks, the Agency is tasked to develop and operate key maritime information services to the Community. EMSA, with its current and future portfolio of maritime information services, which includes SafeSeaNet, CleanSeaNet, EU LRIT Data Centre and the maritime services provided by the integrated maritime data environment (IMDatE), plays a key role in assisting the Commission and Member States access up to date information on activities in the maritime domain.

EMSA makes considerable use of satellite images for the provision of services, for example through CleanSeaNet, the European operational oil spill monitoring and vessel detection service, and through integrated maritime services to Member State authorities and to other EU bodies (e.g. Frontex, EFCA, EUNAVFOR and MAOC-N³). The utilisation of RPAS's would complement the information obtained via satellites, as outlined above in section 1.2.

Within the framework of the cooperation agreement between ESA and EMSA, and in particular of the ESA/IAP programme, EMSA and the European Space Agency are supporting a project called RAPSODY,

² as amended by Regulation 1644/2003, 724/2004, 2038/2006 and 100/2013

³ The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the European Fisheries Control Agency (EFCA), the European Union Naval Force Atalanta (EUNAVFOR) and the Maritime Analysis and Operations Centre – Narcotics (MAOC-N).

which aims to demonstrate the use of a dedicated set of sensors for maritime surveillance (SAR, electro-optical, FLIR, AIS and EPIRB) on board of a long endurance RPAS able to operate under maritime conditions. The operational capabilities of this civil RPAS will be demonstrated in European sea areas during 2016.

EMSA has also been cooperating with the Portuguese air force since 2013 in testing small RPAS for maritime surveillance and for ingesting video data into its integrated system, IMDatE.

1.5 The way ahead

In view of the recent technological developments in RPAS and in light of the present needs to ensure that the most complete maritime picture possible is available to support Member States and the European Commission in their operations, RPAS could potentially provide an additional source of data that could bridge the gap between that obtained via satellite and local information acquired by assets on-scene.

Successfully developing operational services using RPAS data is dependent on accurately identifying the needs of end users. As the use of RPAS for civil maritime surveillance is relatively new, EMSA would like to explore the following questions:

- Which services of interest can be provided by the RPAS platform?
- What are the operational benefits of RPAS for Member States and the European Institutions?
- What are the specific needs of the RPAS systems and operations?
- What role can RPAS play in the framework of maritime surveillance?
- What are the functional requirements of RPAS for an efficient operation?
- How can RPAS data be integrated into the current systems of EMSA?

EMSA would like to better understand user requirements regarding RPAS services, in order to evaluate the feasibility of supporting RPAS services to Member States in the future.

2. Contract objective

The main objective of this study is to answer the questions as posed above.

The results of the study should be delivered in the form of a report, which includes detailed information on study methodology, results analysis, and conclusions, along with relevant data collected during the course of the study. A copy of the document should be provided in electronic form (Word format). EMSA will retain the exclusive rights/ownership.

In the framework of the cooperation with the European Space Agency (ESA) the study results will be shared with ESA.

The output of the user-benefit analysis should be such that in future it could be used as a key input for the development of a RPAS operation business model.

3. Required tasks

In order for the contractor to fulfil the objective of this tender, the following three tasks shall be performed by the contractor when conducting the user-benefit analysis:

- Define the needs of institutional and governmental users that would have an impact on RPAS design and operational services, examine the benefits that such service would generate, and identify potential applications;
- Analyse and weight key success factors and problems related to the operational use of RPAS for maritime surveillance.
- Compile the functional requirements for RPAS and sensors based upon the different user requirements.

3.1 Task 1

Define the needs of institutional and governmental users that would have an impact on RPAS design and operational services, examine the benefits that such service would generate, and identify potential applications.

In defining the institutional and governmental needs, the contractor should consult the following bodies and institutions:

- European Commission - Directorates General such as DG MOVE, DG MARE, DG HOME, DG GROW, DG ECHO, DG ENV;
- European Council and European Parliament, EEAS, EUMS, EUNAVFOR;
- European Agencies such as FRONTEX, EDA, EFCA, EUROPOL;
- A representative number of national administrations (national coast guards, ministries of transport, environment and interior, etc.);
- International institutions such as MAOC-N;
- Any other institution (such as entities for Search and Rescue, military entities, etc.), that the contractor feels is of interest for the scope of this study.

Furthermore, the contractor shall identify specific needs of institutional and governmental users that, for surveillance or other related applications relevant to this study, require a particular combination of sensors such as radar, optical, infrared, or thermal infrared.

Through this task, the contractor should examine the added value that RPAS operations would bring to the maritime community. The study shall compile the benefits with regard to:

- the quality of information, which enables the users to improve their services and operations;
- the cost effectiveness for the users in using RPAS operations;
- any other dimension that the contractor feels that are of interest for the scope of this study;

and for the following domains:

- Maritime pollution (detection, monitoring, quantification and qualification);
- Search and Rescue operations;
- Emission monitoring;
- Illegal fisheries;
- Border control and irregular migration;

- Any other domain that the contractor feels is of interest for the scope of this study.

Integration of ship movement and satellite earth observation data provide allows the provision of a maritime picture as requested by the maritime administrations and users. The contractor should assess how the provision of these data combined with RPAS derived data could add additional value to the maritime surveillance capabilities needed by the maritime community as listed above.

The specific user needs identified by the user-benefit analysis, linked to the broader tasks and obligations of the users, might be taken into consideration in future if a business model for RPAS operations for maritime surveillance is developed.

3.2 Task 2

Analyse and weight key success factors and problems related to the operational use of RPAS for maritime surveillance.

The user-benefit analysis should also identify

- the key factors that will make the operational use of RPAS successful and should identify;
- the potential institutional barriers, and financial and technical problems that might hinder such an undertaking; and
- the importance of cost efficiency of RPAS maritime surveillance.

The key success factors, problems and barriers shall be weighted and prioritised by the contractor in order to obtain a clear picture of the most relevant success factors and on the critical issues to be solved, and how to achieve the so far anticipated added value.

3.3 Task 3

Compile the functional requirements for RPAS and sensors based upon the different user requirements.

Based on the user-benefit analysis the contractor shall compile the functional requirements of the RPAS and the potential sensor equipment. The functional requirements might differ for the different operational needs. The study shall map the functional requirements to the operational needs.

The following functional requirements related to RPAS shall be addressed:

- Endurance and operational range;
- Range of speed;
- Altitude of operation;
- satellite communication for data down link;
- Concept of operations (CONOPS) specific issues.

For the sensors, the following issues will be addressed:

- Type and functionality;
- Coverage, spatial and time resolution;
- Any other functional requirements that the contractor feels that are of interest for the scope of this study.

The contractor shall use the present working assumption for a RPAS and its equipment as a starting point for validation. The present RPAS requirement assumptions include the necessary payload for performing the

maritime surveillance missions as well as the communication equipment (including satcom) for data relay and Command and Control. Additionally, it should have sufficient endurance for the foreseen operations. Preliminary mission requirements for maritime surveillance RPAS are listed hereafter.

- Endurance: more than 14 hours
- Range: > 500 km (BLOS operation)
- Speed: cruise speed: around 150 km/h
- Communication: beyond radio line of sight operations require satellite communication
- Take-off weight: up to 400 kg

State-of-the-art sensor technology will be required. The following minimum sensor equipment is anticipated:

- Maritime surveillance radar (synthetic aperture radar mode, high performances, 360° coverage, multimode)
- Electro optical (EOLL & EODL mode)/Infrared sensor (both high performance, forward looking and steerable) with optical zoom
- AIS transponder
- EPIRB receiver

This list is not conclusive and can be extended by the contractor as necessary.

The contractor will validate these assumptions and will verify the relative weight of each characteristic.

4. Out of scope

The projection of revenue streams and cost structure of RPAS operations are outside the scope of this study.

Policy issues related to the operation of RPAS, such as the legal environment, data encryption, confidentiality and security of RPAS sensor data, traceability, access rights, and how the RPAS data will be gathered, processed, and archived within the system, should also not be pursued.

The regulatory aspects of flight permissions for RPAS and the aspects of operating RPAS in segregated/non-segregated airspace shall not be reflected in this study.

5. Methodology

In conducting the user-benefit analysis, the contractor shall conduct interviews and circulate questionnaires with the end institutional and governmental users, the result of which should be included in the analysis. The resulting deliverable (study report) should be intuitively understandable while not oversimplifying the complexities involved in the provision of RPAS services.

6. Contract management responsible body

The European Maritime Safety Agency – Department C “Operations, Coordination and Innovation”, Section C.0.1 – will be responsible for managing the contract.

7. Timetable and meetings

The estimated date for signature of the contract is end August 2015. The duration of the project shall not exceed seven months from the signature of the contract.

Within three weeks of the signature of the contract, a first working meeting shall take place with the participation of the contractor, EMSA and ESA. During this meeting, the contractor is expected to explain in detail how the project will be carried out and shall provide EMSA with the following information:

- A detailed calendar of proposed activities;
- A detailed explanation of the project plan, responsibilities of assigned personnel, milestones, deliverables, and an outline of the expected results;
- A detailed explanation project approach and the entities to be interviewed;
- Outline of the proposed framework of the user-benefit analysis and of the interim report.

The contractor shall, on a monthly basis, provide ESA and EMSA with an update of the progress made.

An interim report showing the status of the activities shall be provided by 19th October 2015. This interim report shall be used for a mid-term review and shall allow EMSA to prepare for a dialog with the potential stakeholders.

A draft final report shall be presented to ESA and EMSA by not later than 4 month after contract signature. ESA and EMSA will review the draft final report and, thereafter, the contractor shall finalise the report by not later than 6 months from the signature of the contract allowing one month for the process of final corrections and acceptance by ESA and EMSA.

The final report shall fulfil the required tasks mentioned further above and shall include all identified requirements and needs, any assumptions that have been made, and any potential conflicts or issues that can hamper the development of European RPAS services.

8. Estimated Value of the Contract

The maximum budget available for this contract is of 60.000 Euro excluding VAT.

9. Terms of payment

Payment will be made in accordance with the provisions of the draft contract available in the Procurement Section under the call to tender EMSA/NEG/37/2015 on the EMSA website at the following address:
www.emsa.europa.eu

10. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft contract EMSA may, before the contract is signed, either abandon the procurement or cancel the award procedure without the tenderers being entitled to claim any compensation.

11. Subcontracting

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the tenderer).

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and when applicable on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria⁴. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.

12. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English. Bids must include an English version of the documents requested under point **15.5 & 16** of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate in his offer by completion of the form – Information regarding joint offers and subcontracting.

The tender must be presented as follows and must include:

Signed cover letter indicating the name and position of the person authorised to sign the contract/Purchase Order and the bank account on which payments are to be made.

Financial Form completed, signed and stamped; available on the Procurement Section (Financial Form) on the EMSA Website at the following address: www.emsa.europa.eu

Legal Entity Form completed, signed and stamped and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent either to EMSA or any EU Institution previously. In this case the tenderer should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

⁴ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

Part A: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **11, 14, 15.2, 15.3** of these specifications (**Exclusion criteria**)

Part B: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point **15.4** of these specifications;

Part C: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Technical and professional capacity** (part of the Selection Criteria) set out under point **15.5** of these specifications.

Part D: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point **16** of these specifications;

Part E: setting out **prices** in accordance with **point 13** of these specifications.

13. Price

- Price must be quoted for a “User-benefit analysis of RPAS operations in the maritime domain” including all the costs associated with collecting information for the scope of this project as well as meetings, travelling for consultations and at least two progress meetings at EMSA premises.
- Prices must be fixed amounts and non revisable.
- Prices must be quoted in euro.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. Therefore price and the amount of VAT must be shown separately.

14. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

15. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic, financial, technical and professional capacity required

15.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section on the EMSA Website at the following address: www.emsa.europa.eu.

Tenderers are exempt from submitting the form requested if such a form has already been completed and sent either to EMSA or any EU institution previously

15.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, tenderers must not be in any of the following exclusion grounds:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

15.3 Evidence to be provided by the tenderers

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website (www.emsa.europa.eu) shall be completed and signed.

15.4 Economic and financial capacity – Selection criteria

Requirements:

- The tenderer must be in stable financial position and the economic and financial capacity to perform the contract

Evidence:

- Financial statements for the last three years for which accounts have been closed.
- Statement of overall turnover and turnover relating to the relevant services for the last three financial years.
- Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and still complies with the requirements. In this case the tenderer should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, he may prove his economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

15.5 Technical and professional capacity – Selection criteria

Requirements:

- The tenderer shall prove, that the proposed staff assigned to the project has the necessary capabilities to undertake the task. If during the contract period, assigned staff has to be changed, the contractor has to seek approval from the EMSA.

Evidence:

- Evidence of the knowledge and experience in the fields related to: space-based applications, or maritime surveillance tools and systems, or traffic monitoring infrastructure or systems, and development of IT systems shall be considered as advantageous. Such documented experience shall be provided on the basis of a list of related services in which the tenderer has participated and worked. This shall include a description of the services indicating the objectives, contracting parties, duration and budget. Where the services are provided to public authorities, evidence of their performance should be in the form of certificates issued or countersigned by the competent authority.
- Tenderers shall provide with their bid detailed curricula vitae of each member of the team responsible for carrying out the work. The curricula vitae shall include the educational background, degrees, diplomas, professional experience, research work, publications and linguistic skills. When describing the professional experience of each team member, reference shall be made to the areas in which relevant experience has been gained. The curricula vitae shall be presented, preferably in accordance with the latest Commission Recommendation on a common format for the curricula vitae.

16. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The contract will be awarded to the tenderer who submits the most economically advantageous bid (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1 ($W_1 = 30\%$): Relevance of the proposed approach

The bid shall:

- include a detailed proposal on how the project, as a whole, would be carried out, and by whom, including key milestones, deliverables, and date by which the tenderer will have completed the task;
- be supported by a list of deliverables for each task mentioned in this tender together with a description of how the expected results will be accomplished.

2. Quality criterion 2 ($W_2 = 30\%$): Effectiveness and efficiency of data collection methods

The bid shall:

- explain how the data shall be obtained, validated, and assessed when completing the user-benefit analysis;
- include the sources of information foreseen (such as entities to be interviewed) and the statistics that will be used and generated, and thus available to the project team.

3. Quality criterion 3 ($W_3 = 10\%$): Quality of the team

The bid shall:

- include a detailed description of the assigned team members and project leader together with the tasks that each team member will be performing.

4. Price of the bid ($W_{Price} = 30\%$).

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion i is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

$$PP = \sum_i \frac{\text{lowest Price}_i \text{ of all bids}}{\text{Price}_i} * 100 * W_{\text{Price}_i}$$

Only bids that have reached a minimum of 60 % for Q_1 to Q_2 will be taken into consideration when calculating the score for quality SQ , score for price SP and score S .

Only bids that have reached a minimum of 50 % for the score S will be taken into consideration for awarding the contract.

17. Contracts will not be awarded to tenderers who during the procurement procedure:

- a) are subject to a conflict of interest
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

18. False declarations

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 12 and 13 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

19. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.

If the results are not fully created for the purpose of the contract this should be clearly pointed out by the tenderer in the tender. Information should be provided about the scope of pre-existing rights, their source and when and how the rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.