

**IF YOU HAVE NO AUDIO, PLEASE CHECK THE AUDIO MENU SETTINGS.  
YOU HAVE TO EXPLICITLY CONNECT TO AUDIO. ITS NOT AUTOMATIC.**



Pre-Commercial Procurement towards Pan-European broadband mobile for  
Public Safety

Request for Tender – Tendering Guide Webinar

14<sup>th</sup> June 2019, WebEx,

**BroadWay project coord. team**

**[www.broadway-info.eu](http://www.broadway-info.eu)**

Public Safety Communication Europe (PSCE) Forum

[www.psc-europe.eu](http://www.psc-europe.eu)



# Today's process

- This is a webinar format, so we will mute your microphones.
- At any time, please type any questions in the webex chat tool. Send your questions to 'Everyone', not just me. If you don't want to ask publicly, then email your questions after the call: [secretariat@broadway-info.eu](mailto:secretariat@broadway-info.eu)
- Questions will be answered at the end of the briefing. We'll attempt to answer as many as we can here today, if its clarification of details we already have. Some may need internal consultation, which may take a few days
- This briefing is recorded and will be made available through our website

# Q&A Deadline

- Your deadline to ask questions is - 18<sup>th</sup> June
- Our deadline to Reply - 28<sup>th</sup> June
- Tender Deadline - 22<sup>nd</sup> August

# Today's Motivation

- Addressing some key questions raised
  - How to Prepare a Tender ?
  - I need help to find partners or a tendering team

# Today's Motivation

- How to prepare a tender ?
- We won't deliver detailed RFT briefings again today
  - please refer to the recordings on the website
- We don't provide any new information today
- This is the same presentation as delivered on 4<sup>th</sup> June, plus minor updates on stats.

# Motivation for extension to the deadline

- Significant Interest

But

- Concerns are mostly raised regarding Complexity and IPR

# Website – were to find things

- <https://www.broadway-info.eu/rft-clarifications/>
- <https://www.broadway-info.eu/rft-questions-and-answers/>
- <https://www.broadway-info.eu/rft-briefing/>
- <https://www.broadway-info.eu/tendering-guide/>
- <https://www.broadway-info.eu/broadway-pcp-schedule/>

GET INVOLVED

CHALLENGE

NEWS

O

Partnering Tool

Request for Tenders

Tendering Guide

Request for Tender – Clarifications

Request for Tender – Questions and Answers

Request for Tender – Briefing Materials

Open Market Consultation Activity

Practitioner Evaluation Team

# Supplier Response to RFT

- 72 Questions
- 27 Clarifications
- 2 Simplifications
  - Easy to read view on IPR
  - Simplified partner involvement during phases
- Deadline Extension !



# Interest

- 118 companies listed on the Partnering tool
- We are aware of 6 consortia preparing a tender. Considering QA and activity with the partnering tool, we could expect to receive as many as 10 tenders.
- 24 companies attended the partnering event on 4th June
- Supplier Slides are on the website – partnering tool page !



# “How to prepare and submit a BroadWay tender”

**Prepared by Christina Nash, BroadWay Project Coordination Team**  
Public Safety Communication Europe (PSCE) Forum  
[www.psc-europe.eu](http://www.psc-europe.eu)

# Topics

- BroadWay Timeline
- Tendering Guide
- Q&A

# BroadWay Request for Tender RFT

**Call Published**  
**Deadline**

**19 Feb 2019**

**22 August 2019, 12:00 CEST**

## Contract Notice

Section I: Contracting Authority

Section II.B: Object of the Contract

Section III: Legal, Economic, Financial,  
and Technical Information

Section IV: Complimentary Information

## Request for Tender (TD1)

Context

Goals

Procurers

Procedure

Tendering

Requirements

## PCP Challenge (TD2)

Technical Objectives

## Framework Agreement (TD3)

One Single Framework Agreement  
covering all PCP Phases

## Specific Contracts (TD4)

for each phase

# Phased Process



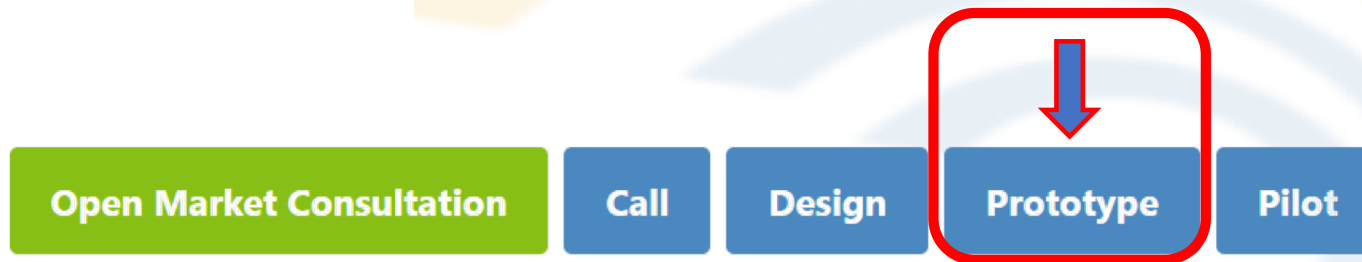
# Estimated Schedule for Phases



**Design Activity: October '19 to April '20**

**See TD1 Section 1.7**

# Estimated Schedule for Phases

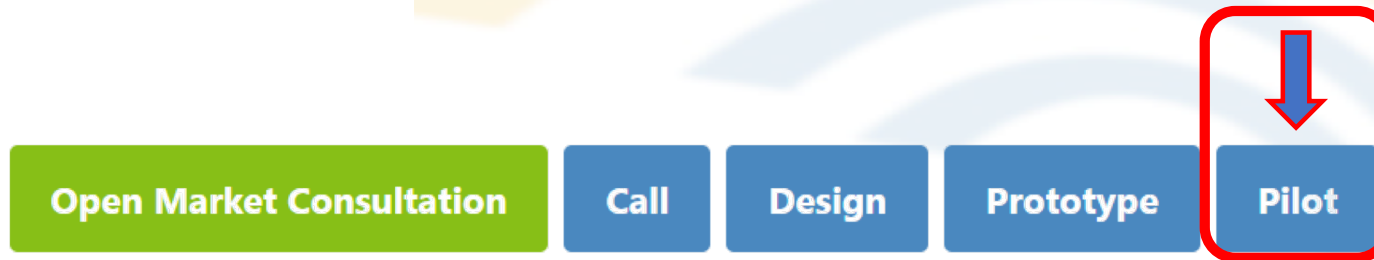


**Call off: April '20 to June'20**

**Prototype Activity: June '20 to May '21**

**See TD1 Section 1.7**

# Estimated Schedule for Phases



**Call off: June '21 to July '21**

**Pilot Activity: Aug '21 to June '22**

**See TD1 Section 1.7**



**New timeline is available on project website**

**<https://www.broadway-info.eu/broadway-pcp-schedule/>**

# Tendering and next Phases

## Clarification 14 – New Design

### Tender - for Design phase

#### Minimum team - Lead Contractor

##### Including:

- Mobile and/or Satellite Operator (lead, partner or subcontractor)
- Independent and Impartial Test and Evaluation (subcontractor(s)) including
  - Test and Validation (including Security Assurance)
  - Practitioner Evaluation Support

#### Tender Documents

##### *Submit through:*

[www.publicprocurement.be](http://www.publicprocurement.be)

#### Administrative

- ESPD (Annex A) and Selection/Compliance/etc evidence for each consortium member and subcontractor that will be active in the Design phase

#### Technical

- Technical Offer (Annex B)
  - Approach to each objective (Impact on Challenge)
  - Project Management
  - Commercial Feasibility
  - Evaluation of Solution and Sustainability of Testing
  - Price

(max 55 pages, Appendix 8)

NOTE: You can skip one Sub-Objective (score 0) in each Objective.

PESAr13 and PESAr15 must be addressed and cannot score 0.

#### Financial

Financial Offer and Cost Breakdown (Annex C & D)

- Unit prices throughout
- Design Phase - Binding price
- Prototype and Pilot - Estimated Price

#### Language

Belgian Law requires official communication in French or Dutch.

Official language must be chosen (Annex E).

Technical Language is English.

### Offer for Prototype and Pilot Phase

#### Minimum team - Lead Contractor

##### Same as design plus...

...those with appropriate skill base and IPR to deliver objectives

#### Phase Offer Documents

*Submit directly to PSCE (on behalf of Lead Procurer)*

#### Administrative

- ESPD (Annex A) and Selection/Compliance/etc evidence for new consortium members and subcontractors in the following phase

#### Technical

- Technical Offer (Annex B)
  - Approach for prototype or pilot against each objective taken forwards from the previous phase (Impact on Challenge)
  - Project Management
  - Commercial Feasibility
  - Evaluation of Solution and Sustainability of Testing
  - Price

(max 55 pages, Appendix 8)

#### Financial

Financial Offer and Cost Breakdown (Annex C & D)

- Prototype and Pilot Phase - Binding price for the proposed phase

**Note: Subcontractors can be involved in different teams**

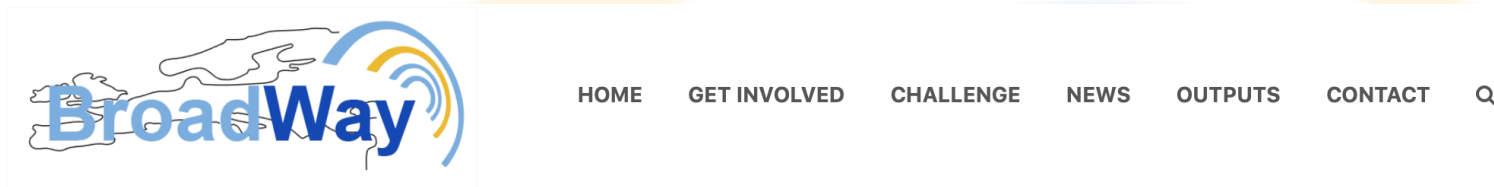
# Clarification 14 – Tender Simplification

CL14	TD1	2.8.1 Changes in the composition of a Joint Tender and Consortium	23	•It implies the entry of new Participants different from those bidding individually or in consortium at the beginning of this Competition or if participants previously withdrew or excluded from that procedure or in default under the Framework Agreement or under the Phase Contracts.	Please disregard this bullet point - it has been removed.	In order to simplify the process, it will be possible to add or replace consortium members at the discretion of the Lead Procurer.
------	-----	---	----	--	---	--

**In order to simplify the process, it will be possible to add or replace consortium members at the discretion of the Lead Procurer.**

# Tendering Guide

- <https://www.broadway-info.eu/tendering-guide/>



## Tendering Guide

**Deadline for receipt of Tenders is 22<sup>nd</sup> August 2019 @ 1200 NOON CEST**

- + Section 1: PHASE OVERVIEW
- + Section 2: TENDER RESPONSE: ANNEX FORMS A-E
- + Section 3: TENDER RESPONSE SECTIONS
- + Section 4: INTER-PHASE CALL-OFF PROCEDURE



# Tendering Guide: Phase Overview 1

	Phase 1: Design (Tender)	Phases 2 & 3: Prototype & Pilot (Offer)
	1) TENDER SUBMISSION: PHASE OVERVIEW	
Minimum team members	<p>Lead Tenderer</p> <p>Including:</p> <ul style="list-style-type: none"><li>- Mobile and/or Satellite Operator (lead, partner or subcontractor)</li><li>- Independent and Impartial Test and Evaluation (subcontractor(s)) including<ul style="list-style-type: none"><li>— Test and Validation (including Security Assurance)</li><li>— Practitioner Evaluation Support</li></ul></li></ul>	<p>Same Contractors as Design Phase</p> <p>+</p> <p>Contractors with appropriate skill base and IPR to deliver objectives</p>

## TENDER DOCUMENTS

Submit through:

[www.publicprocurement.be](http://www.publicprocurement.be)

# Tendering Guide: Phase Overview 2

	Phase 1: Design (Tender)	Phases 2 & 3: Prototype & Pilot (Offer)
<b>Administrative Section</b>  <b>Annex A</b>	ESPD (Annex A) and evidence for each consortium member and subcontractor (see tables 3 & 4 below) that will be active in the Design Phase (max 21 pages (in total) per entity as appropriate, see Appendix 8 for more details)	ESPD (Annex A) and evidence for each new consortium member and subcontractor (see tables 3 & 4 below) that will be active in the Prototype and Pilot Phase
<b>Technical Offer</b>  <b>Annex B</b>	Annex B: Technical Offer —Approach to each Objective (Impact on Challenge) —Project Management —Commercial Feasibility —Evaluation of Solution and Sustainability of Testing —Price (max 55 pages, see Appendix 8)  NOTE: You can skip one Sub-Objective (score 0) in each Objective. PESAr13 and PESAr15 must be addressed and cannot score 0	Annex B: Technical Offer — Approach for prototype or pilot against each objective taken forwards from the previous phase (Impact on Challenge) —Project Management —Commercial Feasibility —Evaluation of Solution and Sustainability of Testing —Price  As per TD1-RFT section 7.4, more details will be provided during call-off stage (see table 5 below)

# Tendering Guide: Phase Overview 3

	Phase 1: Design (Tender)	Phases 2 & 3: Prototype & Pilot (Offer)
<b>Financial Section</b>  <b>Annex C &amp; D</b>	Financial Offer and Cost Breakdown (Annex C & D)  - Unit prices throughout - Design Phase: Binding price - Prototype and Pilot: Estimated Prices (Annex C max 30 pages, Annex D max 3 pages, see Appendix 8)	Financial Offer and Cost Breakdown (Annex C & D)  - Prototype and Pilot Phase: Binding price for the proposed Phase
<b>Official Language Section</b>  <b>Annex E</b>	Belgian Law requires official communication in French or Dutch. Official language must be chosen (Annex E). Working language of PCP is English. Please submit in tender. (max 1 page, see Appendix 8)	This document is only required at the outset.

# Tender Response: Annex Forms A-E

Annex A	European Single Procurement Document (ESPD)
Annex B	Technical Offer
Annex C	Financial Offer and Cost Breakdown
Annex D	Financial Offer Phase 1
Annex E	Official Language Selection Form



# Administrative - ESPD (Annex A+ Evidence)

Part	Description	To be completed by:
<b>Part I</b>	Information concerning the procurement procedure and the contracting authorities	Lead Procurer
<b>Part II</b>	Information concerning the economic operator	All tenderers - a separate ESPD per tenderer is required (see 2.A.14 & 2.A.15).
<b>Part III</b>	Exclusion Grounds	All tenderers/subcontractors – regardless of whether or not their capacity is being relied on to fulfil the selection criteria (see II.C of ESPD).
<b>Part IV</b>	Selection Criteria	<u>Only for</u> tenderers/subcontractors whose capacity is being relied on to fulfil the selection criteria (see II.C of ESPD).
<b>Part V</b>	Compliance Criteria	All tenderers/subcontractors - regardless of whether or not their capacity is being relied on to fulfil the selection criteria (PCP H2020 rule)
<b>Part VI</b>	Tenderer's Statement	Lead Tenderer
<b>Part VII</b>	Consortia Statement	Lead Tenderer
<b>Part VIII</b>	Subcontracting Statement	Lead Tenderer
<b>Part IX</b>	Declaration of impartiality and independence	Subcontractor for Selection Criteria 5.3(4)
<b>Part X</b>	Concluding Statements	Lead Tenderer

# Administrative Section (Exclusion, Selection & Compliance)

Exclusion Grounds	Required Evidence	TD Reference
A) Bankruptcy and professional misconduct	Complete Part III of ESPD	RFT-TD1 Section 5.2
B) Criminal offences		
C) Conflict of interest		

# Administrative Section (Exclusion, Selection & Compliance)

Selection Criteria	Evidence	TD Reference
1) Demonstrate the ability to perform R&D Services up to original development of the first products or services and to commercially exploit the results of the PCP, including intangible results in particular IPRs.	Complete Part IV of ESPD and provide evidence as described in TD.	RFT-TD1 Section 5.3(1)-(3)
2) Demonstrate the Tenderer's expertise and working experience required to undertake an innovative R&D project that entails mission critical mobile networks, service, security, applications and devices		
3) Describe the involvement of mobile and/or satellite network operators (MNO)		
4) Describe the involvement of an independent and impartial Subcontracting for BroadWay-specific Objectives (* clarification 10)	Provide description as per TD and complete Part IV and IX of ESPD.	RFT-TD1 Section 5.3(4)
5) Provide evidence on the economic or financial capacity of the Tenderer, proving that, in addition to the payments that it could receive in Phases 2 to 3, during those Phases it shall have resources in-kind available for, at least, 845,000.000 euros to ensure being in the position to make the investments necessary for the later phase of the Project. Evidence is only required to be provided for the tender towards the prototype and pilot phases, and not for the tender towards the design phase.	Please note that this is only required for Phase 2 & 3 (to be included in Offer at call-off stage) clarification 16	RFT-TD1 Section 5.3(5)
6. Confirm that the Tenderer has a Business Continuity / Disaster Recovery / Risk Management plan that ensures that the described services are delivered in the event of a disruption affecting its business and ensures continuity of supply / service from its critical suppliers.	Completion of Part IV is sufficient	RFT-TD1 Section 5.3(6)

# Clarification 10

CL10	TD1	5.3(4) - Selection Criteria	48	Describe the involvement of an independent and impartial subcontractor for BroadWay specific objectives	N/A	There is no restriction on the independent and impartial subcontractor being subcontracted from several consortia/joint tenders. This includes 1) testing and validation, including security assurance and 2) practitioner evaluation support
------	-----	-----------------------------	----	---	-----	---

**There is no restriction on the independent and impartial subcontractor being subcontracted from several consortia/joint tenders. This includes 1) testing and validation, including security assurance and 2) practitioner evaluation support**

# Clarification 16

CL16	TD1	5.3 Selection Criteria	48	5. Provide evidence on the economic or financial capacity of the Tenderer, proving that, in addition to the payments that it could receive in Phases 1 to 3, during those Phases it shall have resources in-kind available for, at least, 845,000.000 euros to ensure being in the position to make the investments necessary for the Project.	5. Provide evidence on the economic or financial capacity of the Tenderer, proving that, in addition to the payments that it could receive in Phases 2 to 3, during those Phases it shall have resources in-kind available for, at least, 845,000.000 euros to ensure being in the position to make the investments necessary for the later phase of the Project. Evidence is only required to be provided for the tender towards the prototype and pilot phases, and not for the tender towards the design phase.	Considering the entry level low budget for the design phase, this evidence is only required to be supplied during the prototype and pilot call off tenders, and not for the design phase.
------	-----	------------------------	----	--	--	---

**Considering the entry level low budget for the design phase, this evidence is only required to be supplied during the prototype and pilot call off tenders, and not for the design phase.**

# Administrative Section (Exclusion, Selection & Compliance)

Compliance criteria	Evidence	TD Reference
A) Compliance with the definition of R&D services	Complete Part V of ESPD and provide evidence as described in TD.	RFT-TD1 Section 5.4
B) Compatibility with other public financing		
C) Compliance with the requirements regarding the place of performance of the contract		
D) Compliance with ethics requirements		
E) Compliance with security requirements		

## C) Place of performance of the contract

Security Place of Performance	Non-Security Place of Performance
<ul style="list-style-type: none"><li>• 100% total value of activities related to <b>development of security components</b> must be performed in EU Member State or H2020 Associated Countries</li><li>• Key R&amp;D personnel must be located in EU Member states.</li></ul>	<ul style="list-style-type: none"><li>• At least 75% of total value of activities must be performed in EU Member State and/or H2020 Associated Countries</li><li>• Key R&amp;D personnel must be located in EU member states or H2020 Associated Countries.</li></ul>

## E) Security Requirements

### Establishment and Control

- 100% of Suppliers (legal entities and sub contractors) shall have its registered office in a EU member state or a natural person having nationality of a members state.
- Suppliers and sub contractors must be ultimately controlled in EU Member States
- **See Clarification 15 on « control ».**



# Clarification 15

CL15	TD1 & TD3	5.4 E) Compliance requirements (TD1) Clause 19.2 (TD3)	52 (TD1) & 30 (TD3)	Control has the meaning provided in articles 5 to 9 of the Belgian Companies Code. It means the power, factual or by right, to exercise a decisive influence on the designation of the majority of the directors of an entity, or on its management. Notably, there is legal control when it results from the possession of the majority of the voting rights linked to the shares of the controlled company.	N/A
------	-----------	--	------------------------------	---	-----

This clarifies what we mean by "control". The purpose of the clause is that not only the contractor remains based in the EU, but also that it remains controlled by EU based shareholders. For that purpose, control is defined by reference to Belgian law (which is derived from EU regulations and directives) and is mainly based on the ability, for one (or several) shareholder(s) to (jointly) appoint a majority of board members, with the assumption that (jointly) owning more than 50% of the shares of a company is deemed to provide that ability.

**This clarifies what we mean by "control". The purpose of the clause is that not only the contractor remains based in the EU, but also that it remains controlled by EU based shareholders. For that purpose, control is defined by reference to Belgian law (which is derived from EU regulations and directives) and is mainly based on the ability, for one (or several) shareholder(s) to (jointly) appoint a majority of board members, with the assumption that (jointly) owning more than 50% of the shares of a company is deemed to provide that ability.**

# Technical Offer (Annex B)

- Tenderers must include a detailed Technical Offer for Phase 1. This form must be used to describe the tenderer's technical offer, including project management and project team, impact on challenge, technical quality of the solution and commercial feasibility.
- Please follow the instructions in Annex B and TD1-RFT section 4.5.

# Financial Offer (Annex C & D)

- **Financial Offer and Cost Breakdown: Annex C**

- Tenderers must include a detailed Financial Offer for Phase 1.
- The Financial Offer is divided into the following sections:
  - Cost breakdown Phase 1 – Solution Design (binding prices)
  - Cost breakdown Phase 2 – Solution Prototype (estimated prices)
  - Cost breakdown Phase 3 – Pilot (estimated prices)
  - Binding unit prices (Phase 1 + Phase 2 + Phase 3)
- Please follow the instructions in Annex C, D and TD1-RFT section 4.6 and complete the Financial Offer with the budget related to the *cost breakdown* per Phase.
- Note that each *cost breakdown* budget per Phase is divided in the following categories:
  - A. Personnel cost
  - B. Materials and equipment cost
  - C. Subcontracting
  - D. Other costs

- **Financial Offer Phase 1: Annex D**

- Tenderers provide the offer requested for Phase 1 in accordance with the cost breakdown described in Annex C.
- **Clarification 5 – no negative pricing allowed.**

# Official Language Selection (Annex E)

- Tenderers must indicate their choice of official language. Please follow the instructions in Annex E and TD1-RFT section 6.4. It can be completed by the Lead Tenderer.
- Tenderers must indicate a language of choice for official purposes.

# Website – were to find things

- <https://www.broadway-info.eu/rft-clarifications/>
- <https://www.broadway-info.eu/rft-questions-and-answers/>
- <https://www.broadway-info.eu/rft-briefing/>
- <https://www.broadway-info.eu/tendering-guide/>
- <https://www.broadway-info.eu/broadway-pcp-schedule/>

GET INVOLVED

CHALLENGE

NEWS

O

Partnering Tool

Request for Tenders

Tendering Guide

Request for Tender – Clarifications

Request for Tender – Questions and Answers

Request for Tender – Briefing Materials

Open Market Consultation Activity

Practitioner Evaluation Team

# Intellectual Property Rights

- Clarification 6 – Background not required in tender
- Clarification 17 – commercial exploitation (5 years)
- Clarification 26 – access rights (justification)



[www.broadway-info.eu](http://www.broadway-info.eu)

Exclusion grounds and Award criteria

Pre-Commercial Procurement towards Pan-European  
broadband mobile for Public Safety

Sanja Holen



# Award Criteria

Each Objective consists of several Sub-objectives, whose purpose is to encourage Tenderers to provide “sufficient information to describe how each Sub-objective will be achieved” and/or “nice to haves”.

- As regards “sufficient information to describe how each Sub-objective will be achieved, the Scoring Model for the Award Criteria in Appendix 5 will be applied.
- As regards “Nice to haves”, they will not be formally assessed individually as Sub-objectives but shall have an impact in selecting a successful Tenderer from an unsuccessful Tenderer in a situation where two Tenderers receive the same scores for their Tenders.

(see TD1 section 5.5 Award criteria)



# Award Criteria

- 1) If two of the Sub-objectives seeking “sufficient information for achieving Sub-objective” derived from the above Objectives, receives a score of 0, that shall lead to the exclusion of the Tenderer.
- 2) In the Technical Offer under the category of Impact on Challenge, if any one of the Objectives receives a score of 0, this shall lead to exclusion of the Tenderer.
- 3) If Sub-objective PESAr13 Software Quality Assurance in Pan-European Security and/or PESAr15 Harmonised Security Assurance receives a score of 0, that shall lead to exclusion of the Tenderer (see section 2.2.3.1 Broadway PCP Challenge (TD2)).
- 4) If the Price offered for a Phase is above the Ceiling Price for that Phase, the Tenderer shall be excluded.

A minimum threshold of 60 % of the total amount of points as well as or certain criteria must be reached.  
(see TD1 Section 7.5)

## 2. Impact on Challenge

### Objective 1 - Pan-European Architecture

1.1: Describe how your solution will achieve this Objective.

1.2: Describe how your solution will be innovative in this domain.

### Objective 2- Pan-European Availability

2.1: Describe how your solution will achieve this Objective.

2.2: Describe how your solution will be innovative in this domain.

### Objective 3- Pan-European Security

3.1: Describe how your solution will achieve this Objective.

3.2: Describe how your solution will be innovative in this domain.

For each Sub-objective- it has to be described:

- how your solution will achieve this Objective
- how your solution will be innovative in this domain !!!

#### PEAr Pan-European Architecture Sub-objectives

sufficient information to describe how you will achieve each Sub-objective

PEAr1 Involvement of Radio access provision and consumer/commercial operation:

PEAr2 Organisational schemes

PEAr3 Harmonised tuning ranges

PEAr4 Standardised commercial solutions

PEAr5 Standardised mission critical broadband solutions

PEAr6 PPDR networks

PEAr7 PPDR users



Any Questions ?

The “**BroadMap**” project has received funding from the European Union’s Horizon 2020 research and innovation programme under grant agreement No. **700380**.

This “**BroadWay**” project receives funding from the European Union’s Horizon 2020 research and innovation programme under grant agreement No. **786912**.