

INTERNATIONAL PUBLIC TENDER No. CPI/01/2024

TENDER PROCEDURE No. 18/IAVE/2024

Acquisition of cloud services for the use of the different assessment platforms from 2024 to 2025

CPV Classification: 72000000-5 – IT services: consultancy, software development, Internet and support

Article 1

Object of the procedure

1. The object of this tender procedure is the acquisition of cloud services for the use of the different assessment platforms from 2024 to 2025. This acquisition of services is necessary to design, monitor, administer assessment and produce results in electronic format, allowing users to write, administer, mark and practise how to manipulate items, and administer assessment.
2. All the services inherent to after-sales services are considered to be covered by the object of this procedure, in accordance with the Tender Specifications.

Article 2

Contracting Authority

1. The Contracting Authority is the Portuguese State through the Instituto de Avaliação Educativa, I.P. (hereinafter IAVE, I.P.) located at Travessa das Terras de Sant’Ana 15 - 1250-269 Lisboa, with the telephone number +351213895200 and email address: compras.iave@iave.pt.
2. All communications regarding this procedure must be made in writing through the electronic contracting platform, accessible on the website: <http://www.acingov.pt>.

Article 3

Competent body for the decision to award the contract

1. The decision to award the contract and authorize the expense is the responsibility of the President of the Board of Directors of IAVE, I.P., in accordance with subparagraph b) of paragraph 1 of article 17 of Decree-Law No. 197 /99, of 8 June, applicable pursuant to paragraph f) of article 14 of Decree-Law No. 18/2008, of 29 January, which approved the

Public Contracts Code, hereinafter just PCC, of articles 36 and 38 of this Code and also paragraph a) of article 5 of Decree-Law No. 53-B/2021 of 23 June.

Article 4

Contracting procedure

1. This tender takes the form of an international public tender, pursuant to subparagraph a) of paragraph 1 of article 20 of the PCC, published on the electronic public procurement platform accessible via the address <https://www.acingov.pt>, hereinafter referred to as the platform.

Article 5

Parts of the procedure

1. The international public tender procedure consists of the following parts:
 - a. The Tender notice;
 - b. The present Procedure;
 - c. The Tender Specifications;
 - d. Clarifications and rectifications of the parts of the procedure, if any;
 - e. Errors and omissions in the specifications, if any.

Article 6

Tender Jury

1. The Tender Jury is constituted by 3 (three) effective members, one of whom presides, and 2 (two) alternate members, appointed by resolution of the competent body for the decision to contract.
2. The Tender Jury begins its duties on the working day following the day the notice is sent for publication.
3. The Tender Jury must carry all acts and take all the steps related to this procedure whose competence is not reserved to the contracting authority, namely the provision of clarifications necessary for the proper understanding and interpretation of the tender documents, the evaluation of tenders, the holding of a prior hearing for the interested parties and the elaboration of the respective preliminary and final reports.
4. The Tender Jury may be assisted by technically qualified people or entities regarding any aspect that may be relevant within the scope of this procedure, although these people or entities have no right to vote.
5. In accordance with and for the purposes of paragraph 2 of article 55 of Decree-Law No. 4/2015, of 7 January, the Jury is appointed as responsible for directing the procedure.

Article 7

Competent body to provide clarifications

1. The Tender Jury is responsible for the clarifications necessary for a proper understanding and interpretation of the parts of the tender.
2. Clarifications must be requested by the interested parties, in writing, through the platform, within the first third of the period of time set for the submission of tenders.
3. The clarifications, as well as corrections to the parts of the tender, are made in accordance with article 50 of the PCC.
4. The parts that constitute the tender, this procedure, the specifications and the notice are fully available on the platform.

Article 8

Award criteria

1. The award criterion is that of the most economically advantageous proposal, in accordance with the proposal evaluation model (Annex III).
2. There is no place for adjudication when any of the situations set out in paragraph 1 of article 79 of the CCP occurs.
3. The tiebreaker criteria adopted will be in accordance with the guidelines for the evaluation of proposals (Annex III).

Article 9

Format and deadline for submitting the tenders

1. The tenders, as well as the parts that comprise them, must be submitted on the platform by 23:59 on the 30th day counting from the date of publication of the notice in *Diário da República* (Portuguese national official journal).
2. The deadline for submitting tenders is calculated in calendar days, in accordance with article 470 of the PCC.
3. The tender must be signed electronically, using a qualified electronic signature, in accordance with the current legislation – article 54 of Law 96/2015, of 17 August.

Article 10

Language of the tender

1. The tenders, as well as the parts that comprise them, must be written in Portuguese, without erasures, writing between the lines or crossed out words.

Article 11

Documents included in the tender

1. The tender must contain a declaration of acceptance of the contents of the Tender Specifications, drawn up in accordance with the model in Annex I of the Specifications, of which it is an integral part, and also a declaration from the service provider, attesting that the manufacturer is aware of the tender presented and that they have the necessary skills

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to implement and support the solution, also guaranteeing that all the equipment supplied is up to date.

2. In addition to the documents required in the previous paragraph, the tender must also be accompanied by the following elements:
 - a. Detailed price of the goods, in accordance with Article 1, paragraph 2 of the Specifications;
 - b. Note justifying the proposed price;
 - c. Express mention that VAT is added to the price shown, indicating the applicable rate, if applicable;
 - d. Documents that, depending on the object of the contract to be signed and the aspects of its performance proposed in the Tender Specifications, contain the attributes of the tender according to which the competitor is willing to contract;
 - e. Any other documents that are considered indispensable for the submission of the tender, namely in relation to its attributes.

3. If the tenderer is a group, the tender must also be accompanied by the following documents:
 - a. Address and contacts for the purpose of notifications;
 - b. Declaration by each entity, member of the grouping, of its intention to form a consortium, in case of adjudication;
 - c. Compliance with the provisions of paragraph 5 of article 57 of the PCC.

Article 12 **Deadline for maintaining tenders**

1. Without prejudice to the provisions of article 137 of the CCP, the deadline for the obligation to maintain tenders is sixty-six (66) days, counting from the date of the deadline set for their submission.

Article 13 **Variant tenders**

1. The presentation of variant tenders is not allowed.
2. Non-compliance with the provisions of the previous paragraph is grounds for excluding the submitted tenders or variant tenders, in accordance with paragraph 7 of article 59 of the PCC, in its current wording.

Article 14 **Preliminary report on the tenders**

1. After analysing the tenders and applying the award criteria, the Jury prepares a reasoned preliminary report, based on which it must propose their ranking.
2. In the preliminary report, the Jury must also propose the exclusion of tenders, in case any of the situations referred to in paragraph 2 of article 146 of the PCC is verified.

Article 15
Prior hearing

1. In accordance with article 147 of the PCC, as soon as the preliminary report is concluded, the Jury sends it to all the tenderers, granting a period of five days for them to comment, in writing, under the right of prior hearing, without prejudice of article 125 if only one tender is submitted.

Article 16
Final report on the tenders

1. Having complied with the provisions of the previous article, the Jury prepares a final report based on the terms of article 148 of the PCC.

Article 17
Qualification documents

1. The successful tenderer must provide, within five days of notification of the award decision:
 - a. A declaration issued according to the model in Annex II of the Specifications;
 - b. Documents proving that the successful tenderer is not in the situations set out in paragraphs b), d), e) and h) of article 55 of the PCC. For the purposes of sufficient proof that the successful tenderer is not covered by any of the cases referred to in paragraphs a), b) and h) of the aforementioned article 55, the presentation of a criminal record certificate is accepted or, failing that, an equivalent document issued by a competent judicial or administrative authority, attesting that those requirements are met;
 - c. Permanent certificate of the company.
2. All the documents referred to in the previous paragraph must be written in Portuguese.
3. When, by their nature, the qualification documents are written in a foreign language, the successful tenderer must provide a legal translation.
4. The successful tenderer must submit on the platform a copy of the qualification documents referred to in paragraph 1, or, in case the platform is unavailable, send this copy to the following email address: compras.iave@iave.pt
5. When the documents mentioned in subparagraph b) of paragraph 1 are available on the Internet, the successful tenderer may, instead of presenting them or making a copy, indicate to the contracting authority the address of the site where they can be accessed, as well as the information necessary for this access, provided that the documents are written in Portuguese.
6. When the successful tenderer has given consent, in accordance with the law, for the contracting authority to access the information in the documents referred to in the previous paragraph, their presentation or the indication provided for in the previous paragraph is waived.
7. In the event of non-issuance of the documents referred to in subparagraph b) of paragraph 1, they may be replaced by a solemn declaration, under oath, made before a competent judicial or administrative authority, a notary, or a qualified professional body.

8. The contracting authority grants the successful tenderer a period of five (5) days to eliminate the irregularities detected in the qualification documents that can lead to the expiry of the award, in accordance with the provisions of article 86 of the PCC.

Article 18

Security deposit

1. The successful tenderer must provide a deposit to guarantee the signing of the contract, as well as the exact and timely fulfilment of all legal and contractual obligations, in the amount of 5% of the contractual price.
2. As regards the term and method of provision of the deposit, as well as the determination of responsibility for the respective expenses, the provisions of article 90 of the PCC apply.

Article 19

Consortium of tenderers

1. In case of award to a group of entities, all members of the winning group, and only these, must join, before signing the contract, in the legal modality of external consortium under the legislation in force.
2. The consortium contract must indicate the company that will act as head of the consortium, and it must be conferred, in the same act, and by power of attorney, the powers referred to in paragraph 1 of article 14 of Decree-Law No. 231/81, of 28 July, and also the special powers to receive from the contracting authority and give discharge of any amounts that must be paid to the consortium members in the performance of the contract.

Article 20

Grounds for adopting the procedure

1. This international public tender procedure is adopted in accordance with of paragraph a) of article 20 and article 130 et seq. of the PCC, in its current wording.

Article 21

Applicable legislation

In everything that is omitted in this procedure, the provisions of the PCC will be observed, as well as other applicable laws and regulations.

ANNEX I

Tender Document Template

..... [company and headquarters], represented by its manager/administrator/attorney
[name, marital status, ID card/Citizen Card number, issue date/expiration date and issuing body,
place of birth and address], having taken full and perfect knowledge of the Specifications and
the Procedure relating to the Tender in question, undertakes to present the services in
accordance with the terms and conditions set out in the procedural documents, for the global
contractual value of € [in figures and in words], corresponding to the estimated hours, per
service, at the unit prices proposed in Annex II, to which VAT is added at the rate of%,
totalling the amount of € [in figures and in words].

The prices indicated in Appendix II do not include Value Added Tax (VAT) at the applicable legal rate.

The tenderer further declares that it renounces the special jurisdiction and submits itself, in everything that respects the performance of the contract, to what is prescribed in the Portuguese law.

Location and date

Signature

ANNEX II

Declaration template (article 81 of the PCC)

[referred to in paragraph a) of paragraph 1 of article 81]

1 — ... (name, identification document number and address), in the capacity of legal representative of (1)... (company, tax identification number and headquarters or, in the case of a tenderer grouping, companies, numbers of tax identification number and headquarters), successful tenderer in the procedure ... (name or reference to the procedure in question), declares, under oath, that the one represented (2) is not in any of the situations foreseen in No. 1 of article 55 of the Public Contracts Code.

2 — The declarant attaches [or indicates... as the address of the website where they can be consulted (3)] the documents attesting that the one represented (4) is not in the situations foreseen in sub-paragraphs b), d), e) and h) of paragraph 1 of article 55 of the Public Contracts Code.

3 — The declarant is fully aware that the provision of false declarations implies the forfeiture of the award and constitutes a very serious offense, in accordance with article 456 of the Public Contracts Code, which may determine the application of the accessory penalty of deprivation of the right to participate, as a candidate, as a competitor or as a member of a candidate or consortium of tenderers, in any procedure adopted for the formation of public contracts, without prejudice to the participation to the competent authority for the purposes of criminal proceedings.

... (location),... (date),... [signature (5)].

(1) Applicable only to tenderers who are collective persons.

(2) If the competitor is a natural person, delete the expression "the one represented".

(3) Add the necessary information to the query, if applicable.

(4) If the competitor is a natural person, delete the expression "the one represented".

(5) Pursuant to paragraphs 4 and 5 of article 57.

ANNEX III

Regulation for tender evaluation

Chapter I - General Provisions

Article 1

Regulation

The aim of the present regulation is to define the procedural, organizational and methodological framework for the assessment, analysis, evaluation and ranking of the tenders, with the purpose of formulating a proposal for a final decision on the procedure, which will be submitted to the competent body to authorize the expense, hereinafter identified by contracting authority.

Article 2

Object of the regulation

For the purposes of analysing the proposals, the documents presented by the tenderers will be considered, without prejudice to the request of clarifications by the Jury, under the terms of article 72 of the CCP.

Chapter II – Analysis and Evaluation of Proposals

Article 3

Objective

1. Proposals will be analysed and evaluated according to the following factors and sub-factors:

| Factor | Subfactor | Weighting |
|----------------------------|---|-----------|
| Hours of Technical Support | Hours of Technical Support, total number of hours corresponding to the value of 10,000 euros. | 40% |
| Quality | Availability of technical support (hours/weekdays). | 60% |
| | Response speed to requests for technical support. | |
| | Belonging to the AWS Solution Provider Program Public Sector – addendum for Portugal or equivalent. | |
| | Having Storage Consulting Competency or equivalent. | |
| | Having Amazon RDS Delivery Service Validation or equivalent. | |
| | Belonging to the APN Immersion Days Program or equivalent. | |
| | Having positive AWS customer reference(s) in the Education Area or equivalent. | |

2. The tenderers' proposals will be analysed and evaluated, then ranked accordingly in a descending order of points, calculated according to the following formula:

Final score = 60% Quality + 40% Price

3. The most economically advantageous proposal will correspond to the one that obtains the best final score, rounded to the third decimal place.

Article 4 Evaluation Methodology

1. The **Technical Support Hours Factor** will be evaluated according to the number of hours of technical support corresponding to the value of 10,000 euros.

2. The **Quality Factor** will be evaluated as follows:

1. **Subfactor - Availability of technical support** (hours/days of the year) will be evaluated as follows:

| The service information in the proposal is: | Score |
|---|-------|
| Number of hours less than 24 and/or number of days less than 5. | 1 |
| 24 hours a day during working days 24/5. | 2 |
| 24 hours a day every day of the week 24/7. | 3 |

2. **Subfactor - Response speed to technical support requests** will be evaluated as follows:

| The service information in the proposal is: | Score |
|---|-------|
| Response time to requests greater than 24 hours. | 1 |
| Response time to requests greater than 12 hours and less than 24 hours. | 2 |
| Response time to requests greater than 2 hours and less than 12 hours. | 3 |
| Response time to request less than 2 hours. | 4 |

3. Subfactor - **Belonging to the AWS Solution Provider Program Public Sector addendum for Portugal or equivalent** will be evaluated as follows:

| Provides evidence of belonging to the AWS Solution Provider Program Public Sector addendum for Portugal or equivalent. | Score |
|--|-------|
| No | 1 |
| Yes | 5 |

4. Subfactor - **Having Storage Consulting Competency or equivalent** will be assessed as follows:

| Provides evidence that you have Storage Consulting Competency or equivalent. | Score |
|--|-------|
| No | 1 |
| Yes | 3 |

5. Subfactor - **Having Amazon RDS Delivery Service Validation or equivalent** will be evaluated as follows:

| Provides evidence that you have Amazon RDS Delivery Service Validation or equivalent. | Score |
|---|-------|
| No | 1 |
| Yes | 5 |

6. Subfactor - **Belonging to the APN Immersion Days Program or equivalent** will be evaluated as follows:

| Provides evidence that you belong to the APN Immersion Days Program or equivalent. | Score |
|--|-------|
| No | 1 |
| Yes | 3 |

7. Subfactor - **Having positive AWS customer reference/s in the Education Sector in Portugal or equivalent** will be evaluated as follows:

| Presents positive AWS customer reference/s in the Education Sector in Portugal or equivalent. | Score |
|---|-------|
| No | 1 |
| Yes | 5 |

Article 5

Classification of proposals

1. There will be no adjudication when any of the situations set out in paragraph 1 of article 79 of the PCC occurs.
2. In the event of a tie, the tiebreaker criteria will be in accordance with the following aspects/the following ranking:

- Whoever has the most points in the quality factor will be ranked in the first place;
- If the tie persists after this ranking, whoever presents the lowest price will be ranked in the first place;
- If the tie persists after ordering according to the lowest price, the draw will take place at a date and time to be set by the contracting authority. All the tenderers will be invited to watch the draw, to be held via video conference. The act will be carried out by the elements of the Jury regardless of the number of tenderers present.

ANNEX IV
Deposit template

Euro Deposit Guide Template: €..... Will (1) ..., with headquarters in (or resident) ..., deposit in (2) ... the amount of ... (3) in cash/bonds (4), intended to ensure full compliance with the obligations assumed by the guaranteed party(ies) within the scope of the procedure **“Acquisition of Cloud Services for the use of different assessment platforms from 2024 to 2025”**, under the terms of paragraphs 3 and 4 of article 90 of the Public Contracts Code. This deposit, without reservations, is made to Instituto de Avaliação Educativa, I.P., to which the respective information must be sent. (5)

Date

Signatures