

Belgium-Brussels: e-Privacy Directive: assessment of transposition, effectiveness and compatibility with proposed Data Protection Directive (SMART 2013/0071)

OJ S 148/2013 01/08/2013

Contract notice

Services

Directive 2004/18/EC**Section I: Contracting authority**

I.1. Name and addresses

Official name: European Commission, DG Communications Networks, Content and Technology, Unit H4 — Trust and Security

Postal address: avenue du Bourget 1 (BU31, Office 04/003)

Town: Brussels

Postal code: 1049

Country: Belgium

For the attention of: Giuseppe Abbamonte, Head of Unit

E-mail: cnect-h4@ec.europa.eu

Telephone: +32 22993573

Internet address(es):

General address of the contracting authority: https://ec.europa.eu/dgs/connect/index_en.htm

Address of the buyer profile: <http://ec.europa.eu/digital-agenda/en/newsroom/all/1374>

Electronic access to information: <http://ec.europa.eu/digital-agenda/en/newsroom/all/1374>

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Type of the contracting authority

European institution/agency or international organisation

I.3. Main activity

Other: Communications networks, content and technology.

I.4. Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description**II.1.1. Title attributed to the contract by the contracting authority**

e-Privacy Directive: assessment of transposition, effectiveness and compatibility with proposed Data Protection Directive (SMART 2013/0071).

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 11: Management consulting services [6] and related services

Main site or place of performance: Contractor's premises.

NUTS code

II.1.3. Information about a framework agreement or a dynamic purchasing system

The notice involves a public contract

II.1.4. Information about framework agreement

II.1.5. Short description of the contract or purchase(s)

The objective of the study is to gather evidence on the transposition of the e-Privacy Directive into Member States' legal systems. The goal is to take stock of national experiences with regard to specific provisions of the e-Privacy Directive. The contract will identify specific areas within the e-Privacy Directive in which the evaluation will be focused. In principle, such areas will encompass (i) the application of Article 5(3) of the Directive on cookies; (ii) the application of Article 4 on security breach notification and (iii) the scope of application of the provisions on location and traffic data. In addition, the study will also seek to gather evidence and require an analysis of the interaction of the e-Privacy Directive with the data Protection Regulation in order to assess how the 2 instruments play together.

II.1.6. CPV code(s)

79419000 Evaluation consultancy services

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

1. Maximum value 300 000 EUR.

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: no

II.3. Duration of the contract or time limit for completion

Duration in months: 9 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

As indicated in the tender specifications and model contract.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

As indicated in the tender specifications and model contract.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

As indicated in the tender specifications.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: As indicated in the tender specifications.

III.2.2. Economic and financial ability

List and brief description of conditions: As indicated in the tender specifications.

Minimum level(s) of standards possibly required: As indicated in the tender specifications.

III.2.3. Technical and professional ability

List and brief description of conditions:

As indicated in the tender specifications.

Minimum level(s) of standards possibly required:

As indicated in the tender specifications.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: yes

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Open

IV.1.2. Information about the limits on the number of candidates to be invited

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

IV.2.2. Information about electronic auction

An electronic auction will be used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

SMART 2013-0071.

IV.3.2. Previous publication concerning this procedure

Prior information notice

Notice number in the OJ S: [2013/S 63-104533](#) of 29.3.2013

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

Time limit for receipt of requests for documents or for accessing documents: 18.9.2013

Payable documents: no

IV.3.4. Time limit for receipt of tenders or requests to participate

23.9.2013 - 16:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6. Languages in which tenders or requests to participate may be submitted

Any EU official language

IV.3.7. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 9 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Date: 30.9.2013

Place:

European Commission, avenue de Beaulieu 31, Office — BU31 04/003, 1160 Brussels, BELGIUM.

Persons authorised to be present at the opening of tenders: yes

Information about authorised persons and opening procedure: 1 authorised representative of each tenderer may attend the opening of tenders. Tenderers who wish to attend the opening session have to inform Mr Giuseppe Abbamonte by e-mail (giuseppe.abbamonte@ec.europa.eu) or letter at least 48 hours in advance.

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: yes

Identification of the project: Regulatory Framework for the Digital Agenda.

VI.3. Additional information

Tender documents will be available for download at the address indicated under Heading I.1.

The website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the tendering period.

VI.4. Procedures for review

VI.4.1. Review body

Official name: The Court of Justice of the European Union
Postal address: Rue du Fort Niedergrünewald
Town: Luxembourg
Postal code: 2925
Country: Luxembourg
E-mail: generalcourt.registry@curia.europa.eu
Telephone: +352 4303-1
Fax: +352 4303-2100
Internet address: <http://curia.europa.eu>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Within 2 months of the notification to the plaintiff, or in absence thereof, of the day on which it came to the knowledge. A complaint to the European Ombudsman does not have as an effect either to suspend this period or to open a new period for lodging appeals.

VI.4.3. Service from which information about the review procedure may be obtained

Official name: European Commission
Postal address: avenue du Bourget 1 (BU31, office 04/003)
Town: Brussels
Postal code: 1049
Country: Belgium
E-mail: cnect-h4@ec.europa.eu
Telephone: +32 22993573
Internet address: <https://ec.europa.eu/digital-agenda/en/telecoms-and-internet/trust-security>

VI.5. Date of dispatch of this notice

22.7.2013