

Germany-Munich: IT services: consulting, software development, Internet and support

OJ S 192/2020 02/10/2020

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

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**Section I: Contracting authority**

**I.1. Name and addresses**

Official name: FMS Wertmanagement AöR

Postal address: Prinzregentenstraße 56

Town: München

NUTS code: DE212 München, Kreisfreie Stadt

Postal code: 80538

Country: Germany

E-mail: [einkauf-2@fms-wm.de](mailto:einkauf-2@fms-wm.de)

**Internet address(es):**

Main address: <http://www.fms-wm.de>

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.evergabe-online.de/tenderdetails.html?id=344614>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.evergabe-online.de/tenderdetails.html?id=344614>

**I.4. Type of the contracting authority**

Other type: Public institution according to § 99 No 2 GWB (Restriction of Competition Act)

**I.5. Main activity**

Economic and financial affairs

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**Section II: Object**

**II.1. Scope of the procurement**

**II.1.1. Title**

Provision of Virtual Data Room Services

Reference number: 20-08-DM-Virtual Data Room

**II.1.2. Main CPV code**

72000000 IT services: consulting, software development, Internet and support - JA02

**II.1.3. Type of contract**

Services

**II.1.4. Short description**

FMS Wertmanagement wishes to engage the services of a virtual data room provider in order to facilitate its ongoing portfolio wind-down through selling financial assets and other financial instruments on the secondary market.

#### **II.1.5. Estimated total value**

#### **II.1.6. Information about lots**

This contract is divided into lots: no

### **II.2. Description**

#### **II.2.3. Place of performance**

NUTS code: IE061 Dublin

NUTS code: DE212 München, Kreisfreie Stadt

Main site or place of performance: Dublin/Ireland.

#### **II.2.4. Description of the procurement**

FMS-WM wishes to engage the services of a virtual data room provider in order to facilitate its ongoing portfolio wind-down through selling assets and other financial instruments on the secondary market. The virtual data room must allow FMS-WM to share confidential legal and other documentation to prospective transaction purchasers. It must be possible to have multiple independent virtual data rooms running at the same time, with complete confidentiality within each virtual data room. Ease of use for both FMS-WM and potential purchasers is an important consideration. Access to, and document storage in, the Virtual Data Rooms must have strong security protection.

Mandatory requirements:

##### **A. data room functionality**

(a) the data rooms shall be able to deal with DOC, XLS, PDF, TXT, JPG, PPT, RTF, 7z, ZIP, and CSV files (FS1.1);

(b) the data rooms shall support all characters that can be used in Windows file names, i.e., all standard keyboard characters excluding <, >, :, ", /, \, |, ?, and \* (FS1.3);

(c) the platform shall be able to have multiple separate data rooms at the same time (up to 12) (FS1.4);

(d) the data rooms shall support 'Drag and Drop' functionality to allow folders and sub-folders to be copied into data room in full, retaining the folder structure (FS1.5);

##### **B. access to the virtual data rooms**

(a) the access for each user should be individually password (FS2.1).

##### **C. Certifications and regulations**

(a) the solution shall be ISO27001 certified. A certification of the whole solution provider is a benefit (TS1.1);

(b) the solution as well as the contractual documentation shall be EUGDPR conform (TS1.2);

(c) the Data Centre(s) where the solution is hosted shall be certified (TS1.4);

(d) the website certificate shall be provided by a recognized Trust Centre (e.g. GlobalSign, VeriSign or others) (TS1.5);

##### **D) data Storage and availability**

(a) the data shall be stored within the European Economic Area (EEA) (data centre location) (TS2.1);

(b) the data centre(s) where the solution is hosted shall provide a high level of physical security and reliability (TS2.2);

##### **E. encryptions, protections and passwords**

(a) the solution shall support TLS Version 1.2, 1.3 (1.3 strongly preferred) or higher (TS3.1);

- (b) the hosting operation systems shall be hardened according to an industry standard (like CIS, NIST, BSI) (TS3.4);
- (c) passwords shall be stored in an encrypted\hashed format (Hash function SHA256 or better strongly preferred) (TS3.8);

F. availability, incidents and help desk

- (a) the solution shall be highly available (at least 99,3 % availability) (TS4.1);
- (b) the solution provider shall have an incident management process including a process to inform the client about possible data breaches as soon as possible (TS4.2);

G. updates and testing

- (a) all used hard- and software components shall be regularly updated regarding to a patch management process (TS5.2);
- (b) the solution provider shall have a pro-active vulnerability management. All components of the platform solution (webserver, databases, etc.) should receive regular updates. Security patches must be installed on time (TS5.3).

Besides the mandatory criteria, FMS-WM defined several (31) evaluation criteria.

All bidders are obliged to fill out E.4 Specification sheet in order to evaluate the virtual data room capabilities of the corresponding bidder.

#### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6. Estimated value**

#### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 48

This contract is subject to renewal: no

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: no

#### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:  
no

#### **II.2.14. Additional information**

### **Section III: Legal, economic, financial and technical information**

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#### **III.1. Conditions for participation**

##### **III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

Licence to exercise occupation

Please confirm that you are in possession of a licence to exercise your occupation, e.g. by means of an entry in the professional or commercial register.

##### **III.1.2. Economic and financial standing**

List and brief description of selection criteria:

1) Minimum turnover

Please confirm the achievement of the required order-specific minimum turnover per completed business year in the amount of not less than EUR 220 000 net. Please enter the turnover in form D.8 Declaration on turnover.

2) Business or professional liability insurance

Please confirm that your company is covered by business or professional liability insurance from a liability insurer or financial institution licensed in the EU. The contracting authority reserves the right to request appropriate verification before awarding the contract.

Minimum level(s) of standards possibly required:

1) Minimum turnover

Please confirm the achievement of the required order-specific minimum turnover per completed business year in the amount of not less than EUR 220 000 net. Please enter the turnover in form D.8 Declaration on turnover.

2) Business or professional liability insurance

Please confirm that your company is covered by business or professional liability insurance from a liability insurer or financial institution licensed in the EU. The contracting authority reserves the right to request appropriate verification before awarding the contract.

### III.1.3. Technical and professional ability

List and brief description of selection criteria:

1) References

Please name at least three of your current reference customers in the financial sector, stating in each case the total order volume, the contract term and the scope of service. Please also give the name of a contact person for each referee with an appropriate telephone number. Please note here that references may not be more than 3 years old.

2) ISO 27001 certificate

Please confirm that your company is certified in accordance with DIN EN ISO 27001 with regard to IT, security procedures, IT security management systems.

Minimum level(s) of standards possibly required:

1) References

Please name at least three of your current reference customers in the financial sector, stating in each case the total order volume, the contract term and the scope of service. Please also give the name of a contact person for each referee with an appropriate telephone number. Please note here that references may not be more than 3 year olds.

2) ISO 27001 certificate.

Please confirm that your company is certified in accordance with DIN EN ISO 27001 with regard to IT, security procedures, IT security management systems.

## Section IV: Procedure

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### IV.1. Description

#### IV.1.1. Type of procedure

Open procedure

#### IV.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement  
Framework agreement with a single operator

#### IV.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

## **IV.2. Administrative information**

### **IV.2.2. Time limit for receipt of tenders or requests to participate**

Date: 03/11/2020 Local time: 14:00

### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English, German

### **IV.2.6. Minimum time frame during which the tenderer must maintain the tender**

Tender must be valid until: 31/12/2020

### **IV.2.7. Conditions for opening of tenders**

Date: 03/11/2020 Local time: 14:00

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about electronic workflows**

Electronic ordering will be used

Electronic payment will be used

### **VI.3. Additional information**

In addition, reference is made to the information contained in the EU publication and in the letter 'Call for tenders'. No compensation will be granted for the processing and submission of tenders and participation in the tender procedure. Documents submitted are transferred free of charge to the contracting authority. Documents are retained in accordance with legal requirements. After expiry of the statutory retention period, they will be destroyed.

### **VI.4. Procedures for review**

#### **VI.4.1. Review body**

Official name: Bundeskartellamt — Vergabekammern des Bundes

Postal address: Villemombler Str. 76

Town: Bonn

Postal code: 53123

Country: Germany

#### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

The admissibility of applications for review is governed by s. 160 GWB. According to s. 160(3) No 1 GWB, an application for review is inadmissible if the applicant detected the alleged infringement in the procurement procedure and did not complain to the contracting authority within a period of 10 calendar days. Infringements that can be detected on the basis of the notification or the tender documents must be reported to the contracting authority at the latest by the end of the tender period (s. 160 (3) No 2 and No 3 GWB).

If the contracting authority states that the complaint will not be remedied, an application for review may only be submitted in writing to the competent procurement tribunal within 15 calendar days of receipt of the notification (s. 160 (3) No 4 GWB), whereby the date of receipt

of the application for review by the procurement tribunal is decisive for observance of the deadline. The procedure for the investigation of alleged infringements of the procurement procedure is governed by the provisions of s. 155 ff. GWB.

**VI.5. Date of dispatch of this notice**

28/09/2020