

Belgium – Telecommunications services – Trans-European Services for Telematics between Administrations – New Generation (TESTA-ng III)
OJ S 244/2024 16/12/2024
Contract or concession award notice – standard regime
Services

1. Buyer

1.1. Buyer

Official name: European Commission, DG DIGIT - Digital Services

Email: digit-contracts-info-centre@ec.europa.eu

Legal type of the buyer: EU institution, body or agency

Activity of the contracting authority: General public services

2. Procedure

2.1. Procedure

Title: Trans-European Services for Telematics between Administrations – New Generation (TESTA-ng III)

Description: This negotiated procedure is launched in order to ensure the continuation of service provision in relation to the Trans-European Services for Telematics between Administrations / TESTA-ng network beyond 18 December 2024. The resulting framework contract shall ensure business continuity for the provision of a managed secured private communication infrastructure in the frame of the TESTA-ng project and concerns the provision of a trans-European communication platform for the exchange of electronic data between European and national administrations, including applications related to sensitive policy areas such as police cooperation, border control, asylum, civil protection and money laundering. The framework contract resulting from this negotiated procedure will be used as a transition contract until the new framework contracts for the implementation of the European Commission's newly adopted EU Interconnectivity and eXchange Platform (EU-IXP) strategy will be in place and the migration of all networks to the new EU-IXP environment will be fully completed. While it is expected that the EU-IXP platform will be available by the first quarter of 2026, it is estimated that the timeframe to migrate all current TESTA customers will last approximately 24 months (based on the number of customers' sites to migrate). Therefore, the expected deadline until which current TESTA services should be maintained is end of 2027. The FWC will therefore open the possibility to gradually migrate and therefore substitute the different components of TESTA-ng to the components of the new EU-IXP platform, by discontinuing specific services following successful migration.

Procedure identifier: 5f38d56a-5828-437f-a94c-77f96f20ce61

Internal identifier: DIGIT/2023/NP/0017

Type of procedure: Negotiated without prior call for competition

2.1.1. Purpose

Main nature of the contract: Services

Main classification (cpv): 64200000 Telecommunications services

2.1.4. General information

Legal basis:

5. Lot

5.1. Lot: LOT-0001

Title: Trans-European Services for Telematics between Administrations – New Generation (TESTA-ng III)

Description: This negotiated procedure is launched in order to ensure the continuation of service provision in relation to the Trans-European Services for Telematics between Administrations / TESTA-ng network beyond 18 December 2024. The resulting framework contract shall ensure business continuity for the provision of a managed secured private communication infrastructure in the frame of the TESTA-ng project and concerns the provision of a trans-European communication platform for the exchange of electronic data between European and national administrations, including applications related to sensitive policy areas such as police cooperation, border control, asylum, civil protection and money laundering. The framework contract resulting from this negotiated procedure will be used as a transition contract until the new framework contracts for the implementation of the European Commission's newly adopted EU Interconnectivity and eXchange Platform (EU-IXP) strategy will be in place and the migration of all networks to the new EU-IXP environment will be fully completed. While it is expected that the EU-IXP platform will be available by the first quarter of 2026, it is estimated that the timeframe to migrate all current TESTA customers will last approximately 24 months (based on the number of customers' sites to migrate). Therefore, the expected deadline until which current TESTA services should be maintained is end of 2027. The FWC will therefore open the possibility to gradually migrate and therefore substitute the different components of TESTA-ng to the components of the new EU-IXP platform, by discontinuing specific services following successful migration.

Internal identifier: DIGIT/2023/NP/0017

5.1.1. Purpose

Main nature of the contract: Services

Main classification (cpv): 64200000 Telecommunications services

Additional classification (cpv): 64220000

Telecommunication services except telephone and data transmission services

5.1.3. Estimated duration

Duration: 36 Months

5.1.6. General information

Procurement Project fully or partially financed with EU Funds.

The procurement is covered by the Government Procurement Agreement (GPA): yes

Additional information: Within 2 months of the notification of the award decision, an appeal may be lodged to the review organisation. You may submit any observations concerning the award procedure to the contracting authority.

5.1.10. Award criteria

Criterion:

Type: Quality

Description: best-price quality ratio (no weighting between quality and price)

Criterion:

Type: Price

Description: best-price quality ratio (no weighting between quality and price)

Description of the method to be used if weighting cannot be expressed by criteria: best-price quality ratio (no weighting between quality and price)

5.1.15. Techniques

Framework agreement: Framework agreement, without reopening of competition

Information about the dynamic purchasing system: No dynamic purchase system

Electronic auction: no

5.1.16. Further information, mediation and review

Review organisation: Court of Justice of the European Union

Organisation providing more information on the review procedures: European Commission, DG DIGIT - Digital Services

Organisation signing the contract: European Commission, DG DIGIT - Digital Services

TED eSender: Publications Office of the European Union

6. Results

Maximum value of the framework agreements in this procedure: 94 296 500,00 EUR

Direct award:

Justification for direct award:

Extreme urgency brought about by events unforeseeable for the buyer

Other justification: TESTA-ng related services are currently provided through the DI/07820 FWC (DIGIT/A3/PN/2019/026), which expired on 17/06/2024 and allows specific contracts to be implemented until 17/12/2024. To ensure business continuity of these critical services, the Commission launched on 23 May 2019 the restricted procedure DIGIT/A3/PR/2019/10 with the aim to migrate to a new TESTA network. The Commission estimated at that time that this procedure should have been completed with the signature of the contract by May 2021, which would have allowed sufficient time for completing the full transition from TESTA-ng provider to the new TESTA provider (with a transition period lasting approximately 830 days) before the expiry of the TESTA-ng FWC. However, due to significant and unexpected delays in the procurement procedure, in April 2023 the Commission had to cancel the procurement procedure DIGIT/A3/PR/2019/10 for reasons explained further below. Due to the critical importance of the services provided and sensitive nature of the networks concerned, failing to find a sustainable solution ensuring business continuity for the provision of the TESTA-ng services beyond 18 December 2024 would have had severe operational impact and inflict considerable harm on the reputation of the Commission and the EU. To guarantee the uninterrupted delivery of these essential services, following the cancellation of the procurement procedure DIGIT/A3/PR/2019/10, the Commission launched a negotiated procedure without prior publication of a contract notice under Point 11.1(c) of Annex I to the Financial Regulation (2018). The Commission considered the conditions for the above procedure to be met, notably: 1) Unforeseeable event not being attributable to the contracting authority The need to preserve business continuity through a negotiated procedure was brought by a sequence of events outside the control of the Commission, such as the COVID-19 pandemic, leading to a significant delay in the preparatory activities and the various steps of the TESTA procurement procedure, and the three consecutive orders issued by the EU Courts preventing the signature of the TESTA FWC. These events, together with the Commission's assessment concerning the implications of the substantial geopolitical,

technological and macroeconomic changes since the publication of the procurement procedure in May 2019, led to the cancellation of the TESTA procurement procedure in April 2023 and to the resulting impossibility to migrate to a new network before the expiry of the current TESTA-ng FWC. With the launch of procedure DIGIT/A3/PR/2019/10 on 23 May 2019, the Commission acted promptly in order to secure a transition from TESTA-ng to TESTA without any foreseeable risk to business continuity. The Commission, however, could not predict the above events. 2) Impossibility to comply with the time limits set by the Financial Regulation for an (urgent) open/restricted procedure Following the cancellation of TESTA, the Commission immediately took preparatory steps aimed at launching procurement procedure(s) with the purpose of ensuring business continuity. With the last specific contract under TESTA-ng FWC expiring on 17/12/2024, however, compliance with the time limits set in the Financial Regulation for one or more (urgent) open/restricted procedure(s) was not possible. After in-depth assessment and analysis of various possible future directions, the Commission approved a new strategy replacing TESTA, the EU Interconnectivity and eXchange Platform (EU-IXP), representing a fundamental shift from the current TESTA model, moving from an outsourced to an insourced managed services delivery model. In this new model, the Commission will have to manage multiple contractors and providers covering the different service elements included in the scope of EU-IXP and will play the role of integrator and orchestrator among them. Given the fundamental shift and number of procurement procedures and services to be built, the design, launch and completion of the new competitive procedure (s) necessary for implementing the EU-IXP, combined with achieving the desired result (migration of the services to EU-IXP) was not feasible within the remaining time limits before December 2024. The necessity to keep the current TESTA-ng services running while the Commission develops the future EU-IXP services in parallel justified the conclusion that the only feasible option to bridge the gap between the end of the last specific contract under the TESTA-ng FWC and the end of the migration to EU-IXP was to continue using the services of the incumbent provider. Launching a new competitive procurement procedure (another restricted call for tenders) with the same (or gradually reduced) scope as the current TESTA-ng FWC to bridge the gap described above was not a feasible solution. Only the transition between the existing and a new network would have taken minimum 24 months, which itself is a period longer than the time between the cancellation of TESTA-RP call for tenders and the expiration of the last specific contracts under the TESTA-ng FWC. 3) Strictly necessary character of the procedure and resulting contract The contract resulting from the negotiated procedure will cover only the period necessary to implement EU-IXP strategy and migrate to the new environment (end of 2027). While it is expected that, after completing market consultations, design, test and procurement phases, the EU-IXP platform will be available in 2026, it is estimated that the timeframe to migrate all current TESTA customers will start beginning of 2026 and will last approximately 24 months (based on the number of customers' sites to migrate), i.e. by end of 2027. As the new TESTA FWC opens the possibility to gradually migrate and substitute the different components of TESTA-ng to the components of the new EU-IXP platform, specific services of the TESTA-ng network will be discontinued following successful migration.

6.1. Result lot Identifier: LOT-0001

Winner selection status: At least one winner was chosen.

Framework agreement:

Maximum value of the framework agreement: 94 296 500,00 EUR

6.1.2. Information about winners

Winner:

Official name: Deutsche Telekom Business Solutions GmbH

Tender:

Tender identifier: Deutsche Telekom Business Solutions GmbH

Identifier of lot or group of lots: LOT-0001

Concession value:

Subcontracting: Yes

Subcontracting value is known: no

Subcontracting percentage is known: yes

Percentage of subcontracting: 10

Contract information:

Identifier of the contract: 08230

Date on which the winner was chosen: 14/11/2024

Organisation signing the contract: European Commission, DG DIGIT - Digital Services

6.1.4. Statistical information:

Received tenders or requests to participate:

Type of received submissions: Tenders submitted electronically

Number of tenders or requests to participate received: 1

8. Organisations

8.1. ORG-0001

Official name: European Commission, DG DIGIT - Digital Services

Registration number: COM

Department: DIGIT.R - Change Management and Resources

Postal address: Rue de la Loi 107

Town: Brussels

Postcode: B-1000

Country subdivision (NUTS): Arr. de Bruxelles-Capitale/Arr. Brussel-Hoofdstad (BE100)

Country: Belgium

Email: digit-contracts-info-centre@ec.europa.eu

Telephone: +32 2 299 11 11

Internet address: https://ec.europa.eu/info/departments/informatics_en

Roles of this organisation:

Buyer

Organisation providing more information on the review procedures

Organisation signing the contract

8.1. ORG-0002

Official name: Court of Justice of the European Union

Registration number: CURIA

Postal address: Rue du Fort Niedergrünwald

Town: Luxembourg

Postcode: L-2925

Country subdivision (NUTS): Luxembourg (LU000)

Country: Luxembourg

Email: GC.Registry@curia.europa.eu

Telephone: +352 4303-1

Internet address: <http://curia.europa.eu>

Roles of this organisation:

Review organisation

8.1. ORG-0004

Official name: Deutsche Telekom Business Solutions GmbH

Registration number: DE815404050

Postal address: Landgrabenweg 151

Town: Bonn

Postcode: 53227

Country subdivision (NUTS): Extra-Regio NUTS 3 (DEZZZ)

Country: Germany

Email: public@t-systems.com

Telephone: +49 (0)228 1810

Roles of this organisation:

Tenderer

Winner of these lots: LOT-0001

8.1. ORG-0000

Official name: Publications Office of the European Union

Registration number: PUBL

Town: Luxembourg

Postcode: 2417

Country subdivision (NUTS): Luxembourg (LU000)

Country: Luxembourg

Email: ted@publications.europa.eu

Telephone: +352 29291

Internet address: <https://op.europa.eu>

Roles of this organisation:

TED eSender

11. Notice information

11.1. Notice information

Notice identifier/version: d2c3aaf5-524b-41ea-bcc8-96a93cd207ab - 01

Form type: Result

Notice type: Contract or concession award notice – standard regime

Notice subtype: 29

Notice dispatch date: 12/12/2024 16:23:29 (UTC)

Languages in which this notice is officially available: English

11.2. Publication information

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Publication date: 16/12/2024