

Ljubljana, 13.09.2016
ACER/2016/AP/mv/408

TELEKOM SLOVENIJE, d.d.
Cigaletova ulica 15
1000 Ljubljana
Slovenia

For the attention of:
Mr Gorazd KLEMENČIČ

E-mail: andrej.nebec@telekom.si

BY E-MAIL AND REGISTERED MAIL

Subject: *Procurement procedure No. ACER/OP/MMD/04/2016 for the provision of IT hosting services for the Agency for the Cooperation of Energy Regulators*

Reference: *Your offer dated 04.07.2016*

Dear Mr Klemenčič,

We regret to inform you that your tender has not been successful in the above procurement procedure, for the following reason: following its evaluation, your tender was not the most economically advantageous tender.

This is all the details that we can provide on the grounds for our decision:

- The final score of your offer is 69.08 points (sum of 50.70 weighted points for technical quality criteria and 18.38 weighted points for price).
- The scores that were awarded to your offer for technical quality for each criterion (prior to applying the weighting of 65%) are as follows:
 - *Criterion 1.1: marks awarded: 7.00 points / maximum marks available: 10.00 points / threshold: 6.00 points.*
Each of the proposed components guarantees availability and resilience/redundancy. The proposed infrastructure is based on a solid and mature solution. Scalability of components should have been better addressed but in general they meet the Agency's expectations.
 - *Criterion 1.2: marks awarded: 8.00 points / maximum marks available: 10.00 points / threshold: 6.00 points.*
The solution offered is flexible enough, even if based on four (4) years old products. The variety offered is satisfactory and it allows a proper balance between costs and performances. The technologies offered are standard and supported by almost all other vendors.

- *Criterion 1.3: marks awarded: 7.00 points / maximum marks available: 10.00 points / threshold: 6.00 points.*
Reliability of the performance is in line with the current standards. The efficiency of the solution is appropriate. Performances offered are adequate to the needs expressed in the Tender Specifications. Description of the offered performance is well detailed.
- *Criterion 1.4: marks awarded: 8.00 points / maximum marks available: 10.00 points / threshold: 6.00 points.*
The proposed solution is capable to assure the availability, integrity and confidentiality of information. The offered security model is based on what is foreseen by ISO 27000 standards, which cover physical, technical and organisational security measures. In addition, the tenderer's ISO 22301 certification implements some additional measures especially in the area of availability.
- *Criterion 1.5: marks awarded: 8.00 points / maximum marks available: 10.00 points / threshold: 6.00 points.*
Variety, flexibility, compatibility and maturity of the software offered meets the expectations. The variety of the software proposed helps in selecting a cost effective solution. Some tools may appear to be redundant in some functional aspects which could allow the Agency to better tailor the final solution according to its needs.
- *Criterion 1.6: marks awarded: 8.00 points / maximum marks available: 10.00 points / threshold: 6.00 points.*
Service support is complete and its availability is in line with the minimum needs of the Agency as well as relevant to the tasks to be performed. The structure in multiple layers allows the redundancy of some roles which can be a benefit to the Agency when properly structured.
- *Criterion 1.7: marks awarded: 6.00 points / maximum marks available: 8.00 points / threshold: 4.80 points.*
Project management is based on standard methodologies. Documents provided for quality control are sometimes unclear in respect to the escalation process, especially when sub-contractors are involved.
- *Criterion 1.8: marks awarded: 6.00 points / maximum marks available: 8.00 points / threshold: 4.80 points.*
Business continuity and disaster recovery services are comprehensive, consistent and the plan meets the requirements and the needed achievements. It includes only partially some details on the possible final implementation.
- *Criterion 2: marks awarded: 15.00 points / maximum marks available: 18.00 points / threshold: 10.80 points.*
The plan presented for the case study is concise, comprehensive and consistent in terms of the solution offered as well as feasible. It gives limited details on the final implementation which is, in some areas, based on previous experiences.
- *Criterion 3: marks awarded: 5.00 points / maximum marks available: 6.00 points / threshold: 3.60 points.*
Products offered are relevant. Their variety is sufficient to fulfil the Agency's needs. The usability and flexibility of equipment and hosting services is in line with the Agency's requirements.

If you so request in writing, you may be informed of the name of the successful tenderer, the characteristics and relative advantages of the successful tender. However, certain information may be withheld where its release would impede law enforcement, would be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them.

The contract can be signed only after a period of ten (10) calendar days starting from the day following the date on which this letter was sent. During this period you may submit any observations concerning the procurement procedure to the contracting authority. If it is not possible to conclude the contract as envisaged, we reserve the right to review our decision and to award the contract to another tenderer or to cancel the procedure.

If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within two (2) years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>).

Any request you may make and any reply from us, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for lodging an action for annulment of the present decision, which must be done within two (2) months of notification of this letter. The court responsible for hearing annulment procedures is the General Court of the European Union:

General Court
Rue du Fort Niedergrünwald
L-2925 Luxembourg
Tel.: (+352) 4303 1, Fax: (+352) 4303 2100
E-mail: GeneralCourt.Registry@curia.europa.eu
URL: <http://curia.europa.eu>

Thank you for your interest in the work of the Agency. We trust that it will be renewed in future procurement procedures.

Sincerely Yours,


Alberto POTOTSCHNIG
Director