



**REQUEST TO PARTICIPATE (RTP)**  
**DYNAMIC PURCHASING SYSTEM PROCEDURE**

**FOR THE**  
**LOT C – Cyber Security Testing Services**  
**HEALTH SERVICE EXECUTIVE (HSE)**  
**AND ON AND BEHALF OF ORGANISATIONS FUNDED BY THE HSE**

**HSE Ref 23097 eTenders Ref: 3635831**

|                                                          |                                                                                                                                                                                                                          |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Publication of RTP on<br>www.eTenders.gov.ie<br>and OJEU | <b>Friday 24th May 2024</b>                                                                                                                                                                                              |
| Queries Deadline                                         | <b>Friday 28<sup>th</sup> June, 2024 @ 12 Noon</b><br>Please note the Contracting Authority reserves the right in its sole discretion to extend the queries deadline by giving notice in writing on the eTenders portal. |
| Initial Closing Date for<br>Submissions                  | <b>Friday 6<sup>th</sup> July, 2024 @ 12 Noon</b><br>Please note the Contracting Authority reserves the right in its sole discretion to extend the closing date by giving notice in writing on the eTenders portal.      |
| DPS Duration                                             | A Dynamic Purchasing System (DPS) remains open for the designated period, in this case it is six years (72 Months)                                                                                                       |

|                                                               |           |
|---------------------------------------------------------------|-----------|
| <b>FOREWORD .....</b>                                         | <b>4</b>  |
| <b>GLOSSARY OF DEFINITIONS.....</b>                           | <b>5</b>  |
| <b>SECTION A BACKGROUND INFORMATION .....</b>                 | <b>7</b>  |
| 1. THE IRISH HEALTH SECTOR.....                               | 7         |
| 2. TENDER DESCRIPTION .....                                   | 8         |
| 3. PROCUREMENT PROCEDURE.....                                 | 9         |
| 6. INDICATIVE TIMELINE .....                                  | 14        |
| 7. ESTIMATED DPS DURATION .....                               | 14        |
| 8. RETURNING THE SUBMISSION .....                             | 14        |
| 9. CONTRACTING AUTHORITY CONTACT.....                         | 15        |
| 10. CONDITIONS OF DPS .....                                   | 15        |
| <b>SECTION B COMPETITION RULES.....</b>                       | <b>16</b> |
| 1. INTRODUCTION .....                                         | 16        |
| 2. INFORMATION ON E-TENDERS .....                             | 16        |
| 3. SUBMISSIONS BY GROUPS .....                                | 16        |
| 4. TRANSFER OF UNDERTAKINGS - ACQUIRED RIGHTS .....           | 17        |
| 5. DECLARATION OF INTEREST .....                              | 18        |
| 6. CLARIFICATION OF SUBMISSIONS .....                         | 18        |
| 7. FREEDOM OF INFORMATION, CONFIDENTIALITY AND PUBLICITY..... | 18        |
| 8. VARIATION .....                                            | 19        |
| 9. ETHICS.....                                                | 19        |
| 10. ANTI-COMPETITIVE CONDUCT .....                            | 19        |
| 11. OFFICIAL AMENDMENTS .....                                 | 19        |
| 12. CANCELLATION OF THE PROCUREMENT PROCESS .....             | 20        |
| 13. WITHDRAWAL FROM THIS PROCUREMENT PROCESS.....             | 20        |
| 14. DEBRIEFING CANDIDATES.....                                | 20        |
| 15. TAX CLEARANCE STATUS.....                                 | 21        |
| 16. COSTS.....                                                | 21        |
| 17. LANGUAGE .....                                            | 21        |
| <b>SECTION C HIGH LEVEL OVERVIEW REQUIREMENTS.....</b>        | <b>22</b> |
| <b>OVERVIEW .....</b>                                         | <b>22</b> |

|                                                                 |           |
|-----------------------------------------------------------------|-----------|
| <b>SECTION D COMPLETION AND EVALUATION OF SUBMISSIONS .....</b> | <b>24</b> |
| 1. PREPARING A SUBMISSION .....                                 | 24        |
| 2. EVALUATION OF SUBMISSIONS.....                               | 24        |
| 3. SCORING METHODOLOGY .....                                    | 25        |
| 4. EVALUATION OF PART IV .....                                  | 26        |
| <b>GUIDANCE FOR COMPLETION .....</b>                            | <b>33</b> |
| 1. PREPARING A SUBMISSION .....                                 | 33        |

## FOREWORD

The purpose of this Request to Participate (RTP) is to identify a number of suitably qualified and experienced Candidates who will be invited to participate in a Dynamic Purchasing System (DPS) in relation to the provision of the Services. An outline of the high level services required is set out in the SECTION C of this Document.

The Contracting Authority will use the information that Candidates provide in response to this RTP to determine which Candidates are most suited for shortlisting following the application of the selection criteria as set out under Section D (Completion and Evaluation of Submissions) of this document.

This RTP has been prepared by the Contracting Authority for the purpose of providing an application procedure for Candidates interested in tendering for the Services and to assist Candidates in making their own evaluation of the potential opportunity to enter into a contractual relationship for the provision of the Services.

The onus is on the Candidate to provide the information requested in the document. Candidates should inform themselves as to the closing date for Queries and the Submission Deadline.

This RTP supersedes and replaces any and all previous documentation, communications and correspondence between the Contracting Authority and Candidates, and Candidates should place no reliance on such previous documentation and correspondence.

Each Candidate's access to this RTP constitutes its agreement to, and acceptance of, the terms set forth herein.

Irish law is applicable to this RTP, the Response Document, and to the Procurement Process. The Irish Courts shall have exclusive jurisdiction in relation to any disputes arising from the RTP, Response Document and the Procurement Process.

### Note:

- It is imperative that all questions in **Appendix 1** (Candidate's Response Document) section are completed in the format requested, as the Submission will be used as the basis for qualifying for participating in the DPS.
- If you have any queries or problems completing this document, please email the Contracting Authority contact via E-Tenders.

## GLOSSARY OF DEFINITIONS

**Candidate** means an Economic Operator or Consortium, which provides a Submission to this Request to Participate.

**Competition Rules** means Section B of this RTP.

**Consortium** means a partnership, consortium, grouping of Economic Operators or any other form of joint venture.

**Consortium Member** means a member of a Consortium.

**Contract** means the executed agreement between the successful Tenderer and the Contracting Authority to deliver the Services.

**Contractor** means the Successful Tenderer.

**Contracting Authority** means the HSE.

**Economic Operator** means any natural or legal person, or a group of such persons, including temporary associations of undertakings, who or which offers a) the execution of works or a work, or both, or b) the supply of products or the provision of services, on the market.

**ESPD** means the European Single Procurement Document, which forms the basis of the Response Document.

**HSE** means the Health Services Executive, which shall include all bodies corporate, statutory corporations, hospital groups, community health organizations, hospitals, partnerships, unincorporated associations, charities and Other Entities operating as part of the Irish health service and funded in any way directly or indirectly by the Health Services Executive or other public funding sources or any local, national or supra-national government or regulatory authority, as well as any employees or contractors of any of the foregoing and any other persons or hospitals assisting in the provision of the Irish health service.

**Invitation to Tender (ITT)** means the document issued by the Contracting Authority as part of the DPS Tender competition whereby candidates admitted to the DPS are invited to tender for the supply of services.

**Other Entity (or Other Entities)** means an entity or entities on whose capacity the Candidate or Subcontractor is relying with regard to economic and financial standing and/or professional and technical ability.

**Procurement Process** means the dynamic purchasing system procurement process run by the Contracting Authority.

**Procurement Regulations** means the European Union (Award of Public Authority Contracts) Regulations 2016 (as amended).

**Request to participate or RTP** means this document.

**Response Document** means **Appendix 1** of this RTP document completed and submitted by a Candidate.

**Services** means the services listed within Section C of this document.

**Shortlisting Stage** means the period that commences with the issue of this RTP and that ends with the issue of the Letter of Notification to the Candidates.

**Subcontractor** means a subcontractor selected by a Candidate to deliver the Services (but is not classed as an Other Entity).

**Submission** means a completed Response Document supplied by a Candidate to the Contracting Authority.

**Tender** means the submission made by a Tenderer in response to an ISFT released by the Contracting Authority to deliver the Contract.

**Tenderer** means a Candidate that is invited by the Contracting Authority to the Invitation to Tender Stage.

## **SECTION A BACKGROUND INFORMATION**

### **1. The Irish Health Sector**

- 1.1.** The Contracting Authority is responsible for providing health and personal social services for everyone living in Ireland. The Contracting Authority was set up as part of the provisions of the Health Act 2004, which states the objective of the Contracting Authority is to provide services that improve, promote and protect the health and welfare of the public.
- 1.2.** The Contracting Authority provides thousands of different services in hospitals and communities across the country. These services range from public health nurses treating older people in the community to caring for children with challenging behaviour; from educating people how to live healthier lives to performing highly complex brain surgery; from planning for major emergencies to controlling the spread of infectious diseases. Further general information about the Contracting Authority is available on the website [www.hse.ie](http://www.hse.ie).
- 1.3.** The establishment of the Contracting Authority represented the beginning of the largest programme of change ever undertaken in the Irish public service. Prior to its establishment, services were delivered through a complex structure of ten regional Health Boards, the Eastern Regional Health Authority and a number of other different agencies and organisations. The Contracting Authority replaced all of these organisations. It is now the single body responsible for ensuring that everybody can access cost effective and consistently high quality health and personal social services. The services are delivered making best use of resources allocated by Government. The largest employer in the State, the Contracting Authority employs more than 100,000 staff in direct employment and a further 35,000 staff are employed in organisations funded by the Contracting Authority. The annual budget of over €20 billion (2022) is the largest of any Irish public sector organisation.

## 2. Tender Description

### 2.1 Summary of requirements for the Dynamic Purchasing System (DPS)

The HSE is issuing this **Request to Participate** (“RTP”) in a Dynamic Purchasing System (hereafter ‘the DPS’) for a threat and vulnerability management (TVM) capability split into three lots (Lot A – IT TVM Capability, Lot B – OT Security Capability and Lot C – Cyber Security Testing Services). The HSE is the Contracting Authority for this public procurement competition on its own behalf and on behalf of all organisations funded by the HSE. The details for Lot C are covered in this document.

On 14 May 2021, the HSE was subjected to a serious criminal cyberattack (the “Incident”), through the infiltration of IT systems using Conti Ransomware. Over 80% of IT infrastructure impacted leading to unavailability of key patient information and diagnostics. To rapidly enhance the security operations and strengthen the cyber defence posture post the Incident, a number of security services were stood up on an emergency basis. HSE are now in the journey towards standardising these capabilities and associated services.

The Post Incident Review (PIR) that was carried out following the incident has highlighted the need for an enterprise-wide threat and vulnerability management capability covering both IT and OT (Medical devices primarily) devices.

The vision of this capability is to design and implement an enterprise-wide threat and vulnerability management capability which will be augmented by a proactive cyber security testing related service.

Expected benefits include but not limited to;

- Established Threat and Vulnerability Management capability for IT and OT environment.
- Alignment with the cyber defence strategy
- Improved vulnerability discovery and remediation process.
- Reduce HSE’s cyber-attack surface
- Proactively test and embed cyber security controls

Expected benefits include but not limited to;

- Alignment with the cyber defence strategy
- Improved vulnerability discovery and remediation process.

The key components of Lot C – Cyber Security Testing Services:

- Red teaming
- Cyber security risk services
- Security Architecture & Design review services
- Internal and external penetration testing
- Web application and API penetration testing

### What is a Dynamic Purchasing System?

- A Dynamic Purchasing System (DPS) is similar to a framework agreement except that during the life of the DPS other economic operators (suppliers) may, if they meet the published criteria, join the DPS.
- A DPS is a tool set out in the EU Procurement Directives for the procurement of supplies, works or services of all values. It is set up to cater for categories of requirements, which can be structured on geographies, values, product types, etc. It is essentially a database of applicants interested in being considered for the award of contracts, as and when they arise.
- Economic Operators Self-declaration of compliance with Part IV Selection Criteria as detailed in the European Single Procurement Document (ESPD) document is sufficient for initial admittance to the DPS. In a similar manner to other procedures, the winning tender for a tender competition under this DPS will be asked to provide confirmatory evidence before award of contract. Failure to provide confirmatory evidence before award of contract will result in the non-award of the tender and could result in the exclusion from the DPS
- There will be no upper limit on the number of tenderers admitted to the DPS.
- If a Candidate fail to pre-qualify they will have the option to re-apply to the DPS again at a later date.
- To join the DPS, applicants must pre-qualify. Qualification details are explained in the Section D.
- The DPS will be conducted as an electronic system only. The eTenders website will be used for all stages of the DPS.

**The DPS submission process is as follows;**

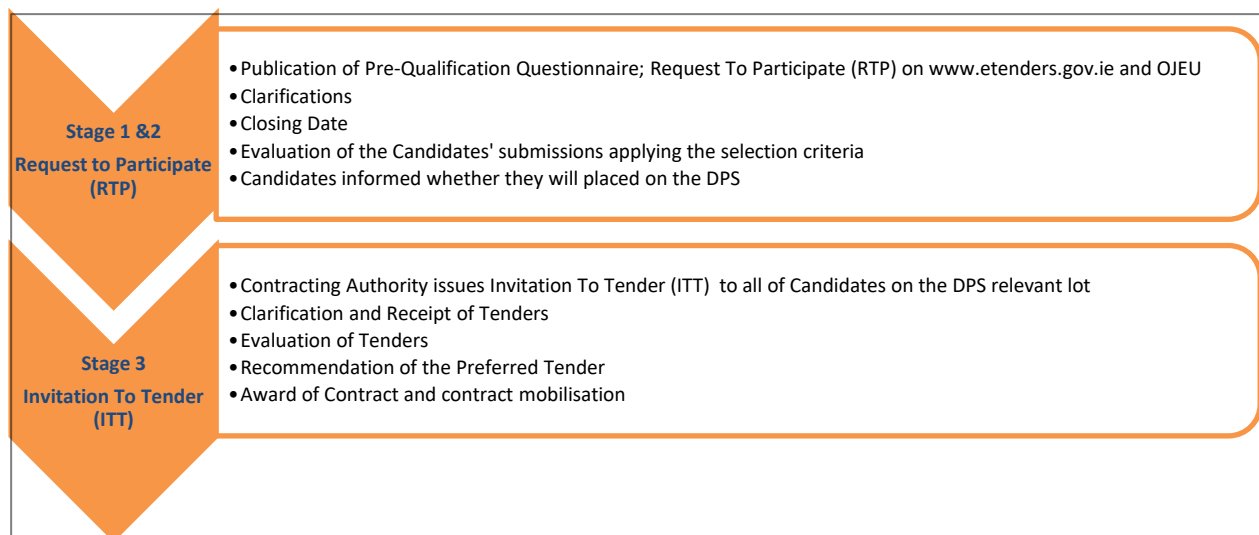
**Stage 1:** This is the initial publication of the DPS and involves the seeking of applications for admittance to the DPS initially. This first round of applicants will be processed after the initial closing date and will be notified via eTenders.

**Stage 2:** Thereafter, applicants applying after the initial closing date will be processed within 30 days normally of their completed application submitted and will be notified via eTenders.

**Stage 3:** An Invitation to Tender (ITT) will be issued where the HSE has identified a requirement for services.

### **3. Procurement Procedure**

- 3.1 The Contracting Authority intends to run a Dynamic Purchasing System procedure as prescribed by Article 34 of Directive 2014/24/EU for the award of public contracts as transposed into Irish law by the Procurement Regulations. This should be read in conjunction with the Competition Rules.
- 3.2 The minimum time limit for receipt of tenders shall be at least 10 days from the date on which the Invitation to Tender (ITT) was sent.
- 3.3 There is no mandatory Standstill period applicable to DPS set up or the Invitation To Tender (ITT) stage
- 3.4 The HSE may use the DPS to establish E-catalogues.(details will be provided where relevant)
- 3.5 A diagram is provided below to summarise the proposed Procurement Process and further information will be provided in the ITT:



#### **4. Guide to DPS Evaluation Process**

The HSE are not responsible for any expenses or losses incurred by the Tenderer in the preparation of the Request to participate (RTP) or the Invitation to tender (ITT). Candidates and Tenderers shall bear all costs associated with the preparation and submission of their tenders.

##### **4.1. The DPS submission process is as follows;**

**4.1.1. Stage 1:** This is the initial publication of the DPS and involves the seeking of applications for admittance to the DPS initially. Candidates must complete in full the ESPD; there is no requirement to provide evidence of the Selection Criteria at this stage of the process. The HSE reserves the right to seek clarifications.

The HSE's Procurement Evaluation Group (PEG) will conduct an evaluation of the Candidates' submissions received, where necessary the HSE may seek clarifications from Candidate's with respect to their submissions. The HSE's Procurement Evaluation Group (PEG) will make a recommendation to the HSE Procurement for approval.

**4.1.1.1.** Candidates that are successful and can be admitted to the DPS will be informed via eTenders.

**4.1.1.2.** Candidates that are unsuccessful and cannot be admitted to the DPS will be informed via eTenders, and a copy of the reasons why the Candidates was unsuccessful

**4.1.2. Stage 2:** Thereafter, Candidates applying after the initial closing date will be processed within 30 days normally of their completed RTP application submitted and will be notified via eTenders.

**4.1.2.1.** Candidates that are successful and can be admitted to the DPS will be informed via eTenders.

**4.1.2.2.** Candidates that are unsuccessful and cannot be admitted to the DPS will be informed via eTenders, and a copy of the reasons why the Candidates was unsuccessful

**4.1.3. Stage 3:** An Invitation to Tender (ITT) will be issued where the HSE has identified a requirement for services.

Where the need arises, the HSE reserves the right to apply the additional following Articles of the Directive 2014/24/EU to this DPS;

- Article 11: Service contracts awarded on the basis of an exclusive right
- Article 15: Defence and security
- Article 32: Use of the negotiated procedure without prior publication
- Article 72: Modification of contracts during their term

## **5. Evaluation of tenders submitted in a competition for Tenders awarded using the DPS**

- 5.1.** All DPS Appointees will be invited to participate in each DPS Tender by way of an Invitation to Tender which will be issued directly to the DPS Appointees. Tenders submitted in response to a tender under the DPS will be evaluated to determine which presents the most economically advantageous tender taking into account the range of Award Criteria set out in the table below. The HSE is not bound to accept the cheapest, or any tender, and will award contracts based on the most economically advantageous tender to the HSE.
- 5.2.** The relevant Invitation to Tender (ITT) will also set out the specification of requirements, mandatory and scorable award criteria and weightings to be applied to evaluate the Tenders submitted as part of the DPS Tender.
- 5.3.** The specific weightings for each criterion and sub criterion will be set out in the Invitation to Tender document which will be issued to all of the DPS Members. Further sub criteria may be identified in individual competitions under these main headings. The ranges of weightings set out in the table below are indicative and may vary to reflect the particular requirement but will not exceed the range specified in this table:

| <b>DPS Tender Competition Award Criteria</b> | <b>Sub Criteria</b>                                       | <b>Range of Weightings</b> |
|----------------------------------------------|-----------------------------------------------------------|----------------------------|
| <b>Quality</b>                               | <b>Business fit and comprehensiveness of the solution</b> | <b>0-60%</b>               |
|                                              | <b>Technical Merit</b>                                    | <b>0-60%</b>               |
|                                              | <b>Project Plan</b>                                       | <b>0- 40%</b>              |
| <b>Support</b>                               | <b>To be stated in the DPS Tender</b>                     | <b>0- 40%</b>              |
| <b>Training for users</b>                    | <b>To be stated in the DPS Tender</b>                     | <b>0- 20%</b>              |
| <b>Delivery</b>                              | <b>To be stated in the DPS Tender</b>                     | <b>0- 50%</b>              |
| <b>Environmental</b>                         | <b>To be stated in the DPS Tender</b>                     | <b>0- 5%</b>               |
| <b>Staff Training and Vetting</b>            | <b>To be stated in the DPS Tender</b>                     | <b>0- 5%</b>               |
| <b>Cost</b>                                  | <b>To be stated in the DPS Tender</b>                     | <b>20-60%</b>              |

- 5.4.** Please note the methodology to be employed for calculating the Ultimate Cost score will be outlined in the Invitation to Tender document.

- 5.5. The Invitation to tender will set out the Award Criteria for that tender process based on the table above.
- 5.6. The DPS Tender Document Pack will include all documents relevant to the DPS Tender. Unless otherwise specified in the Invitation to Tender, it is anticipated that that DPS Tender Document Pack will include (where relevant)
- DPS Tender Invitation to Tender;
  - DPS Tender Response Document;
  - Pricing Sheet
  - HSE Tender Competition Rules;
  - HSE Standard Terms for Supplies and Services;
  - HSE Service Provider Data Processing Agreement.

***The DPS Tender Pack may include additional documents to the above over the term of the DPS***

- 5.7. The award of any contract following a DPS tender process may be conditional upon the successful tenderer producing the evidence demonstrating that it meets the minimum requirements under the Selection Criteria and that no Exclusion Grounds apply. The HSE reserves the right to reject any tender that fails to comply with the minimum requirements under the Selection Criteria, or that is guilty of a serious misrepresentation in supplying any information requested in this document.
- 5.8. In the event that, following the award of the Contract, to the Preferred Tenderer who, cannot for whatever reason deliver the Selection Criteria to the satisfaction of the HSE, the HSE reserves the right to award the Contract to the next highest-ranked tenderer emerging from the relevant Procurement Process at any time during the tender validity period. This shall be without prejudice to the right of the HSE to terminate the procurement process and commence a new procurement process.
- 5.9. In the event that, following the award of the Contract, the Contractor, cannot for whatever reason deliver the Project to the satisfaction of the HSE, the HSE reserves the right to award the Contract to the next highest-ranked tenderer emerging from this Procurement Process at any time during the tender validity period. This shall be without prejudice to the right of the HSE to terminate the Contract and commence a new procurement process.

## 6. Indicative Timeline

6.1 Please note that all dates following the “Submission Closing Date” are indicative only and are subject to change.

| Description                                                                                 | Date                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Publication of RTP on <a href="http://www.eTenders.gov.ie">www.eTenders.gov.ie</a> and OJEU | Friday <b>24th May 2024</b>                                                                                                                                                                                                  |
| Queries Deadline                                                                            | Friday <b>28<sup>th</sup> June, 2024 @ 12 Noon</b><br><br>Please note the Contracting Authority reserves the right in its sole discretion to extend the queries deadline by giving notice in writing on the eTenders portal. |
| Submission Closing Date                                                                     | Friday <b>6<sup>th</sup> July, 2024 @ 12 Noon</b><br><br>Please note the Contracting Authority reserves the right in its sole discretion to extend the closing date by giving notice in writing on the eTenders portal.      |
| Recommendation of the Preferred Candidates                                                  | August 2024                                                                                                                                                                                                                  |
| Issue Letters of Notification to the Candidates                                             | August 2024                                                                                                                                                                                                                  |

## 7. Estimated DPS Duration

7.1 The Contracting Authority anticipates that the DPS will have a term of six (6) years. The duration of the DPS may be extended during the initial term. The Contracting Authority reserves the right to amend the term of the DPS in accordance with procurement legislation.

## 8. Returning the Submission

8.1 All Submissions must be submitted via eTenders [www.etenders.gov.ie](http://www.etenders.gov.ie).

8.2 The epost box is time locked. Receipt of submissions is not possible after the official closing deadline.

8.3 Avoid last minute problems by familiarising yourself with eTenders well in advance of deadline. Late submissions will not be considered under any circumstances.

8.4 Submissions will not be accepted in hard copy or by electronic means other than via [www.etenders.gov.ie](http://www.etenders.gov.ie)

## **9. Contracting Authority Contact**

- 9.1 The sole point of contact for the Contracting Authority shall be via eTenders. Candidates shall not contact any other HSE personnel about this Procurement Process between the issuance of this document and the date of award unless previously authorised to do so.
- 9.2 In all phases of this Procurement Process, all communication among Candidates and the Contracting Authority related to the RTP must be in writing, via the query system on e-Tenders.
- 9.3 If a Candidate believes that a query is confidential or commercially sensitive it must mark the query as “confidential” or “commercially sensitive” and Candidates must, if requested, provide the Contracting Authority with the reasons why they consider the information commercially sensitive or confidential. If the Contracting Authority, in its absolute discretion, is satisfied that the query should be properly regarded as confidential or commercially sensitive, the query and the Contracting Authority’s response to that query will be kept confidential (subject to the requirements of any law).
- 9.4 If the Contracting Authority determines that it would be inappropriate to answer the query on a confidential basis it will notify the Candidate and require the Candidate to either withdraw the query or to resubmit without the requirement for confidentiality.
- 9.5 All Candidates will be advised by the message system on e-Tenders of any significant issues raised by any Candidate. Copies of all questions received and answers given will be forwarded to all Candidates. It is the responsibility of all Candidates to check their e-mail on a daily basis.
- 9.6 Failure to comply with any of the above procedures may result in the disqualification of a Candidate by the Contracting Authority.

## **10. Conditions of DPS**

- 10.1 No commitment of any kind, contractual or otherwise shall exist unless and until a formal written contract has been executed by or on behalf of the Contracting Authority. No communication by the Contracting Authority shall give rise to any enforceable rights by the Candidate. The Contracting Authority may cancel this Procurement Process at any time prior to a formal written contract being executed by or on behalf of the Contracting Authority.
- 10.2 HSE Standard Terms for Services Supplies 2013 V7 and HSE Competition rules.

## **SECTION B COMPETITION RULES**

**Please note that these rules below only apply to the Shortlisting Stage. Tenderers will be provided with a comprehensive set of rules governing the procedure at the Invitation to Tender Stage.**

### **1. Introduction**

The RTP sets out the general rules governing this Shortlisting Stage.

Candidates are advised to follow the instructions outlined in this RTP (including the Response Document in Appendix 1) prior to submitting the Submission. Failure to comply with the requirements of the RTP may, at the discretion of the Contracting Authority, result in the disqualification of the Candidate.

While every effort has been made to provide accurate background information and a summary of requirements and specifications, Candidates must form their own conclusions about the information needed to meet the requirements set out in the RTP. No reliance will be placed on any information or statements contained in the RTP, and no representation or warranty, expressed or implied, is or will be made in relation to such information. The information provided does not purport to be comprehensive or to have been independently verified. Nothing in the RTP will be construed as legal, financial, technical or tax advice. Without prejudice to the foregoing, neither the Contracting Authority nor its professional advisors will have any liability or responsibility in relation to the accuracy, adequacy or completeness of any information or statements made in the RTP or for the reasonableness of any assumption made therein. The Contracting Authority and its professional advisors will not incur any liability or responsibility arising out of the Procurement Process. Information in the Submission will be regarded as forming part of the Contract.

Candidates will inform themselves of and will observe any applicable legal requirements. Candidates will be deemed to have examined all the documents enclosed and by their own independent observations and enquiries will be held to have fully informed themselves as to the nature and extent of the requirements of this RTP.

The Contracting Authority shall be entitled to retain a copy of all Submissions received and shall otherwise be entitled to dispose of any remaining copies of Submissions in accordance with law.

### **2. Information on E-Tenders**

Generally all information relating to the Shortlisting Stage, including the RTP, clarifications and changes, will be published on the eTenders website ([www.eTenders.gov.ie](http://www.eTenders.gov.ie)). Registration is free of charge and there is no charge for downloading documents. The Contracting Authority will not accept responsibility for information relayed (or not relayed) via third parties. Where Candidates consider that documents are missing which would prevent the submission of a Submission, they shall contact the Contracting Authority Contact set out in Section A via the eTenders portal as soon as reasonably practicable. Candidates are required to inform the Contracting Authority of any ambiguity, discrepancy or error in the RTP.

The Contracting Authority reserves the right to exclude from the Procurement Process any Candidate who fails to comply with the requirements of this paragraph.

### **3. Submissions by Groups**

Groups of Economic Operators may put themselves forward as a Candidate. In order to submit a Submission, these groups are not initially required by the Contracting Authority to assume a specific legal form. However the Contracting Authority may require the group selected to assume a legal form or put in place alternative legal arrangements prior to entry into the Contract, to the extent that this is necessary for the satisfactory performance of the Contract. Should the Contract be awarded to a Consortium, each Economic Operator in the Consortium shall be jointly and severally liable to the Contracting Authority for the fulfilment of the terms of the contract.

Candidates should clearly state whether the Candidate comprises of a Consortium. If the Candidate does compromise a Consortium, a separate Submission must be provided by each member of the Consortium. Subsequent changes to the members of the Consortium may result in disqualification of that group from the Procurement Process.

#### Multiple Participation

Where a Consortium member is participating in more than one Submission, a statement must be provided with the Submission confirming that (a) the Consortium is aware of the multiple participation of the particular member and (b) this has been brought to the attention of all the Consortia in which that member is participating. The Contracting Authority, at its sole discretion, reserves the right to require an entity participating in more than one Consortium to take such steps as are necessary to ensure effective competition or security of supply or to mitigate the risk of a conflict of interest which may extend to a requirement that the entity withdraw from multiple Submissions.

#### Resources of Other Entities

In order to demonstrate a Candidate's economic and financial standing, resources and/or technical and /or professional ability, a Candidate may rely on the capacities of Other Entities, regardless of the legal standing it has with them. In such cases the Candidate must prove to the Contracting Authority that it will have the necessary resources at its disposal, for example, by producing an undertaking by those entities to that effect. A contractual commitment in the form of a guarantee or in such other form as the Contracting Authority may specify may be required at contract stage in favour of the Contracting Authority from any such supporting entity.

Candidates should clearly state whether the Candidate is relying on the capacities of other entities in order to meet the selection criteria. A separate Submission must be provided by each other entity.

Candidates should also clearly state whether the Candidate intends to subcontract any share of the contract to third parties (but does not intend to rely on those third parties in order to meet the selection criteria).

Once a Candidate's Submission has been accepted by the HSE, there can be no change to their Submission without the express written permission of the HSE.

#### **4. Transfer of Undertakings - Acquired Rights**

Where applicable, the successful Tenderer will be required at the time of contract award to indemnify the Contracting Authority fully in respect of any losses, damages, costs or expenses of any kind incurred by the Contracting Authority arising from the application of SI 131 of 2003 entitled European Communities (Protection of Employees on Transfer of Undertakings) Regulations commonly referred to as TUPE (and any subsequent amendments).

The successful Candidate will be fully responsible for complying with all employment obligations, contractual, statutory or otherwise and in particular will fully comply with its obligations under TUPE (and any subsequent amendments).

## **5. Declaration of Interest**

Candidates must declare in their Response Document any conflict of interest associated with any current or previous work undertaken, or any relationship that may reasonably be perceived to potentially conflict or impact on their ability to participate in the Procurement Process or fulfil the requirements of the Contract. In the event that the Contracting Authority considers that a conflict of interest or potential conflict of interest exists, the Contracting Authority will (in its absolute discretion), decide on the appropriate course of action. Failure to disclose a material conflict of interest may disqualify a Candidate or cause the termination of any subsequent contract and entitle the Contracting Authority to seek remedies, such as cost or compensation for loss.

## **6. Clarification of Submissions**

To assist in the assessment of Submissions, the Contracting Authority may request a Candidate to clarify its Submission including, without limitation, correcting an ambiguity or obvious error which is likely to have a simple explanation and can be easily resolved. Candidates should note that the Contracting Authority is not obliged to request a Candidate to clarify any aspect of its Submission, however the Contracting Authority may do so at its discretion where the Contracting Authority considers that clarification is recommended and/or permitted in accordance with relevant guidance and applicable procurement law. Responses to requests for clarification must not materially change any of the elements of the Submission.

## **7. Freedom of Information, Confidentiality and Publicity**

Each of the parties will undertake to use their reasonable endeavours to hold confidential any confidential information received from the other party, subject to the Contracting Authority's obligations under law, including (if applicable) the provisions of the Freedom of Information Act 2014. The Candidate agrees that, should it wish any confidential information supplied by it to the Contracting Authority not to be disclosed (because of its commercial sensitivity) it will, when supplying such information, identify same and specify the reasons for its sensitivity. The Contracting Authority will consult with the Candidate about such sensitive information before making a decision regarding release of such information under the Freedom of Information Act 2014. However, the Contracting Authority will give no undertaking or assurance that such information will not be released under the provisions of the Freedom of Information Act 2014 and the final decision on whether or not to release such information rests with the Contracting Authority or as set out in the Freedom of Information Act 2014.

The RTP remains the property of the Contracting Authority and is issued only in connection with the Procurement Process. The RTP may not be copied or their contents may not be divulged to any third party without the prior written consent of the Contracting Authority. All information contained in the RTP must be treated in the strictest confidence by the Candidate and by its staff. Any third party involved in completing the Submission must also comply with these confidentiality requirements.

Without prejudice to the confidentiality and Freedom of Information Act requirements referred to above, the Contracting Authority reserves the right, at its discretion, to publicise, or otherwise disclose, to any third party, information regarding the Procurement Process, the nomination of Candidates (including, without limitation, details of their respective representatives, advisors, consultants, contractors, servants and/or agents), the successful Candidate or the award of the Contract.

A Candidate will not, by itself, its servants, agents or subcontractors, communicate with the press, television, radio or other media on, or otherwise use information on, any matter concerning the Procurement Process with the Contracting Authority.

## **8. Variation**

Candidates who feel disadvantaged by the terms governing this Procurement Process may make direct representations to the Contracting Authority Contact for variations of the terms of this Procurement Process, provided that any variation sought shall not operate to the disadvantage of any other Candidate. The Contracting Authority shall have the final decision on whether to vary the terms of this Procurement Process and will communicate any agreed changes to all Candidates.

## **9. Ethics**

Candidates should note that canvassing or failure to comply with the communications requirements set out in these Competition Rules may result in the disqualification of a Candidate.

Any effort by a Candidate to unduly influence any staff or agents of the Contracting Authority in the process of examination, clarification or evaluation of Submissions and in decisions concerning the award of contracts shall have its Submission rejected and may result in administrative penalties. In accordance with Section 38 of the Ethics in Public Office Act 1995 any money, gift or other consideration received from a person holding or seeking to obtain a contract will be deemed to have been paid or given corruptly unless the contrary is proven.

The Contracting Authority reserves the right to suspend or cancel the Procurement Process or the Contract:

- If corrupt practices of any kind are discovered at any stage of the Procurement Process or during the implementation of the Contract; or
- If it emerges that the award or execution of the Contract has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in return for any actual and legitimate service, commissions remitted to a tax haven, commissions paid to a payee who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

Failure to comply with one or more of the ethics clauses may result in the exclusion of the Candidate from other Contracting Authority contracts and in penalties.

## **10. Anti-Competitive Conduct**

The Candidate's particular attention is drawn to the application of the Competition Act 2002. The Act declares it a criminal offence for Candidates to collude on prices or terms in a public procurement procedure. Should the Contracting Authority become aware of direct or indirect communications through trade associations or otherwise between Candidates relating to the Contract or which might facilitate price collusion it shall be the policy of the Contracting Authority to notify the Competition and Consumer Protection Commission and suspend such Candidates. If the matter is not satisfactorily resolved by the time evaluation of all other Submissions is complete, the Contracting Authority will base its decision on all Submissions received but not suspended.

## **11. Official Amendments**

If it is necessary for the Contracting Authority to amend the RTP in any way prior to receipt of Submissions, all Candidates will be notified simultaneously. If deemed appropriate by the Contracting Authority, the deadline for receipt of Response Documents will be extended.

## **12. Cancellation of the Procurement Process**

The Contracting Authority reserves the right, at its discretion:

- to change the basis of, or procedures (including the timetable) relating to the Procurement Process;
- to reject any or all Submissions;
- not to invite a Candidate to proceed further to any subsequent stage of the Procurement Process;
- not to furnish a Candidate with additional information in respect of any aspect of its requirements or otherwise;
- not to otherwise negotiate with a Candidate in respect of the award of the Contract;
- not to proceed with the Procurement Process;
- To cancel at any stage the Procurement Process, or any part thereof, at any time.

***In the event of cancellation of the Procurement Process, or any part thereof, Candidates will be notified of the cancellation by the Contracting Authority. Cancellation may occur where, for example:***

- the Procurement Process has been unsuccessful i.e. no acceptable or worthwhile Submissions have been received or there is no response at all;
- the economic or technical data of the Contract have been fundamentally altered;
- exceptional circumstances or force majeure render normal performance of the Contract impossible;
- all technically compliant Submissions exceed or are likely to exceed the financial resources available;
- the Services are no longer required;
- there have been irregularities in the procedure, in particular where these have prevented fair competition; or
- As otherwise permitted or contemplated by these Competition Rules.

In no event shall the Contracting Authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of the Procurement Process, or any part thereof. The publication of a procurement notice does not commit the Contracting Authority to proceed with a Procurement Process or the award of a contract.

The Contracting Authority recognises the importance of formally debriefing unsuccessful Candidates. Debriefing will be undertaken in writing only, subject to the discretion of the Contracting Authority.

## **13. Withdrawal from this Procurement Process**

Candidates are required to notify the Contracting Authority immediately, via the -e-Tenders website, if at any stage they decide to withdraw from this Procurement Process.

## **14. Debriefing Candidates**

All queries in relation to contract award decisions should be directed in the first instance to the Contracting Authority Contact.

Where applicable, Candidates have a right of review under the European Communities (Public Authorities' Contracts) (Review Procedures) Regulations 2010 as amended.

#### **15. Tax Clearance Status**

It is a condition for the award of any contract pursuant to this Procurement Process that the successful Tenderer shall, for the term of the contract, comply with all EU and domestic tax laws. Tenderers are referred to [www.revenue.ie](http://www.revenue.ie) for further information. Prior to the award of any contract arising out of this Procurement Process, the successful Tenderer shall be required to supply its Tax Clearance Access Number and Tax Reference Number to facilitate online verification of their tax status by the Contracting Authority. By supplying these numbers, the successful Tenderer acknowledges and agrees that the Contracting Authority has the permission of the successful Tenderer to verify its tax cleared position online. Candidates are required as part of their Submission to self-certify that it and all proposed Subcontractors or Consortium Members (if applicable) are able to provide their Tax Clearance Access Number(s) and Tax Reference Number(s) on request.

#### **16. Costs**

All costs and expenses associated with the preparation and submission of the Submissions by a Candidate shall be borne by the Candidate.

#### **17. Language**

All written and oral communications and all documents shall be in the English language unless otherwise required by law. Failure to comply with these Competition Rules may result in the disqualification of a Candidate.

## **SECTION C HIGH LEVEL OVERVIEW REQUIREMENTS**

### **Overview**

The HSE is issuing this **Request to Participate** (“RTP”) in a Dynamic Purchasing System (hereafter ‘the DPS’) for a threat and vulnerability management (TVM) capability split into three lots (Lot A – IT TVM Capability, Lot B – OT Security Capability and Lot C – Cyber Security Testing Services). Candidates can apply for a single lot, any two lots or all three lots.

The HSE is the Contracting Authority for this public procurement competition on its own behalf and on behalf of all organisations funded by the HSE. The details for Lot C are covered in this document.

On 14 May 2021, the HSE was subjected to a serious criminal cyberattack (the “Incident”), through the infiltration of IT systems using Conti Ransomware. Over 80% of IT infrastructure impacted leading to unavailability of key patient information and diagnostics. To rapidly enhance the security operations and strengthen the cyber defence posture post the Incident, a number of security services were stood up on an emergency basis. HSE are now in the journey towards standardising these capabilities and associated services.

The Post Incident Review (PIR) that was carried out following the incident has highlighted the need for an enterprise-wide threat and vulnerability management capability covering both IT and OT (Medical devices primarily) devices.

The vision of this capability is to design and implement an enterprise-wide threat and vulnerability management capability which will be augmented by a proactive cyber security testing related service.

### **Expected benefits include but not limited to:**

- Established Threat and Vulnerability Management capability for IT and OT environment.
- Alignment with the cyber defence strategy
- Improved vulnerability discovery and remediation process.
- Reduce HSE’s cyber-attack surface
- Proactively test and embed cyber security controls

The key components of Lot C – Cyber Security Testing Services are:

- Red teaming
- Cyber security risk services
- Security Architecture & Design review services
- Internal and external penetration testing
- Web application and API penetration testing

### **Overarching Service Requirements:**

- The service provider to demonstrate capability to deliver on to HSE’s requirements outlined in this RTP.
- Must be a single party contract with the HSE. If a consortium is being proposed, lead vendor to outline % of work subcontracted to 3<sup>rd</sup> Party. Lead contractor must demonstrate formal governance structure in place with 3<sup>rd</sup> party.
- In line with General Data Protection Regulation (GDPR), the service provider must have EU based data storage (If applicable).
- The service provider should have an English-speaking support team.

- The service provider should agree with detailed service level agreements during the contract drafting phase.

#### **Lot C - High-level requirements**

- **Red teaming**
  - The service provider must provide skilled red teaming specialists to simulate real-world cyber-attacks and breach attempts.
  - Focus on testing the HSE's incident response procedures, resilience to advanced threats, and the ability to detect and respond to sophisticated attacks, are essential.
  - The final reports should include insights, recommendations, and areas for improvement
  - Provision for training and knowledge transfer
- **Cyber security risk services**
  - The service provider must conduct ad-hoc security risk assessments, covering various aspects of our operations, including IT systems, physical facilities, and data management.
  - Provide comprehensive risk assessment reports will be crucial in developing targeted risk mitigation strategies
- **Security Architecture & Design review services**
  - The service provider must conduct ad-hoc security reviews using IT solution designs (HLD, LLD etc.), architecture documentation and by engaging with IT teams for various HSE projects.
  - The service provider must conduct cyber threat modelling exercises on ad-hoc basis using a defined project scope.
- **Internal and external penetration testing**
  - The service provider must conduct periodic ad-hoc internal and external penetration testing to identify potential vulnerabilities in our network infrastructure, applications, and systems.
  - Provide comprehensive reports detailing any vulnerabilities and potential exploits discovered during the assessment.
- **Web application and API penetration testing**
  - The service provider must conduct periodic ad-hoc internal and external penetration testing to identify potential vulnerabilities in our web applications and API's.
  - Provide comprehensive reports detailing any vulnerabilities and potential exploits discovered during the assessment

**Tenderers should note that the services described above are the minimum requirements; full requirements will be set out at the DPS Tender Stage.**

## **SECTION D COMPLETION AND EVALUATION OF SUBMISSIONS**

### **1. Preparing a Submission**

**1.1.** Candidates are required to complete the Response Document section of this document to provide a Submission for this Procurement Process. The Response Document is based upon the ESPD, and is split into a number of sections (as listed below).

**1.2.** Candidates are required to:

**1.2.1.** Provide certain information in Section II which is for information only;

**1.2.2.** Provide information in Section III, which will determine if there are any exclusion grounds that apply under Regulation 57 of the Procurement Regulations;

**1.2.3.** Self-certify that they are capable of answering the “pass/fail” questions in Section IV in the affirmative; and

**1.3.** Where Candidates have self-certified that they are capable of answering the questions in Section IV in the affirmative, the Contracting Authority may seek to verify this information from Candidates prior to the commencement of the Invitation to Tender (ITT) stage. If a Candidate fails to provide evidence which is considered by the Contracting Authority as sufficient to demonstrate:

**1.3.1** Its fulfilment of any aspect of the selection criteria in this RTP;

**1.3.2** The absence of exclusion grounds under Regulation 57 of the Procurement Regulations; or

**1.3.3** The reliability of the Candidate despite the existence of a relevant (or relevant) exclusion ground(s) in accordance with Regulation 57(12) of the Procurement Regulations

#### **OR**

Fails to supply this evidence within seven days of request, the Candidate will be excluded from the Procurement Process.

**1.4.** If a Candidate does not, upon request by the Contracting Authority, provide evidence which is considered by the Contracting Authority as sufficient to demonstrate (i) the fulfilment by any Other Entity on whose capacity the Candidate relies of the selection criteria (or any one of them) in accordance with this RTP and (ii) the absence of exclusion grounds in respect of any Other Entity, or the reliability of any Other Entity despite the existence of a relevant exclusion ground, it shall be excluded from further participation in this Procurement Process *unless* it replaces the Other Entity with one which meets all relevant requirements of this RTP.

### **2. Evaluation of Submissions**

**2.1** The Contracting Authority will review Submissions in the following manner:

**2.1.1** The Contracting Authority will first review Submissions to ensure that they are complete in all respects and compliant with the terms and rules set out in this RTP. Incomplete or non-compliant Submissions will be rejected (subject to the Contracting Authority’s right under the Procurement Regulations to clarify or query a Candidate’s Submission).

**2.1.2** Submissions that comply with 2.1.1 above will then be examined to determine if there are any exclusion grounds under Regulation 57 of the Procurement Regulations that apply to the Candidate. If a relevant (or relevant) exclusion ground(s) apply, the Contracting Authority will examine the Candidate’s additional information provided in accordance with Regulation

57(12) and (13) of the Procurement Regulations to determine the reliability of the Candidate. If the Contracting Authority views the additional information as insufficient to demonstrate the Candidate's reliability, the Submission will be rejected.

**2.1.3** Submissions that comply with 2.1.2 will then be examined to determine whether the Candidate has self-certified that it meets all of the selection criteria set out in Section IV. If a Candidate has failed to self-certify that it meets all of the selection criteria set out in Section IV, the Submission will be rejected.

**2.1.4** Submissions that comply with 2.1.3 will then be scored in accordance with Section IV by the evaluation panel (using objective evidence and their professional judgement) in accordance with the scoring methodology for admittance to the DPS.

### 3. Scoring Methodology

**3.1** Submissions will be evaluated in accordance with the selection criteria as specified in this section.

**3.2.** The selection criteria consist of: "Pass/fail" questions: Candidates whose responses are considered to have passed these criteria will proceed to be admitted to the DPS.

#### 3.3. Part III of the ESPD) Exclusions Grounds (Pass/Fail)

| Reference                                                                                 | Exclusion Grounds                               | Evaluation Methodology                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ESPD Part III,<br>3.A.1 – 3.A.6 Mandatory<br>Exclusions                                   | Compliance with Regulation 57<br>(1) and 57 (2) | Pass or Fail<br>A "No" Statement will result in a "Pass".<br>A "Yes" Statement will result in a "Fail" unless evidence is provided at 2.2 to demonstrate reliability in accordance with Regulation 57 (13) (self-cleaning) to the satisfaction of the authority. |
| ESPD Part III,<br>3.B.1 – 3.B.2 Mandatory<br>Exclusions for Non-<br>Payment of Taxes etc. | Compliance with Regulation 57<br>(3)            | Pass or Fail<br>A "No" statement will result in a "Pass".<br>A "Yes" Statement will result in a "Fail" unless evidence is provided at 2.3(b) to demonstrate the fulfilment of obligations in accordance with Regulation 57 (5)                                   |
| ESPD Part III,<br>3.C.1 – 3.C.15<br>Discretionary Exclusions                              | Compliance with Regulation 57<br>(8)            | Pass or Fail<br>A "No" statement will result in a "Pass".<br>A "Yes" Statement will result in a "Fail" unless evidence is provided at 3.2 to demonstrate reliability in accordance with Regulation 57 (13) (self-cleaning) to the satisfaction of the authority. |

#### 4. Evaluation of Part IV

##### Selection Criteria

The Selection Criteria for admission to the DPS are set out in the table below:

Applicants must in the first instance declare by way of the ESPD that they satisfy the Selection Criteria outlined below and that they are able, upon request and without delay, to provide the supporting documentation specified below to the HSE.

| <b>Economic and Financial Standing:</b>                               | <b>Scoring Methodology</b> | <b>Minimum Score Required</b>             |
|-----------------------------------------------------------------------|----------------------------|-------------------------------------------|
| Turnover (Outstanding Claims, Litigation or Judgement, Audit Opinion) | Pass/Fail                  | Pass                                      |
| Banker's Letter                                                       | Pass/Fail                  | Pass                                      |
| Insurance                                                             | Pass/Fail                  | Pass                                      |
| <b>Professional and Technical Capability:</b>                         | <b>Scoring Methodology</b> | <b>Minimum Score Required</b>             |
| Relevant Experience                                                   | 400 Marks                  | Candidates must achieve 200 marks to Pass |
| Service Provision                                                     | 400 Marks                  | Candidates must achieve 200 marks to Pass |
| Internal and External Quality Assurance and Accreditation             | 100 Marks                  | Candidates must achieve 50 marks to Pass  |
| Staff Training and Vetting Procedures                                 | 100 Marks                  | Candidates must achieve 50 marks to Pass  |
| Data Protection                                                       | Pass/Fail                  | Pass                                      |
| Environmental Management                                              | Pass/Fail                  | Pass/Fail                                 |
| WEEE Registration                                                     | For Information Only       | Information Only                          |

| Part IV: Selection Criteria          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                  |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Economic and Financial Standing      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                  |
| IV.1 Economic and Financial Standing | <p><b>Turnover</b></p> <p>The Candidate confirms that it meets or exceeds (or is guaranteed by an Other Entity which meets) the average turnover requirement of €2,000,000 (ex VAT) for the last three (3) financial years;</p> <p>Where the Candidate consists of a Consortium, the Candidate must confirm that the aggregate average turnover of the Consortium meets or exceeds €2,000,000 for the last three (3) financial years (and at least one member of the Consortium has a turnover of €1,000,000 (ex VAT) per annum for each of the last three (3) financial years with the other member(s) having a minimum combined turnover equal to or in excess of €1,000,000 (ex VAT) for each of the last three (3) financial years.</p> <p><b>Outstanding Claims, Litigation or Judgement</b></p> <p>The Candidate must confirm that it will provide either (a) a description of any material pending or threatened tax or other regulatory investigations into the affairs of the Candidate, or (b) confirmation that no such investigations are pending or threatened.</p> <p>The Candidate must confirm that it will provide either (a) a statement regarding any material outstanding judgements or court orders or material pending litigation or pending threatened litigation or other legal proceedings affecting itself, for which specific provision has not been made within the latest set of audited financial statements or (b) confirmation that no such judgements, court orders, litigation or proceedings are outstanding, pending or threatened.</p> | <p><b>Scoring methodology;</b><br/>PASS/FAIL</p> |

|                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
|                                                               | <p><b>Audit Opinion</b></p> <p>The Candidate must confirm that it will provide (a) copies of full audited financial statements for the last two financial years, including all notes to the financial statements, and (b) confirmation the latest set of such financial statements have been filed with the Companies Registration Office (CRO) (or equivalent for non-Irish based companies) within the relevant statutory filing period. Alternatively, the Candidate must confirm that it will provide a reasonable and comprehensive explanation, which the Contracting Authority will consider, at its absolute discretion, as to why these statements have not been filed.</p> <p>The Candidate must confirm that its latest set of audited financial statements have a clean audit opinion with no going concern qualification.</p> |                                |
| <b>IV.2 Economic and Financial Standing – Banker’s Letter</b> | <p>The Candidate confirms that it can provide a signed statement from their principal bankers:</p> <ul style="list-style-type: none"> <li>i) Stating the length (in years) of their financial relationship;</li> <li>ii) Confirming that the bank is the Candidate’s principal banker;</li> <li>iii) Confirming that all accounts held by the Candidate are currently in good standing;</li> <li>iv) Confirming they have the financial capacity to undertake a contract of this value.</li> </ul>                                                                                                                                                                                                                                                                                                                                         | Scoring methodology; PASS/FAIL |
| <b>IV.3 Insurance</b>                                         | <p>The Candidate confirms that it has in place (or has the ability to obtain) insurances of the following levels:</p> <p>Product Liability Insurance - €6.5m<br/> Professional Indemnity Insurance - €6.5m<br/> Public Liability Insurance - €6.5m<br/> Employer’s Liability Insurance - €12.7m<br/> Cyber Liability Insurance - €6.5m<br/> Data protection Insurance - DPA</p> <p>In respect of insurance levels, the above values are subject to change depending on the nature of</p>                                                                                                                                                                                                                                                                                                                                                   | Scoring methodology; PASS/FAIL |

|                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                   |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|                                                                         | the specifications in the Invitation To Tender (ITT).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                   |
| <b>Professional and Technical Capability:</b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                   |
| <b>IV.4 Relevant Experience</b>                                         | <p>Applicants to provide evidence that they have, either individually or collectively as part of consortium, at any time in the last three (3) years, supplied on at least three (3) occasions' products or services similar in scope to HSE requirements outlined in Section C.</p> <ul style="list-style-type: none"> <li>• Candidates to provide details of the Services/products that have provided or is providing to the references locations</li> <li>• Candidates ideally should provide at least one Health Sector reference and;</li> <li>• Candidates to provide the contract value for each reference</li> </ul> | <p>400 Marks</p> <p>Candidates must achieve 200 marks to Pass</p> |
| <b>IV.5 Service Provision</b>                                           | <p>Candidates should demonstrate and provide details of their services that they provide in relation to the HSE requirements outlined in Section C.</p> <p>The service provider should confirm that they have a governance framework to ensure effective oversight and escalation across the services delivered.</p>                                                                                                                                                                                                                                                                                                         | <p>400 Marks</p> <p>Candidates must achieve 200 marks to Pass</p> |
| <b>IV.6 Internal &amp; External Quality Assurance and Accreditation</b> | <p>Applicants must demonstrate that they have appropriate external quality assurance mechanisms in place and accreditations attained relevant to each Category being applied for. Applicants will be required to provide details of external quality assurance (e.g. audits, evaluations etc.), the relevant accreditation body and validity period.</p>                                                                                                                                                                                                                                                                     | <p>100 Marks</p> <p>Candidates must achieve 50 marks to Pass</p>  |

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                  |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <b>IV. 7 Staff Training and Vetting Procedures</b> | <p>Applicants must demonstrate that they have satisfactory staff training and vetting procedures in place and operation.</p> <p>Applicants are required to provide details of policies, procedures and practices in relation to training of staff and details in relation to their vetting procedures used when recruiting and employing staff.</p>                                    | <p>100 Marks</p> <p>Candidates must achieve 50 marks to Pass</p> |
| <b>IV. 8 Data Protection</b>                       | <p>In line with General Data Protection Regulation (GDPR), details are required regarding the candidates' policies and procedures in relation to maintaining data protection and security of information held by the candidate or within the company including but not limited to password protection, firewalls, encryption etc.</p>                                                  | Pass/Fail                                                        |
| <b>IV.9 Environmental Management</b>               | <p>Applicants should demonstrate that they have in place an environmental management and waste disposal policy and procedure in compliance with ISO 14000 or equivalent.</p> <p>Applicants are required to provide details of the environmental management measures that it has in place and outline its environmental management policies, procedures and methodologies.</p>          | Pass/Fail                                                        |
| <b>IV.11 WEEE Registration</b>                     | <p>Applicants should have a current Certificate of Registration for Ireland from the WEEE Register Society Ltd (the "WEEE Register") or demonstrate that they have applied for a Certificate of Registration for Ireland from the WEEE Register.</p> <p>Applicants may be required to provide a copy of this Certificate and to confirm the period of validity of the Certificate.</p> | Information to be provided                                       |

## Selection Criteria Evaluation

The Procurement Evaluation Group will evaluate each Selection Criterion, set out below;

Based on the submissions put forward by the Candidates, the Procurement Evaluation Group (PEG) will deem the information submitted by each Candidate against each criterion to be a Pass/Fail response. Please note a FAIL response is where the PEG deem the response to have failed the criteria set out under Section Criteria.

| Score | Meaning                                                                                                                                                                                                                   |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pass  | A response with very few or no weaknesses that fully meets or exceeds requirements, and provides comprehensive, detailed and convincing assurance that the Candidate will deliver to an excellent standard.               |
|       | A response that demonstrates real understanding of the requirements and convincing assurance that the Candidate will deliver to a high standard.                                                                          |
|       | A response that demonstrates a reasonable understanding of requirements and gives reasonable assurance of delivery to an adequate standard but does not provide sufficiently convincing assurance to award a higher mark. |
| Fail  | A response where reservations exist. Lacks full credibility / convincing detail, and there is a significant risk that the response will not be successful.                                                                |
|       | A response where serious reservations exist – e.g. insufficient detail is provided, the response has fundamental flaws or is seriously inadequate or seriously lacks credibility with a high risk of non-delivery         |
|       | No information is supplied                                                                                                                                                                                                |

| Score     | Meaning                                                                                                                                                                                                                                                    |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 90 to 100 | A response with very few or no weaknesses that fully meets or exceeds requirements, and provides comprehensive, detailed and convincing assurance that the Candidate will deliver to an excellent standard.                                                |
| 75 to 89  | A response that demonstrates real understanding of the requirements and convincing assurance that the Candidate will deliver to a high standard.                                                                                                           |
| 50 to 74  | A response that demonstrates a reasonable understanding of requirements and gives reasonable assurance of delivery to an adequate standard but does not provide sufficiently convincing assurance to award a higher mark.                                  |
| 21 to 49  | A response where reservations exist. Lacks full credibility / convincing detail, and there is a significant risk that the response will not be successful.                                                                                                 |
| 1 to 20   | <p>A response where serious reservations exist – e.g. insufficient detail is provided, the response has fundamental flaws or is seriously inadequate or seriously lacks credibility with a high risk of non-delivery</p> <p>No information is supplied</p> |

## **Guidance for Completion**

### **1. Preparing a Submission**

- 1.1.** Candidates are required to complete the eESPD and the Response Document in order to provide a Submission for this Procurement Process. The relevant sections of the eESPD and the Response Document which Candidates must complete are set out below.
- 1.2.** Candidates are required to:
  - 1.2.1.** Provide certain information in Parts IIA and IIB of the eESPD which is for information only, information in Part IIC of the eESPD if the Candidate is relying upon the resources of an Other Entity, and information in Part IID of the eESPD if the Candidate intends to subcontract any share of the Contract to third parties (but does not intend to rely on those third parties in order to meet the selection criteria);
  - 1.2.2.** Provide information in Part III of the eESPD, which will determine if there are any exclusion grounds that apply under Regulation 57 of the Procurement Regulations;
  - 1.2.3.** Self-certify that they are capable of meeting the financial and economic thresholds and the required insurances in Appendix 1 (Response Document) in the affirmative; and
  - 1.2.4.** Sign the declaration at Part VI Concluding Statement of Appendix 1 DPS Candidate Response Document.
- 1.3.** Where the Candidate is a Consortium, each Consortium Member must complete and submit a separate Response Document setting out the information required under Parts IIA, IIB and III of the eESPD, and Appendix 1 (Response Document). However, the Consortium must submit one consolidated response addressing Appendix 1 (Response Document).
- 1.4.** A separate Response Document (Appendix 1) must also be provided by each Other Entity being relied upon setting out the information required under Parts IIA, IIB and III of the eESPD and insofar as it is relevant for the specific capacity or capacities on which the Candidate relies.
- 1.5.** Where Candidates have self-certified that they are capable of answering the questions in Appendix 1 (Response Document) in the affirmative, the Contracting Authority may seek to verify this information from Candidates prior to the commencement of the Invitation to Tender (ITT) Stage. If a Candidate fails to provide evidence which is considered by the Contracting Authority as sufficient to demonstrate:
  - (i) its fulfilment of any aspect of the selection criteria in this RTP;
  - (ii) the absence of exclusion grounds under Regulation 57 of the Procurement Regulations; or
  - (iii) the reliability of the Candidate despite the existence of a relevant (or relevant) exclusion ground(s) in accordance with Regulation 57(12) of the Procurement Regulations; or

- (iv) If a Candidate fails to supply this evidence within seven days of request, it may be excluded from the Procurement Process.
- 1.6.** If a Candidate does not, upon request by the Contracting Authority, provide evidence which is considered by the Contracting Authority as sufficient to demonstrate:
- (i) The fulfilment by any Other Entity on whose capacity the Candidate relies for the purpose of fulfilling the selection criteria (or any one of them) in accordance with this RTP; and
  - (ii) The absence of exclusion grounds in respect of any Other Entity, or the reliability of any Other Entity despite the existence of a relevant exclusion ground, it shall be excluded from further participation in this Procurement Process unless it replaces the Other Entity with one which meets all relevant requirements of this RTP.
- 1.7.** All questions must be answered as accurately and concisely as possible. If the question is not relevant, the words 'not applicable' must be inserted with an explanation detailing why it is not relevant.
- 1.8.** All information requested should be provided in the order and format detailed within the Response Document (Appendix 1). Please do not provide organisational promotional material as the basis of your response to any of the questions as only responses provided in the requested format will be evaluated.
- 1.9.** Candidates may expand the response boxes/tables if required, but Candidates may not amend the heading or questions as they appear.
- 1.10.** The response and any accompanying documents must be formatted in Adobe PDF or MS Word.