

Pre-Qualification Information and Questionnaire (PQQ)

For

TR5383

Supply, Implementation, Licensing, Support, and Maintenance of an Enterprise-Grade Digital Preservation System

The questionnaire should be completed and returned in accordance with the attached information and instructions

Questionnaire No. :	342154-2026
Contracting Entity Reference:	TR5383
Date Issued:	As stated on www.etenders.gov.ie
Return Completed Version by:	As stated on www.etenders.gov.ie
For the attention of:	Fiona Farrell, IT & Telecoms Procurement, ESB Enterprise Services
Email Address:	As stated on www.eTenders.gov.ie

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SECTION A: INFORMATION AND GUIDANCE NOTES FOR APPLICANT

A.1 INTRODUCTION

Electricity Supply Board ('**ESB**'), the Contracting Entity¹, has published a Contract Notice in the OJEU, and the eTenders website, regarding a single party contract for an Enterprise-Grade Digital Preservation System.

ESB was established in 1927 as a statutory corporation in the Republic of Ireland under the Electricity (Supply) Act 1927. With a holding of approximately 97.1%, ESB is majority owned by the Irish Government. The remaining approximate 2.9% is held by the trustees of an Employee Share Ownership Plan.

As a strong, diversified, vertically integrated utility, ESB operates right across the electricity market: from generation, through transmission and distribution, to supply. In addition, ESB extracts further value at certain points along this chain: supplying gas, using our networks to carry fibre for telecommunications, developing electric vehicle public charging infrastructure and more.

ESB is a leading Irish utility focused on providing excellent customer service and maintaining our financial strength. We have a regulated asset base of approximately €12 billion with 30% of electricity generation capacity in the all-island market. We currently supply electricity to approximately 2 million customers throughout the island of Ireland. ESB Group employs approximately 8,000 people.

ESB's strategy, '*Driven to Make a Difference: Achieving Net Zero by 2040*' includes a clear direction to take action and exercise leadership in sustainability. Our strategy sets a clear pathway to achieve net zero emissions in a way that supports our customers and ensures ESB's continued growth. ESB are committed to leading the transition to a reliable and affordable net zero future.

ESB seeks to purchase supplies, services and works that are produced or delivered in a manner that has the most positive environmental, social and economic impacts possible over their entire lifecycle. ESB procurement processes will be aligned with the standards from ISO20400, Sustainable Procurement.

ESB have created a Sustainability Leadership Plan which sets out our ambitions and the actions we will take as they relate to the three pillars of sustainability - People, Planet and Place.

Full details of ESB's Sustainability Leadership Plan can be viewed here: [ESB Sustainable Leadership Plan](#). ESB requires that the successful Contractor emerging from the Procurement process be familiar with our Sustainable Leadership Plan.

ESB is a founding member of the Irish Supply Chain Sustainability School. The school's aim is to support and develop skills and knowledge in sustainability in the built environment.

Further details can be found here: [Supply Chain Sustainability School Ireland](#).

It is currently envisaged that ESB shall enter into the Contract with the successful tenderer. However, Applicants should note that, in the alternative, the Contract may ultimately be entered into by any subsidiary or affiliate thereof.

¹ Defined terms used in this PQQ are set out in Section A.1.5 (*Definitions*).

Further information about ESB can be accessed by clicking on the following link: <https://www.esb.ie/who-we-are/about-esb>

A.1.1 General Description of the Proposed Contract

The Contracting Entity intends to procure an off the shelf, single party SAAS solution for the supply of a Digital Preservation System including implementation, licensing, support, and maintenance for the ESB Archives.

The proposed solution relates to the supply of a secure, scalable, and standards-aligned digital preservation platform to safeguard, preserve, and provide long-term access to ESB's digital archival records. The solution should protect digital content against technological obsolescence and data degradation, support automated and policy-driven preservation actions, and must integrate with ESB's existing Microsoft 365 environment (including SharePoint Online and Microsoft Purview retention labels) and the corporate archival cataloguing system (Axiell).

The following non-exhaustive, high-level scope:

- Provision of a Digital Preservation System/Service/Solution to support the long-term preservation and management of ESB's digital archival records.
- The solution should have the ability to ingest, store, manage, and control access to a wide range of digital content types, including documents, records, datasets, email, and other digital materials.
- The solution should be capable of managing associated metadata to support the organisation, discovery, and lifecycle management of preserved content.
- The solution must integrate with enterprise platforms and systems Microsoft 365, Sharepoint, etc and associated records/data management environments, and interoperability with existing archival or cataloguing systems.
- The solution must be secure, resilient, and scalable, aligned with ESB's data protection, security, and regulatory requirements.
- The applicant should have experience in the delivery of associated implementation services, including configuration, integration, and (where required) migration of existing digital archival content.
- The applicant should have experience in the provision of ongoing support, maintenance, and operational services for the duration of the contract.

NOTE: The proposed solution must integrate with Microsoft Azure Active Directory for ESB user identity management

NOTE: The proposed solution must integrate with Microsoft Azure Active Directory for ESB partner user identity management.

A.1.2 Duration

At the date of issuing this PQQ it is envisaged that the contract period will be for a duration of 5 years with an optional extension of 2 years (potential 5+2=7-year contract), subject to the satisfactory performance of the supplier, business needs and budgetary constraints all at the absolute discretion of ESB.

A.1.3 Form of Contract

The Contracting Entity is preparing a draft contract and schedules that will be provided to the pre-qualified and short-listed Applicants at the next stage of the Procurement process i.e. the Request for Tender stage. The Contract will set out the terms and conditions pertaining to the technical, commercial, financial, safety and legal requirements for the *services*.

The services will be procured utilising bespoke terms and conditions based on the SAAS form of contract, as will be amended for the purposes of this particular work scope and as required by the Contracting Entity.

A.1.4 Important Note and Disclaimer

The description and information set out above in this section A.1. (*Introduction*) is for information only and your attention is drawn to the disclaimers in this regard set forth in section A.4 (*Procurement Rules – General*) hereof. The description and information is intended to give Applicants a high level overview of the proposed scope of work, but it is preliminary and indicative only. It does not purport to contain all the information that an Applicant may require in connection with the Project. It will be superseded by the detailed specific information that will be set out in the Request for Tender documents that will be issued to the pre-qualified and short-listed Applicants arising out of this PQQ.

A.1.5. Definitions

For the purposes of this Pre-Qualification Questionnaire, the capitalised words and expressions that follow have the meanings hereby assigned to them unless the context specifically requires otherwise. It should also be noted that references to the singular include the plural and vice versa.

Where there is a reference to compliance with legislation, standards, rules, notices or authorities which apply in the Republic of Ireland, these shall be deemed to include references to the equivalent legislation, standards, rules, notices or authorities in the jurisdiction in which the Applicant or Applicant Member operates.

Applicant means the person or persons (including where the Applicant is a Consortium) that has or have applied to the Contracting Entity by submitting a PQQ Response. For clarity, the Applicant must be the same legal person or persons, firm or company that is intended to enter into the Contract in the event that the Applicant is successful in the Procurement process;

Applicant Member means, in the case of an Applicant which is a Consortium, each of those persons, firms or companies that are considered to form part of the Consortium (including Shareholders in the case of an incorporated Consortium) as set out in the Applicant's Response;

Consortium means a consortium, joint venture or group of two or more legal persons, acting jointly and submitting a single application (and the term 'Consortia' shall be construed accordingly);

Contract means the contract to be entered into by the Contracting Entity and the Contractor for the Project;

Contracting Entity means Electricity Supply Board ('ESB'), a statutory corporation having its principal place of business at 27 Fitzwilliam Street Lower, Dublin 2, which expression shall include any of its assignees or transferees in the event that the Contracting Entity, at its discretion, assigns or transfers the Procurement to any of its affiliated companies;

Contract Notice means the contract notice published in the OJEU and on the eTenders website eTenders.gov.ie in respect of this Procurement;

Contractor means the legal entity with which the Contracting Entity will ultimately contract; In this Pre-Qualification Questionnaire the use of the word 'Contractor' should be interpreted as meaning supplier, service provider, consultant or contractor, as appropriate;

Data Protection Laws means all applicable national and EU data protection laws, regulations and guidelines including but not limited to the Data Protection Act 2018, Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the "General Data Protection Regulation"), and any

guidelines and codes of practice issued by the Office of the Data Protection Commissioner or other supervisory authority for data protection in Ireland from time to time;

Entity Being Relied Upon means any person or entity on whose resources the Applicant or any Applicant Member is or will be relying for the purpose of responding to this PQQ;

ESB means Electricity Supply Board, a statutory corporation, having its principal place of business at 27 Fitzwilliam Street Lower, Dublin 2;

“Insurer(s)” for the purpose of section B.3 means insurers or insurance brokers authorised by the relevant competent authority to underwrite that line of business in Ireland and which have a Standard & Poor’s (or equivalent) credit rating of at least A- (or equivalent);

Lead Consortium Member means, where the Applicant is a Consortium, the Applicant Member nominated in section B.1.4 as Lead Consortium Member;

OJEU means the Official Journal of the European Union;

Pre-Qualification Questionnaire or **PQQ** means this pre-qualification questionnaire that is issued by the Contracting Entity to pre-qualify and short-list the Applicants who will then be issued with an Request for Tender (together with any written clarifications issued by the Contracting Entity in respect of the PQQ);

PQQ Response Deadline being the deadline for the receipt by the Contracting Entity of PQQ Response, please see eTenders.gov.ie for submission deadline;

Preferred Tenderer means the tenderer selected or provisionally selected from the Request for Tender process;

Procurement means this procurement pursuant to the OJEU Contract Notice which includes the entire negotiated process;

Project means the single party contract for the provision of an off the shelf, single party SAAS solution including implementation, licensing, support, and maintenance as described in Section A.1 (*Introduction*);

Project Characteristics means the Project characteristics set out in section B.9.2.;

Request for Tender or **RFT** means the request that will be issued by the Contracting Entity to the pre-qualified and short-listed Applicants following this pre-qualification stage of the Procurement process, to submit a detailed tender (together with any written clarifications and/or other information made available by or on behalf of the Contracting Entity in respect of the RFT);

Response or **PQQ Response** means an application for pre-qualification submitted in response to the Contract Notice and the PQQ including any clarifications requested from, and submitted by, the Applicant;

SH&W Legislation means the Safety, Health & Welfare at Work Act 2005 as subsequently amended, modified or replaced and the Safety, Health & Welfare at Work (Construction) Regulations 2013 (S.I. No. 291 of 2013) as amended, modified or replaced, and all regulations issued under the 2005 Act or otherwise in connection with health and safety;

Shareholders means those persons or companies who are or will be shareholders in the Applicant, and for the avoidance of doubt, a Shareholder may also be an Applicant Member;

Small and Medium-sized Enterprise (SME) means as follows:

- a small enterprise is as an enterprise that has fewer than 50 employees and has either an annual turnover and/or an annual balance sheet total not exceeding €10m,
- a medium enterprise is as an enterprise that has between 50 employees and 249 employees and has either an annual turnover not exceeding €50m or an annual balance sheet total not exceeding €43m;

Subcontractor means those sub-contractors and any successor or assignee thereof who is employed or will be employed by the Contractor pursuant to the relevant clauses in the Contract.

A.2 PURPOSE OF THE PQQ

This Pre-Qualification Questionnaire constitutes an integral part of the Contracting Entity's Procurement competition. The purpose of this PQQ is to assess the suitability of the Applicants, and to pre-qualify and establish a short-list of Applicants with the required capability to successfully deliver the Contracting Entity's Contract requirements. The information provided in response to this PQQ by Applicants, will be evaluated by the Contracting Entity and its advisers in accordance with the criteria set out in the PQQ, and those Applicants who are pre-qualified and short-listed at this pre-qualification stage, will then be invited to participate in the competitive tendering stage.

The Contracting Entity will, in the Procurement process, be following the negotiated procedure as outlined in the OJEU Notice and the Contract will be awarded on the basis of the most economically advantageous tender (MEAT). For clarity, the Contracting Entity is applying rules and criteria for selection as are set out in this PQQ and not the criteria set out in the EU (Award of Public Authority Contracts) Regulations 2016.

Applicants who fail any of the pass/fail criteria will not be eligible to be evaluated under the qualitative criteria, will not progress further in the Procurement process and will be eliminated.

A.3 SUMMARY OF ANTICIPATED PROCUREMENT PROCESS AND INDICATIVE TARGET DATES/TIMETABLE

Outlined below is the anticipated Procurement process and timeline ('**Timetable**'). Applicants should note that the timescales shown are indicative only and are subject to change at the Contracting Entity's sole discretion. A more detailed Timetable will be included in the Request for Tender. Without in any way limiting, or intending to limit, the Contracting Entity's discretion, it is currently intended that the Procurement process will proceed as follows:

Date/Calendar Quarter	Procurement Stage
19 th May 2026	OJEU Contract Notice published and PQQ available for issue on request
10 th June 2026 (12.00 noon)	Final date for receipt of pre-submission queries from potential Applicants on the OJEU Notice and the PQQ (' Queries Deadline ')
14 th July 2026 (12.00noon)	<u>Final date for the submission of the PQQ Response by Applicant</u> ('PQQ Response Deadline')

Q3 2026	Evaluation of PQQ Responses, final clarifications from Applicants (if required by Contracting Entity) and pre-qualification and shortlisting of Applicants
Q3 2026	Notification by Contracting Entity to pre-qualified and shortlisted and to non-pre-qualified non-shortlisted Applicants
Q3 2026	Request for Tender (RFT) documents issued to pre-qualified and shortlisted Applicants
	The RFT will set out the Timetable with respect to the: • Date for return of RFT responses by Tenderers, • Evaluation of RFT responses, selection of Preferred Tenderer(s) for contract negotiations, request for best and final offer (at Contracting Entity's discretion); and • Notification of intention to award Contract and standstill period.

A.4 PROCUREMENT RULES - GENERAL

In submitting a Response to this PQQ, it will be deemed by the Contracting Entity, that each Applicant fully understands and accepts all the provisions of this PQQ including these rules. It is each Applicant's responsibility to ensure that any Consortium Member, sub-contractor and respective adviser abides by these rules.

a) Full and True Disclosure of Information

Applicants who wish to be considered for inclusion on the Contracting Entity's tender list of pre-qualified and short-listed candidates are required to complete this PQQ in full, honestly disclosing all relevant and up to date information.

Please note that only the information requested and furnished in this PQQ (or in subsequent clarifications in accordance with section A.8 (*Post Submission Clarifications*)) will be evaluated. Responses should include sufficient detail to allow an objective and full evaluation of the application to be carried out and should be a full and true disclosure of relevant information. Failure to provide a sufficient level of detail or to explain adequately any relevant matters may result in such data or information not being taken into account in the evaluation process, or in a lower score as set out in the Qualitative Evaluation Criteria and Scoring Table at Appendix 8. Applicants are permitted to add additional lines to the pro-forma tables and boxes set out within the PQQ if required but are not permitted to amend any other parts of the PQQ.

b) Language

The PQQ shall be completed in English.

c) Financial Information

All financial information shall be denominated in euro (€), except where financial information is being provided in a certified or audited supporting document, such as a set of financial statements, in which case it is sufficient for the information to remain in its original currency. In such cases the Applicant must also include a conversion of such figures into euro (€) using the exchange rate applicable at the deadline for PQQ submission. Applicants should determine the exchange rate to be used for

currency conversion from www.oanda.com and should include a conversion print out for verification in their Response to the PQQ.

d) No Collusion

Any attempt by Applicants or their advisers to influence the contract award process in any way may result in the Applicant being disqualified. Specifically, Applicants shall not directly or indirectly at any time:

- Devise or amend the content of their Response in accordance with any agreement or arrangement with any other person, other than in good faith with a person who is a proposed partner, supplier, or provider of finance;
- Enter into any agreement or arrangement with any other person as to the form or content of any other Response, or offer to pay any sum of money or valuable consideration to any person to effect changes to the form or content of any other Response;
- Enter into any agreement or arrangement with any other person that has the effect of prohibiting or excluding that person from submitting a Response.

e) Confidentiality

This PQQ and all information provided by the Contracting Entity pursuant to this PQQ, is furnished for the purpose of responding to this PQQ. Applicants shall ensure that it shall not be used, communicated, reproduced or published for any other purpose or forwarded to any third party other than on a confidential and a strict need to know basis to those with whom the Applicant needs to consult for the purpose of preparing or submitting its Response. Applicants must procure that their personnel and all other of their employees and advisers having access to such information are subject to the same rules as set out in this paragraph and must take all reasonable steps to ensure that its personnel, employees and advisers are made aware of and comply with such rules.

Applicants should note the requirements of the Contracting Entity (or of its subsidiaries and affiliates) to be compliant with applicable transparency obligations and legal requirements (including but not limited to the EU (Award of Contracts by Utility Undertakings) Regulations 2016, EC (Award of Contracts by Utility Undertakings) (Review Procedures) Regulations 2010 to 2015, Freedom of Information Act 2014 ('FOI Act') or European Communities (Access to Information on the Environment) Regulations 2007 to 2011, to the extent each or any of these are applicable), whereby the Contracting Entity may be required to publish, give notice of, reveal or otherwise disclose all or any part of any information arising from this Procurement process, and the Contracting Entity's right to circulate additional information (whether in response to a query or otherwise) pursuant to section A.6 (*Pre-Submission Queries*) of this PQQ.

f) Applicable Law

Irish law is applicable to this PQQ. The Irish courts shall have exclusive jurisdiction in relation to any disputes arising from the PQQ. Applicants must be prepared to contract under Irish law.

g) Costs

No liability will be accepted for an Applicant's costs in connection with this Procurement procedure, including (without limitation) the preparation of Responses to this PQQ, irrespective of the outcome, and whether or not the procedure is cancelled or postponed.

h) Disclaimer

The Contracting Entity does not warrant or represent that this PQQ document, or any other information given to an Applicant, is accurate or complete. No liability is accepted for any error, misstatement, or omission (negligent or otherwise) in this document, or in any other information given to Applicants. Applicants are responsible for obtaining their own taxation, legal, technical and other appropriate advice, and undertaking their own due diligence in relation to this Procurement, at their own cost and expense.

i) No Contract

No information contained in this document or in any communication made between the Contracting Entity and any Applicant in connection with this PQQ shall be relied upon as constituting a contract, or part of a contract, or an offer to make a contract. There will be no contract between the Contracting Entity and any Applicant (save for in respect of the Applicant's confidentiality obligations pursuant to section A.4(e) (*Confidentiality*) or A.4(q) (*Publicity*) of this PQQ) unless and until a contract is finally and formally concluded at the end of the Procurement process for the specified supplies, services and/or works and any conditions precedent to such contract's effectiveness have been fulfilled. The Contracting Entity has no obligation to enter into a contract with any Applicant or tenderer.

j) The Contracting Entity's Rights

Without limiting its discretion to take any step permitted by law, the Contracting Entity reserves the right (but is not obliged) to: (i) change without notice the basis of, or the procedures (including the indicative target dates or Timetable) for, the selection process or Procurement process; (ii) seek clarification or documents in respect of a PQQ Response; (iii) disqualify any, or all, of the applications; (iv) amend the PQQ, its requirements and any information contained herein at any time by notice, in writing, to the Applicants, (v) not invite an Applicant to proceed further in the Procurement process; (vi) disqualify any Applicant that is guilty of serious misrepresentation in relation to its PQQ Response, (vii) withdraw the PQQ at any time, or to re-invite Responses on the same or any alternative basis, (viii) re-start any stage of the Procurement process, (ix) to terminate the Procurement process at any time (or, for the avoidance of doubt, cancel any individual Lot(s)), (x) choose not to award any contract as a result of the Procurement process.

k) Changes

Following the submission of its PQQ Response, an Applicant may not make any changes to its information set out in the Response without the consent of the Contracting Entity. The Contracting Entity may decide, at its discretion, whether to accept or reject the change.

If, as a result of a change in circumstances or otherwise, any information given by an Applicant to the Contracting Entity, including in its PQQ Response, was (when submitted) or has become (by reference to the facts as they then stand) untrue, incomplete or misleading, the Applicant must so inform the Contracting Entity as soon as it becomes aware of this. If appropriate, the Applicant may make a request to change information in its Response. The Contracting Entity may at its discretion decide whether to accept or reject the change.

If at any time it comes to the Contracting Entity's attention that:

- there has been a change in circumstances concerning an Applicant that could affect the Contracting Entity's evaluation of that Applicant's Response or the Contracting Entity's decision to pre-qualify the Applicant; or
- information submitted by an Applicant was (when submitted) or has become (by reference to the facts as they then stand) untrue, incomplete or misleading,

the Contracting Entity may (but is not required to) revise its evaluation of the Applicant's Response on the basis of the information then available to the Contracting Entity.

l) Safety, Environment & Quality

Applicants should note that a Contract specific evaluation of the Applicant's health and safety, environmental and quality management systems for the execution of the works and services which are the subject of this Procurement process will follow as part of the contract award criteria in the competitive tendering stage.

m) Canvassing

Any attempt by an Applicant or its adviser to inappropriately influence the selection process in any way will result in the Applicant's Response being disqualified. Any direct or indirect canvassing by Applicants or their advisers in relation to this Procurement or any attempt to obtain information from any of the employees or agents of the Contracting Entity concerning another Applicant may result in disqualification at the discretion of the Contracting Entity.

n) Verification

Responses are submitted on the basis that each Applicant consents to the Contracting Entity carrying out any necessary actions to verify the information that the Applicant has provided. The Contracting Entity may (but is not obliged to), in order to verify information provided in a PQQ Response, contact and visit Applicants and any of or all of their Applicant Members, and/or any Entity Being Relied Upon and/or referees which might be provided in the Response and may conduct any investigations (either itself or through such third parties as it may, at its discretion, consider appropriate) it considers necessary in connection with PQQ Responses, including by reference to information independently sourced from the market or otherwise. The Applicants, Applicant Members and Entities Being Relied Upon, must facilitate same, upon request.

o) Conflict of Interest

Any conflict of interest or potential conflict of interest relating to the Applicant, any Applicant Member, any Entity Being Relied Upon or any of the advisers of such persons must be fully disclosed to the Contracting Entity as soon as such conflict or potential conflict becomes apparent. In the event of any conflict or potential conflict of interest, the Contracting Entity shall, at its discretion, decide on the appropriate course of action.

p) Applicant Eligibility

Applicants should note that the Pre-qualification Questionnaire eligibility and other requirements set out herein apply to the Procurement at all times (including the Contract award stage and during Contract performance). The Contracting Entity reserves the right, at its discretion, to re-assess the eligibility, financial standing, experience and technical capability of any Applicant (or Applicant Member) and other requirements, at any stage(s) throughout this Procurement and Contract performance, to ensure that the Applicant continues to remain eligible and have the requisite requirements for the Contract.

Without prejudice to the generality of the foregoing, if the Applicant (or parent company guarantor) becomes bankrupt or insolvent, goes into liquidation, has a receiving or administration order made against it, has an examiner appointed, compounds with its creditors or carries on business under a receiver, trustee or manager for the benefit of its creditors, or if any act is done or event occurs which under applicable laws has a similar effect to any of these events or acts, it may result in the Applicant being disqualified from any further participation in the Procurement process irrespective of the progress of the Procurement process.

The Contracting Entity reserves the right to seek additional contractual and commercial safeguards in the event that the financial position of the Applicant deteriorates. The Contracting Entity also reserves the right not to award the Contract to a tenderer in such circumstances.

q) Publicity

No publicity in relation to the proposed Contract or the Procurement in general is permitted unless and until the Contracting Entity has given express prior written consent to the relevant communication. In particular, no statement should be made to the press or other similar organisations regarding the nature of any Response without the express written consent of the Contracting Entity. The Contracting Entity retains the right to publicise or otherwise disclose to any third party information in relation to the proposed Contract, the identity of Applicants or Applicant Members or the Procurement in general.

r) No Prior Knowledge

Applicants must not make assumptions that the Contracting Entity or any of its advisers has prior knowledge of their organisation or their service provision. Applicants will only be evaluated on the information provided in their PQQ Response (as may be clarified in accordance with the provisions of this PQQ).

s) Multiple Participation

Where any Applicant or Applicant Member wishes to participate in more than one PQQ Response for this Procurement, it must contact the Contracting Entity promptly to seek the Contracting Entity's consent. No Applicant may be involved with (including acting as adviser to an Applicant) more than one PQQ Response without the prior approval of the Contracting Entity. Applicants who wish to be involved with more than one application must notify the Contracting Entity at least 14 days prior to the PQQ Response Deadline and the Contracting Entity will take such steps as it considers appropriate, which may include prohibiting the Applicant from being involved with more than one application or making such involvement conditional on certain requirements being met.

t) Use of Standards

If reference is made in any of the Procurement documentation to a particular standard, make, source, process, trademark, type or patent, this is not to be regarded as a de facto requirement. In all cases it should be understood that the reference in question is accompanied by the words "or equivalent".

u) Retention of Documents

After the Procurement process is completed, the Contracting Entity will retain copies of all PQQ Responses and documentation received for such period as required in accordance with applicable laws.

v) Precedence of information in PQQ documents

If there is any discrepancy between information provided in the PQQ documentation and the information provided in the eTenders system (including any emails sent by the eTenders system), then the information provided in the PQQ documentation, including any clarifications subsequently issued by the Contracting Entity, shall have precedence. Without prejudice to the generality of the foregoing, in particular, all references to 'Contracting Authority' in the eTenders system and in any emails sent from the eTenders system should be replaced by 'Contracting Entity'.

A.5 APPLICANT COMPOSITION

A.5.1 Financial and Technical Resources and Security

By submitting a Response, the Applicant warrants, represents, confirms and agrees that it considers it has the necessary financial and technical resources to complete the Contract based on the information made available by the Contracting Entity at this pre-qualification stage.

Without prejudice to the above, the Contracting Entity reserves the right at its discretion to require the successful Preferred Tenderer to procure the provision to the Contracting Entity in respect of delivery of the Contract of:

- (i) a parent company guarantee or other form of financial security from a parent company or other Applicant Member, including any Entity Being Relied Upon (if applicable);
- (ii) a resource availability agreement in respect of resources being provided by any Entity Being Relied Upon;
- (iii) collateral warranties from any or all of its Subcontractors, or Applicant Members; and/or
- (iv) other suitable security arrangements;

to the satisfaction of the Contracting Entity.

The Contracting Entity will set out its requirements in this regard in the RFT documents. By submitting a Response to the PQQ, each Applicant warrants, represents and undertakes to the

Contract Entity that they can comply, or procure compliance as the case may be, with the requirements above upon request by the Contracting Entity.

Subject to the limitations set out in the PQQ with regard to certain criteria, the Applicant, and where a response is required from an Applicant Member, any Applicant Member may rely on the resources of an entity or entities in order to be admitted to participate in the tendering procedure (including, for the avoidance of doubt, with regard to demonstrating turnover and previous experience, but excluding relying on another entity for the purposes of compliance with the Health and Safety requirements Section B.6, Environmental Management Section B.7 or Quality Assurance Section B.8.). For clarity, an Applicant or Applicant Member shall not be entitled to rely on another entity for the purposes of meeting its Health and Safety, Environmental Management or Quality Assurance requirements when responding to this PQQ.

Where an Applicant (or any Applicant Member) relies on the resources of entities or undertakings with which it is directly or indirectly linked, whatever the legal nature of those links may be (including, for example, but not limited to, reliance on a parent company's resources), it must establish to the Contracting Entity's satisfaction that it has available to it the resources of that Entity(ies) Being Relied Upon (for example, by providing a letter from each such Entity Being Relied Upon confirming that it will provide the necessary support). Such letter of support must confirm that the Entity Being Relied Upon for the purposes of qualification will provide such support including for example the appropriate guarantee or other security evidencing their support at contract award stage, in form and substance acceptable to the Contracting Entity. The Contracting Entity reserves the right to require any form(s) of support including financial guarantee, etc. to be procured by the Applicant/ Applicant Member.

A.5.2 Consortium Applicants

Applicants for qualification may include individuals, partnerships, companies, groupings or any combination of the foregoing. If an Applicant completing this PQQ is doing so on behalf of a Consortium, full details of the Consortium must be provided.

The Applicant must also specify: (i) the nominated lead Applicant Member for the Consortium ('**Lead Consortium Member**'); and (ii) the role of each Applicant Member. The Applicant must specify in its PQQ Response the commercial and legal relationship amongst its members and any agreements giving effect to same.

While an Applicant is not required to take a particular legal form for the purpose of participating in this Procurement process, the Contracting Entity may, at its discretion and in particular, require the Applicant to contract:

- on the basis of joint and several liability amongst each of the Applicant Members;
- or
- with a particular single Applicant Member of the Applicant as the prime contractor (with some or all of the Applicant Members providing collateral warranties and/or guarantees);
- or
- as an incorporated or unincorporated special purpose vehicle (with guarantees from the other Applicant Members and/or collateral warranties from the other Applicant Members);

and in any event in a manner and on terms satisfactory to the Contracting Entity.

Lead Consortium Member: The nominated lead Consortium Member shall be authorised by all Applicant Members to act as the Applicant lead and primary contact point for the purposes of the Procurement.

A.6 PRE-SUBMISSION QUERIES

Applicants may not address queries to, or communicate with, the Contracting Entity or the Contracting Entity's consultants or contractors in relation to the Contract Notice or the PQQ other than in the manner provided in this section.

Each Applicant must fully satisfy itself as to the nature and requirements of the PQQ. If an Applicant considers that any aspect of the Contract Notice or the PQQ is not clear or is ambiguous, contains errors, or the Applicant has any queries regarding the scope of the proposed Contract, the manner in which the evaluation will be undertaken or how any of the selection criteria or other requirements will be applied, this must be raised with the Contracting Entity in accordance with this section A.6 (*Pre-Submission Queries*).

All final queries and questions should be **submitted via the eTenders website**, to be received no later than the Queries Deadline (specified in section A.3). Replies provided by the Contracting Entity will be made available to **Applicants (via eTenders website)** as soon as possible. The Contracting Entity will use reasonable endeavours to respond to queries received before the deadline above. The Contracting Entity may, at its discretion (but shall not be obliged to) respond to queries received after this date and time.

In order to avoid the duplication of queries, Applicants should ensure that all queries are submitted by a single Applicant Member (i.e. the Lead Consortium Member).

Confidential Queries

If an Applicant believes a query and/or the response relates to a confidential aspect of its PQQ Response, it must mark the query as 'confidential'. If the Contracting Entity, at its discretion, is satisfied that the query and/or its response should be properly regarded as confidential, the nature of the query and its response shall, subject to the following provisions, be kept confidential.

If the Contracting Entity is of the opinion that it would be inappropriate to answer the query/request on a confidential basis it will notify the Applicant and require the Applicant to either withdraw or reformulate the query or to raise any objection within two (2) days of such notification and state the grounds for its objection. If the Applicant does not withdraw or reformulate the query/request or raise any objection within the specified period, or the Contracting Entity is of the opinion that, notwithstanding the objection of the Applicant, the query/request is not confidential, the Contracting Entity may issue the query and its response to all of the Applicants.

Notwithstanding anything else in this PQQ, the Contracting Entity may, at its discretion, issue supplemental information to all Applicants at any time and for any reason (including in light of queries received, confidential or otherwise).

A.7 SUBMISSION OF COMPLETED QUESTIONNAIRES

The Questionnaire is attached in Section B hereto.

The PQQ sets out, in respect of each question, whether such question must be answered by:

- a) the Applicant as a whole;
- b) each Applicant Member; and/or
- c) any Entity Being Relied Upon.

Where a question is required to be answered by each Applicant Member and/or each Entity Being Relied Upon, the PQQ should be completed separately for each such Applicant Member and/or for each Entity Being Relied Upon, and submitted together with the other completed questionnaires as a single application. The PQQ Responses from each Applicant Member and each Entity Being Relied Upon will be evaluated as a single application (save where otherwise expressly provided).

For the pass/fail criteria, where a response is required to be completed separately by each Applicant Member and/or each Entity Being Relied Upon, such response shall be evaluated separately and each Applicant Member and/or Entity Being Relied Upon must pass the relevant pass/fail criterion for the Applicant to pass.

The Response should be clearly marked “TR5383-Supply, Implementation, Licensing, Support and Maintenance of an Enterprise-Grade Digital Preservation System”

Completed PQQ Responses must be submitted in PDF format and in the English language, preferably in Arial Font size 11, via the Government eTenders website only (www.eTenders.gov.ie), not later than **the PQQ Response Deadline (specified in section A.3)**, except as may be **otherwise notified by the Contracting Entity**. PQQ Responses submitted by any other means will not be accepted and will be returned. However, in the event that an Applicant experiences genuine technical difficulties with the eTenders website then the Contracting Entity reserves the right to accept applications submitted by other means, such as by courier. Completed tenders preferably should be uploaded as a zip file to protect the integrity of the file names.

The Applicant is fully responsible for the safe and timely submission of the PQQ Response.

In the case of an application by a Consortium, the Contracting Entity will be entitled, for the purposes of the Procurement process, to communicate with the Applicant by communicating only with the Lead Consortium Member and each Applicant Member shall thereby be deemed to have been communicated with.

A.8 POST-SUBMISSION CLARIFICATIONS

The Contracting Entity reserves the right to require any of the Applicants to attend meetings and/or interviews in Dublin or by video conference or telephone. In such event, the Applicant will bear all its own costs and expenses in attending any such meeting.

Applicants should note that the Contracting Entity may elect to hold such meetings and/or interviews with only those Applicants which the Contracting Entity considers, at its discretion, it necessary to do so.

If a Response fails to comply in any respect with any requirements of the PQQ (whether or not stated to be mandatory or similar) or the Contracting Entity considers it to be ambiguous or require clarification or amplification in any respect, the Contracting Entity may (but it is not obliged to) and, subject to applicable law, take such action as it considers appropriate in a given case, including (but not limited to):

- (1) disqualify the relevant Response as non-compliant;
- (2) without prejudice to the Contracting Entity's right to disqualify the Response:
 - (i) query and/or seek clarification from the Applicant in respect of the relevant Response; and/or
 - (ii) request the Applicant to provide the Contracting Entity with information or items which have not been provided or have been provided in an incorrect form; and/or
 - (iii) waive a requirement or a failure within the Response which, in the opinion of the Contracting Entity, is not material; and/or
 - (iv) amend a requirement and request all Applicants to submit revised or additional Responses on the basis of the amended requirements.

The Contracting Entity's decision as to whether a Response is compliant is final.

A.9 EVALUATION OF PQQ RESPONSES

For the avoidance of doubt, it is emphasised that the information requested in this PQQ is aimed at pre-qualifying and shortlisting Applicants for entry to the competitive tendering stage, i.e. RFT stage. Only at the said subsequent tendering stage will the pre-qualified and short-listed Applicants be invited to tender in response to the specific requirements of the proposed Contract in accordance with the award criteria specified in the tender documents.

Evaluation Stages

Without prejudice to the Contracting Entity's rights within this PQQ, Applicants' PQQ Responses shall be evaluated and short-listed as follows:

1. **Completeness:** Each Applicant's Response will be checked for completeness to ensure that each Applicant (including, if applicable, each Applicant Member and/or each Entity Being Relied Upon) has provided a complete Response to all questions and requirements contained in the PQQ and has submitted all necessary supporting documentation where required. Following any clarifications as described in paragraph A.8 (*Post-Submission Clarifications*) above, and at the Contracting Entity's discretion, the Contracting Entity may decide not to give further consideration to an incomplete Response, which will then be excluded from this Procurement process and the Applicant will be notified accordingly;
2. **Compliance:** Responses which are not excluded from this Procurement process for incompleteness will be checked for compliance with the Contracting Entity's requirements. Non-compliant Responses will be dealt with in accordance with paragraph A.8 (*Post-Submission Clarifications*);
3. **Pass/Fail:** Responses which are not eliminated will be evaluated in accordance with the pass/fail requirements set out below. Applicants should note that, subject to A.8 (*Post-submission Clarifications*), a failure to meet any of the "pass/fail" requirements, will eliminate an Applicant from any further consideration for this Procurement process;
4. Applicants who pass the pass/fail requirements will have their PQQ Response evaluated and scored in accordance with the evaluation criteria set out in Section B.9 (*Experience and Technical Capability*).
5. **Minimum Thresholds:** Responses which fail to achieve any of the minimum thresholds set out in Appendix 8 will not be given further consideration. The Response will be excluded from this Procurement process and the Applicant will be notified accordingly;
6. **Short-Listing:** Provided that a sufficient number of Applicants are qualified to be considered for shortlisting, following application of the procedures set out in this section A.9 (*Evaluation of PQQ Responses*), it is anticipated that the five (5) highest-scored Applicants will be short-listed and invited to proceed to the next stage of the Procurement process. The Contracting Entity however reserves the right (but has no obligation) to short-list and invite more or less than five (5) of the highest-scored Applicants.

For the avoidance of doubt, any one or more of the stages above may happen in sequence or concurrently.

Clarification

In accordance with section A.8 (*Post-Submission Clarifications*), the Contracting Entity may seek clarification or further information or both from one or more Applicants on their Response

Applicant withdraws or is excluded

If an Applicant who has prequalified and been short-listed in accordance with this section A.9 above, subsequently either withdraws or is excluded from the Procurement process, the Contracting Entity may, at its discretion and without any obligation whatsoever, invite the next highest scored Applicant, to enter into the Procurement process and to receive the RFT. In such circumstances the Contracting Entity will notify the affected Applicants accordingly and may amend the indicative Procurement Timetable.

A.10 PRE-QUALIFICATION EVALUATION TYPE TABLE

Below is the summary of the PQQ evaluation criteria and type.

Section	QUESTION/CRITERIA	Evaluation Type
B.1	Applicant Details, Employees/Resources, Group Company Details, Contact Details and Contracting Model	Information Only
B.2	Financial	Pass/Fail
B.3	Insurance	Pass/Fail
B.4	Requirements for Third Parties	Pass/Fail
B.5	Tax Clearance	Pass/Fail
B.6	Health & Safety	Pass/Fail
B.7	Environmental Management	Pass/Fail
B.8	Quality Assurance	Information only
B.9	Experience & Technical Capability	Qualitative (Scored)
B.10	Eligibility	Pass/Fail
B.11	Data Protection	Pass/Fail
B.12	Cybersecurity and Cloud	Pass/Fail

- *Information Only* - the information is required but will not be used for evaluation purposes.
- *Pass/Fail* – the information provided will be evaluated as pass/fail.
- *Qualitative* – the information will be evaluated and scored.

SECTION B - PRE-QUALIFICATION QUESTIONNAIRE

TO BE COMPLETED BY THE APPLICANT/ APPLICANT MEMBER/ ANY ENTITY BEING RELIED UPON

Questionnaire No. :	342154-2026
Contracting Entity Reference :	TR5383
Date Issued :	See etenders.gov.ie
Return Completed Version by :	See etenders.gov.ie
For the attention of :	Fiona Farrell, IT & Telecoms, Procurement, Enterprise Services, ESB
Email Address :	See etenders.gov.ie

Applicant's name: _____

The PQQ sets out, in respect of each question, whether such question must be answered by:

- a) the Applicant as a whole;
- b) each Applicant Member;
- c) any Entity Being Relied Upon.

(Before completing please see: (i) definition of 'Applicant Member' and of "Entity Being Relied Upon" in section A.1.5 (*Definitions*), (ii) section A.5 (*Applicant Composition*) and section A.7 (*Submission of Completed Questionnaires*)).

B.1. APPLICANT / APPLICANT MEMBER DETAILS (FOR INFORMATION PURPOSES ONLY- THESE ARE NOT PASS/FAIL CRITERIA)

B.1.1 Applicant/ Applicant Member information:

To be completed by each Applicant and, in the case of a Consortium, each Applicant Member, save for questions 8, 9, 10, 11, 14, 16, 17 and 18, which should be completed by the Lead Consortium Member only on behalf of the Applicant. The Applicant should answer yes to one of questions 8 or 9 or 10 or 11.

Ref No.	Question	Applicant's Response Tick box or specify as appropriate
1	Name/Registered Name:	
2	Address/Registered Address:	
3	Registered Number:	
4	Year of Registration:	
5	Country of Registration:	
6	Website:	
7	Type of Organisation/Trading Status (tick box)	Incorporated ☐ Type of incorporated company: (please specify) Partnership ☐ Sole Trader ☐ Other (please specify):
8	Single Applicant <u>not</u> relying on the resources of any other entity (e.g. a parent company)	Yes: ☐ No: ☐
9	Single Applicant relying on the resources of any other entity (e.g. a parent company)	Yes: ☐ No: ☐

10	Applicant with Applicant Members <u>not</u> relying on the resources of other entity (other than of Applicant Members) (e.g. a parent company)	Yes: ☐ No: ☐
11	Applicant with Applicant Members relying on the resources of other entity (other than of Applicant Members) (e.g. a parent company)	Yes: ☐ No: ☐
12	Year Applicant formed/incorporated: Applicant is a SME	Date:..... Yes: ☐ No: ☐
13	Please provide a chart for the Applicant (and in the case of a Consortium a separate chart for each of the Applicant Members) showing the management personnel hierarchy and the group ownership structure for the Applicant and for each of the Applicant Members.	Is Chart(s) enclosed: Yes: ☐ No: ☐
14.	If the answer is yes to 9 or 11 above please provide the name, address and contact details of the Entity Being Relied Upon (or entities if more than one) and the exact resources of that entity that will be relied upon [noting that an entity cannot be relied upon for Health and Safety compliance, Environmental Management and Quality Assurance].	Details attached: Yes: ☐ No: ☐ (Applicants are also referred to Section A.5.1 of the PQQ which requires Applicant to provide Letter of Support)

15	Please attach a brief trading history of the Applicant (and in the case of a Consortium each Applicant Member) limited to 400 words per applicant / applicant member. Please ensure that you also include with your trading history any company name changes, mergers, take-overs etc. in the past five years and any that are imminent.	Details enclosed: Yes ☐ No ☐
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B.1.2 Employees/Resources of the Applicant/ Applicant Member/Entity Being Relied Upon

To be completed by each Applicant and, in the case of a Consortium, each Applicant Member and by any Entity Being Relied Upon (in respect of the exact resources under the relevant heading 1-5 below that they are being relied upon for).

Ref No.	Number of Employee/Resources (end of year numbers)	2023	2024	2025
1	Management			
2	Financial			
3	Technical			
4	Health & Safety			
5	Other			

B.1.3. Group Company Details (where applicable)

To be completed by each Applicant, and in the case of a Consortium each Applicant Member, and by any Entity Being Relied Upon

Ref No.	Question	Applicant's Response
1	Name of parent company of Applicant and each Applicant Member and of any Entity Being Relied Upon and its registered address:	Name: Registered Address:
2	Name of ultimate parent company of Applicant and each Applicant Member and of any Entity Being Relied Upon and its registered address:	Name: Registered Address:

B.1.4 Applicant's contact details (or in the case of a Consortium, the contact details of the Lead Consortium Member)

To be completed by the Applicant only

Ref No.	Question	Applicant's Response
1	Name of Contact Person:	
2	Position/ Role:	
3	Telephone No.	
4	E-mail address.	

B.1.5. Contracting model

To be completed by the Applicant only (or in the case of a Consortium, the Lead Consortium Member).

The purpose of this section is for Applicant only (or, in the case of a Consortium, the Lead Consortium Member) to provide details of their proposed contracting model/structure to carry out the Project. Please identify which of the following statements reflect the proposed contracting model: -

Ref No.	Question	Applicant's Response Tick box or specify as appropriate
1	Bidding as a prime contractor and will deliver 100% of the Contract deliverables/works yourself	Yes ☐
2	Bidding as a prime contractor and will use third parties to deliver <u>some</u> of the Contract deliverables/works If yes, please provide details of your proposed contracting model that includes which deliverables/ works that you intend to sub-contract.	Yes ☐ Details Attached? Yes ☐
3	Bidding as prime contractor but will operate as a managing agent and will use third parties to deliver <u>all</u> of the Contract deliverables/works. If yes, please provide details of your proposed contracting model that includes which deliverables/ works that you intend to sub-contract.	Yes ☐ Details Attached? Yes ☐

4	Bidding as a Consortium but not proposing to create a new legal entity If yes, please include details of your Consortium (including full details of the Consortium, including details required in Section B.1 (<i>Applicant Details</i>) in respect of each of the Applicant Members). See Section A.5.2. on Consortium Applicants.	Yes ☐ Details Attached? Yes ☐
5	Bidding as a Consortium and intend to create a new legal entity. If yes, please include details of your Consortium (including full details of the Consortium, including details required in Section B.1 (<i>Applicant Details</i>) in respect of each of the Applicant Members), and intended legal entity. Explain the basis on which the Consortium will be established including legal form, percentage shareholding of Applicant Members and Consortium structure chart and the form of share ownership. See Section A.5.2. on Consortium Applicants.	Yes ☐ Details Attached? Yes ☐

B.2 FINANCIAL STANDING (PASS/FAIL CRITERIA)

B.2.1 Minimum Turnover (Pass/Fail)

To be completed by Applicant or, in the case of a Consortium, each Applicant Member, and any Entity Being Relied Upon for **financial** resources.

Ref No.	Question	Applicant's Response
B.2.1	Based on the evidence provided in response to Section B.2.3 below, please confirm that you comply with (a) or (b) or (c) or (d): (a) in the case of a single Applicant <u>with no</u> Entity Being Relied Upon for financial resources, that the average turnover is a minimum of €320k, excluding VAT, over the two previous financial years (i.e. the aggregate turnover for the two years divided by two); or (b) in the case of a single Applicant <u>with an</u> Entity Being Relied Upon for financial resources, that the combined or consolidated average turnover of the Applicant and of the Entity Being Relied Upon is a minimum of €320K, excluding VAT, over the two previous financial years (i.e. the aggregate turnover for the two years divided by two); or (c) in the case of a Consortium where <u>no</u> Applicant Member is relying for financial resources on an Entity Being Relied Upon, that the average turnover for each Applicant Member, is a minimum of €320K, excluding VAT, over the two previous financial years (i.e. the aggregate turnover for the two years divided by two) and that the Consortium has a combined average turnover of a minimum of €320K, excluding VAT, over the two previous financial years (i.e. the aggregate turnover for the two years divided by two); or (d) in the case of a Consortium where an Applicant Member <u>is</u> relying for financial resources on an Entity Being Relied Upon that the average turnover for each Applicant Member (consolidated with their Entity Being Relied Upon) is a minimum of €320K, excluding VAT, over the two previous financial years (i.e. the aggregate turnover for the two years divided by two) and that the combined or consolidated average turnover of the Consortium (including of the Entity Being Relied Upon) is a minimum of €320K, excluding VAT, over the two previous financial years (i.e. the aggregate turnover for the two years divided by two).	Confirmed? Yes: ☐ No: ☐

B.2.2 Statement of Going Concern (Pass/Fail)

To be completed by the Applicant or, in the case of a Consortium, each Applicant Member, and any Entity Being Relied Upon

Ref No.	Question	Applicant's Response
B.2.2	Please enclose a statement from a Director of the Applicant, of each Applicant Member, and of each Entity Being Relied Upon, based on the current financial evidence available, certifying that the entity in question: (a) is a going concern, (b) that its average turnover as specified in section B.2.1, based on available forecasts, remains valid into the future, <u>and</u> (c) that it has the financial and operational capacity to: (i) trade successfully for the next 12 months, and (ii) deliver such of the Contract requirements as are proposed to be delivered by such entity from the date of Response to this PPQ, (a “Going Concern Statement”). Notwithstanding the above, the Contracting Entity reserves the right to raise further queries in relation to this Going Concern Statement with the Applicant, and to seek explanation(s) where the Applicant's past financial results, in any of the financial statements submitted, show financial issues which could give rise to uncertainty regarding the validity of the Going Concern Statement, such as, for example, post-tax losses, or an adverse capital and reserves position, or other material issues. In this case, the onus shall be on the Applicant to demonstrate and explain to the reasonable satisfaction of the Contracting Entity that any concerns or financial issues will not have an adverse bearing on the ability of the Applicant to perform the Contract, before the Applicant can achieve a Pass.	Going Concern Statement meeting the requirements enclosed? Yes: ☐ No: ☐

B.2.3 Financial Statements (Pass/Fail)

To be completed by Applicant or, in the case of a Consortium, each Applicant Member, and each Entity Being Relied Upon for financial resources.

Ref No.	Question	Applicant's Response
B.2.3	One copy in respect of each of: - the Applicant; - each Applicant Member; and - each Entity Being Relied Upon for financial resources; of full audited financial statements in English, including all notes to the financial statements, for each of the last three most recent financial years for which audited financial statements are available, or for the period that statements are available if trading for less than three years, which disclose: (i) annual turnover in each year, and (ii) an audit report in each year. Financial statements must include an income statement and detailed balance sheet and, where included in the financial statements, a cash flow statement. Where the audit report disclosed is modified, or an emphasis of a matter or other matter is included in the audit report	Information meeting the requirements enclosed? Yes: ☐ No: ☐

	(‘Modification(s) to Audit Report’), a Director (or if not a company, a representative) of the Applicant, Applicant Member or Entity Being Relied Upon must provide in writing a reason(s) for the Modification(s) to Audit Report, explaining why the matter(s) disclosed in the Modification(s) to Audit Report will not have a bearing on its ability to perform the Contract. Where the Applicant, each Applicant Member and each Entity Being Relied Upon is not legally required to prepare full audited financial statements, the following, for the three most recent years (or if trading for less than three years, for the period trading), must be submitted by the Applicant, each Applicant Member and each Entity Being Relied Upon: (i) a statement of turnover, (ii) full profit & loss accounts, (iii) cash flow statements, and (iv) end period balance sheets. These documents should be signed by an authorised signatory e.g. Director of the Applicant, of each Applicant Member or of each Entity Being Relied Upon. The minimum requirements for the purpose of passing this section B.2.3 is the provision of the information required and, where Modification(s) to Audit Report has been submitted, the Contracting Entity being satisfied that the reason(s) for such Modification(s) to Audit Report will not have an adverse bearing on the ability of the Applicant to perform the Contract.	
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B.2.4 Not Used

B.2.5 Guarantee (e.g. Parent Guarantee) (Pass/Fail)

To be completed only by an Applicant who will be relying on the financial resources of another entity.

Ref No.	Question	Applicant's Response
B.2.5	Where the Applicant (or in the case of a Consortium, an Applicant Member) has confirmed in this PQQ that they will be relying on the financial resources of another entity (e.g. ultimate holding company/ parent company), then the Applicant must provide a confirmation from such other entity that it is aware it is being relied upon in this PQQ and that it will, if requested, provide a guarantee or bond or other similar security to the satisfaction of the Contracting Entity for the completion of the obligations under the Contract.	Confirmation meeting the requirements of B.2.5 enclosed? Yes: ☐ No: ☐

This section B.2.5 is without prejudice to the provisions of section A.5.1 above.

B.2 Financial Standing

Each of the criteria above is passed by a response which in the opinion of the Contracting Entity satisfies the requirements for a “yes” response (i.e., the documentation provided meets the requirements of the relevant criterion), and is failed by responding “no” (or by a response which fails to meet the requirements for a yes response).

Applicants should note that the Contracting Entity reserves the right to request further financial information if required, at its discretion, however it is under no obligation to do so.

B.3 INSURANCE (PASS/FAIL CRITERIA)

B.3 Insurance Cover

To be completed by each Applicant or, in the case of a Consortium, each Applicant Member.

Each Applicant (or each Applicant Member) must provide a statement from their Insurer (as defined in section A.1.5) confirming that the Applicant /Applicant Member currently has in place the below stated minimum levels of insurances.

OR

If the Applicant (or each Applicant Member) currently has lower levels of insurance cover in place, provide a statement from their Insurer(s) (as defined in section A.1.5) : (i) outlining their current levels of insurance, and (ii) confirming that, in the event the Applicant is successful in this Procurement process, it is willing to provide the Applicant/Applicant Member with the required levels of insurance prior to the award of Contract.

Ref No.	Question		Applicant's Response
1	Attach statement from Insurer(s) that the required minimum levels of insurance cover are in place	Public/Products Liability Insurance with a minimum indemnity limit of €6.5million euro, in respect of each and every claim, and in aggregate in respect of Products Liability, with an Irish or worldwide excluding USA/Canada jurisdiction clause.	Statement meeting the requirements of this section B.3 provided. Yes: ☐ No: ☒
2	OR Attach statement from Insurer(s) of current levels of insurance and confirmation of willingness to provide the higher required levels if the Contract is awarded.	Employer's Liability Insurance With a minimum indemnity limit of €13 million euro, in respect of each and every claim, with an Irish or worldwide excluding USA/Canada jurisdiction clause.	Yes: ☐ No: ☐
3		Cyber Liability Insurance with a minimum indemnity limit of €1 million euro any one event and in the annual aggregate with a Worldwide (excluding USA/Canada) Jurisdiction clause.	Yes: ☐ No: ☐

B.3 Insurance

To achieve a pass, the Applicant or each Applicant Member (in the case of a Consortium) must provide a statement from their Insurer(s) (as defined in section A.1.5) meeting the requirements of this Section B.3 above.

Note: Applicants and each Applicant Member (in the case of a Consortium) should note that the Contracting Entity will specify in the RFT documents full details of the minimum insurances requirements to be met by the Contractor. The pre-qualified Applicants may be required to provide evidence to the Contracting Entity on request that they are able to meet these minimum insurance requirements.

B.4 REQUIREMENTS FOR THIRD PARTIES (PASS/ FAIL)

To be completed by each Applicant or, in the case of a Consortium, by each Applicant Member.

Ref No.	Question	Applicant's Response Tick box or specify as appropriate
B.4.1	Each Applicant or, in the case of a Consortium, each Applicant Member is required to confirm that they will comply with all the requirements in the attached document, ESB Requirements for Third Parties Document – see Appendix 4.	Confirmed? Yes: ☐ No: ☐
B.4.2	Each Applicant or, in the case of a Consortium, each Applicant Member is also required to complete and submit the attached Certificate of Compliance with ESB employment standards (pre-contract) in the form attached at Appendix 3.	Completed Certificate attached? Yes: ☐ No: ☐

B.4 Requirements for Third Parties

To achieve a pass, the Applicant or, in the case of a Consortium, each Applicant Member must provide the information requested above in B.4.1 and B.4.2.

B.5 TAX CLEARANCE (PASS/FAIL)

To be completed by each Applicant or in the case of a Consortium by each Applicant Member.

Ref No.	Question	Applicant's Response
B.5.1	a. Each Applicant or each Applicant Member shall provide a current valid tax clearance certificate issued from the Irish Revenue Commissioners OR b. Alternatively each Applicant or each Applicant Member shall grant the Contracting Entity permission to access and verify its tax clearance position on-line by specifying here their Tax Clearance Access Number and their PPSN/ Reference Number OR c. In the event that each Applicant or each Applicant Member do not have a current tax clearance certificate from Irish Revenue, they shall attach a statement undertaking to furnish a valid tax clearance certificate or tax clearance access number and PPSN/Reference Number from Irish Revenue should the Applicant be pre-qualified from this PQQ.	Certificate meeting the requirements of B.5.1 attached? Yes: ☐ OR Tax Clearance Access No. _____ and _____ PPSN/Reference No. _____ OR Statement meeting the requirements of B.5.1 attached? Yes: ☐ No: ☐

B.5 Tax Clearance

To achieve a pass, the Applicant or, in the case of a Consortium, each Applicant Member must comply with any of B.5.1 a. or b. or c. above.

B.6 HEALTH & SAFETY (PASS/FAIL)

To be completed by each Applicant or, in the case of a Consortium by each Applicant Member. Please note that another entity cannot be relied upon for the Health and Safety requirements of this PQQ.

Ref No.	Question	Applicant's Response	Pass / Fail or Score
B.6.1	Does your organisation operate a safety management system certified by an accredited independent third party as complying with ISO 45001, Safe T Cert or an equivalent safety management system. If yes, please provide a copy of the up to date certificate. If you answered "Yes" and provided the relevant information please do <u>not</u> respond to B.6.1.1 to 6.1.4. If you answered "No" to B.6.1 please outline the key elements of the safety management system in your organisation. In responding to this question please provide the following information:	Yes: ☐ No: ☐	Pass / Fail To achieve a pass the Applicant or, in the case of a Consortium each Applicant Member, must demonstrate that it operates either: (i) a certified safety management system, or (ii) a safety management system that effectively provides the key requirements of safety management as outlined in B.6.1.1. to B.6.1.4
B.6.1.1	A current signed and dated Safety Statement or equivalent that complies with current legislative requirements (Please see below in this section B.6 for the definition and contents of a Safety Statement or its equivalent);	Document / Details / Responses attached ☐	
B.6.1.2	Outline details as to how your organisation ensures legal compliance with regards to health and safety laws;		
B.6.1.3	Outline how safety performance is measured and monitored within your organisation; and		
B.6.1.4	Outline the process in your organisation for auditing and reviewing safety performance.		
B.6.2	Has your organisation (or any subsidiaries / sub-contractors whilst carrying out work on behalf of your organisation) or any of its directors or executive officers been served an improvement notice, a prohibition notice or been convicted for offences under SH&W Legislation (or equivalent, outside Ireland) in the previous 3 years to the date of this application?	Yes: ☐ No: ☐	Pass / Fail To achieve a pass the Applicant or, in the case of a Consortium each Applicant Member, must either: (i) answer 'No' to question B.6.2, or (ii)

B.6.2.1	If you answered “No” to section B.6.2 please do <u>not</u> respond to B.6.2.1. If you answered “Yes” to section B.6.2 then please provide details of improvement notice, prohibition notice or any conviction for offences under SH&W Legislation (or equivalent, outside of Ireland) served on the organisation in the previous 3 years to the date of this application in any jurisdiction. In responding to this question, please provide the following information: i. Jurisdiction; ii. Date of issue; iii. Reason / root cause of occurrence; iv. Resulting improvement /remedial action or changes your organisation has made; v. Evidence that the improvement notice or prohibition notice has been lifted to the satisfaction of the relevant health and safety regulator for that jurisdiction or that appropriate and detailed proposals that have been prepared for submission to the relevant health and safety regulator to the satisfaction of the Contracting Entity. The Contracting Entity reserves the right to raise further queries and / or seek further information during the PQQ clarification stage of the competition in order to validate compliance with its requirements.	Document / Details/ Response attached? ☐	confirm to ESB’s satisfaction through the details provided in answering B.6.2.1 that effective improvements or changes have been/are being implemented to allow the lifting of any improvement or prohibition notice by the relevant health and safety regulator.
B.6.3	Does your organisation use subcontractors for any of the activities pertaining to this Contract? If you answered “No” to the above question then please ignore section B.6.3.1. If you answered “Yes” please answer B.6.3.1.	Yes: ☐ No: ☐	Pass / Fail To achieve a pass the Applicant or, in the case of a Consortium each Applicant Member, must answer (i) “No” to question B.6.3 or (ii) confirm to ESB’s satisfaction through the details provided in answering B.6.3.1 that it has a process in place for the
B.6.3.1	If your organisation uses subcontractors does it have a process in place to manage its subcontractor	Yes: ☐ No: ☐	

	compliance with your safety management system? Please provide a documented process / procedure / form on how the organisation evaluates, monitors and reviews health and safety compliance by the subcontractors that work for the organisation	Details attached? ☐	effective evaluation, monitoring and performance review of subcontractors' health and safety compliance.
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B.6. Health & Safety

The Applicant or each Applicant Member must provide satisfactory answers in compliance with Sections B.6.1, B.6.2 and B.6.3 to achieve a pass.

The Contracting Entity reserves the right to further review the Health and Safety information provided by Applicants or seek further information from Applicants during the PQQ clarification stage of the competition in order to validate compliance with its requirements.

Definitions applicable to this section B.6:

Safety Statement: means a written document which specifies how health and safety is managed within the business. The Safety Statement will also contain your safety policy, risk assessments and the controls required to minimise the risks from the hazards in the workplace, as well as detailing the names of those responsible for putting them into practice.

The Safety Statement should be based on the identification of the hazards which are risk assessed and the necessary control measures that must consequently follow.

It must:

- specify how the safety and health of all employees is secured and managed;
- specify the hazards identified and risks assessed;
- give details of how the employer manages its safety and health responsibilities, including a commitment to comply with legal obligations, the protective and preventive measures taken, the resources provided for safety and health at the workplace and the arrangements used to fulfil these responsibilities;
- include the plans and procedures to be used in the event of an emergency or serious danger;
- specify the duties of employees, including the co-operation required from them on safety and health matters;
- include the names and job titles of people appointed with responsibility for safety and health or for performing the tasks set out in the statement;
- be written in a form, manner and language that will be understood by all;
- include a review mechanism;
- have regard to the relevant SH&W Legislation;

The Safety Statement or its equivalent can refer to specific procedures contained in other documents.

Lost Time Injury means any injury sustained by an employee while on the job that prevents that employee from being able to perform his/her job for at least one day/shift.

Reportable Accident: means an injury of any employee as a result of being at work where the injury results in the employee being unable to carry out his/her normal work for more than three consecutive days, excluding the day of the accident.

An '**accident**' means an accident arising out of or in the course of employment which, in the case of a person carrying out work, results in personal injury.

In calculating the '**days**', Applicants should include weekends and other non-working days.

The following are examples of Reportable Accidents:

- an employee, which includes a trainee, who normally has Saturday and Sunday off work, is injured on Wednesday and returns to work the following Monday.
- a driver or a passenger is involved in a road traffic accident while driving or riding in the vehicle in the course of work and he is out of work for more than three days.
- an employee, while lifting boxes on Monday, hurts her back. She returns to work on Thursday but she can only do light duties for the next week. Even though she was not absent for more than three days, she could not perform her normal work for more than three days.

B.7 ENVIRONMENTAL MANAGEMENT (PASS/FAIL)

To be completed by each Applicant, or, in the case of a Consortium, the Applicant Member who will have primary environmental management obligations arising under the Contract, as identified in section B.1.1 Item 17. Please note that another entity cannot be relied upon for the Environmental Management requirements of this PQQ.

Ref No.	Question	Applicant's Response
B.7.1	Does your organisation have a documented policy statement on the protection of the environment and the application of good environmental practices. If yes, please include a copy.	Yes: ☐ No: ☐ Copy attached _____
B.7.2	Not used	
B.7.3	Has your organisation been convicted or served with a notice under environmental legislation by any environmental regulator or authority (including local authority) in the last 3 years prior to date of this application. If yes , please provide details of the conviction or notice and details of any remedial actions or changes your organisation has made or proposes to make as a result of these convictions or notices served.	Yes: ☐ No: ☐ Details attached? ☐
B.7.4A	Does your organisation use subcontractors for carrying out any of the activities pertaining to this Contract? If you answered " No " to the above question, then please ignore questions B.7.4B (a), (b) and (c). If you have answered " Yes " please answer questions B.7.4B (a), (b) and (c).	Yes: ☐ No: ☐
B.7.4B	In respect of subcontractors does your organisation have processes in place to: a. Ensure that all subcontractors apply environmental protection measures that are appropriate to the activity for which they are being engaged?	Yes: ☐ No: ☐ Is a description of the relevant process & controls attached? ☐

	(b) Monitor subcontractor compliance with your environmental policy?	Yes ☐ No ☐ Is a description of relevant process & controls attached? ☐
	(c) Monitor whether subcontractors have been convicted or served with a notice for infringement of environmental legislation?	Yes ☐ No ☐ Is a description of relevant process & controls attached? ☐

B.7. Environmental Management

To achieve a pass for B.7.1, the Applicant or in the case of a Consortium, the Applicant Member, having primary environmental management obligations arising under the Contract, must answer Yes to Question B.7.1 and provide a valid environmental policy statement.

B.7.2 - Not used.

To achieve a pass for B.7.3, the Applicant, or in the case of a Consortium, the Applicant Member having primary environmental obligations, must either answer 'No' to Question B.7.3 or if answering 'Yes', will pass if they submit details to reasonably satisfy the Contracting Entity that appropriate remedial action has been taken in order to satisfy the relevant authority in relation to any convictions or notices served under environmental legislation.

To achieve a pass for B.7.4, the Applicant or in the case of a Consortium, the Applicant Member, having primary environmental management obligations, must answer 'No' to Question B.7.4A or if answering 'Yes' to Question B.7.4A then it must answer 'Yes' to the three questions in B.7.4B (a) and (b) and (c) and confirm in the details provided that it has the key processes to monitor subcontractors environmental compliance.

B.8 QUALITY ASSURANCE (INFORMATION ONLY)

To be completed by each Applicant or, in the case of a Consortium, by the Applicant Member who will have primary quality assurance responsibilities arising under the Contract. See section B.1.1 Item 18 Quality Assurance question. Please note that another entity cannot be relied upon for the Quality Assurance requirements of this PQQ.

Ref No.	Question	Applicant's Response
B.8.1	Does your organisation have a documented Quality Assurance System?	Yes ☐ No ☐
B.8.2	Does your organisation operate a Quality Assurance System certified by an accredited, independent third party as complying with EN ISO 9001 or equivalent?	Yes ☐ No ☐

	If yes, please attach copies of your current certificates.	Details attached? ☐
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B.8 Quality Assurance - Information Only.

B.9 EXPERIENCE AND TECHNICAL CAPABILITY (QUALITATIVE (SCORED))

The purpose of this **Section B.9** is to assess the experience, capability, and technical competence of the Applicant in delivering an enterprise-grade Digital Preservation System comparable in scope, complexity, scale, security sensitivity, and regulatory requirements to the proposed Contract.

Where a Response is not eliminated for failure to meet the pass/fail criteria set out in this document, the experience and technical capability demonstrated in response to section B.9 will be evaluated on a qualitative basis.

The Applicant should note that there is a requirement to achieve a minimum score of 60% of the score available for the criteria in B.9 (i.e. a minimum score of 600 out of 1000).

In addition, the Applicant must achieve a minimum aggregate score of 60% of the total score available for each project submitted (i.e. a minimum score of 300 out of 500). These minimum scores and maximum scores available are also detailed in Appendix 8, Qualitative Evaluation Criteria and Scoring Table.

An Applicant who fails to achieve these minimum scoring requirements will not be eligible for further consideration and the Applicant will not pre-qualify to the next stage of the procurement process.

B.9.1 Qualitative Evaluation of Experience and Technical Capability

The Response will be evaluated under the following criteria:-

- a. Relevant Project/Contract Experience of the Applicant (or, in the case of a Consortium, the Applicant Members);

A breakdown of the evaluation criteria and maximum sub-criteria scores available is provided in the Qualitative Evaluation Criteria and Scoring Table in Appendix 8 and the Qualitative Evaluation Guidance Table provided in Appendix 9.

B.9.2 Relevant Project / Contract Experience of the Applicant and/or Applicant Members – Response Format

The Contracting Entity is seeking to select Applicants with demonstrated experience in the Supply, Implementation, Licensing, Support, and Maintenance of an Enterprise-Grade Digital Preservation System or equivalent long-term digital archive platform projects with characteristics set out below.

Project Characteristics

(i) Project Scope

The ability to deliver, implement and operate a project aligned to the project scope set out above and in A.1.1.

(ii) Complexity

The ability to deliver the complexity associated with implementing a project aligned with the project scope set out above and in A.1.1.

(iii) Size and Scale

Experience delivering digital preservation or archival solutions at enterprise or public sector scale, supporting large and growing data volumes. This should include multi-year operational services delivered within regulated or high-assurance environments (e.g. utilities, public sector, or similar).

In response to this criterion B.9.2, Applicants or, in the case of a Consortium each Applicant Member, must provide information on two (2) reference projects. Reference project titles must be listed on the “*Previous Experience – Reference Project Register*” provided in Appendix 5. Only two (2) projects may be listed on behalf of the Applicant (whether carried out by a single Applicant, or, in the case of a Consortium, by one or more Applicant Members).

If more than two (2) projects are submitted by any Applicant or, in the case of a Consortium by each Applicant Member, only the first two (2) listed will be assessed.

Applicants’ or, in the case of a Consortium by each Applicant Member’s, information must only be provided in relation to relevant projects/contracts completed since 1st January 2022.

All information provided in response to this criterion B.9.2 must be submitted using the form provided in Appendix 6.

B.9.3. – Not Used

B.9.4. – Not Used

B.9.5 Qualitative Evaluation Guidance Notes (For information - no response required):

For the purposes of the evaluation of responses to Section B.9:

1. Failure to respond to any of the criteria in Section B.9 will result in no score being achieved for that section.
2. In relation to the evaluation of reference projects, the Contracting Entity will evaluate both completed reference projects and reference projects which are under completion.
3. “Completed” means a concluded contract or one where practical completion or take-over has been achieved since 1st January 2022 and the project is no longer under execution.
4. Reference projects which are under completion will score lower than Completed reference projects as specified on the Qualitative Evaluation Criteria and Scoring Table in Appendix 8.
5. Failure to supply information on two reference projects in response to criteria B.9.2 will achieve a lower score, as marks are divided evenly across the two (2) reference projects. See Qualitative Evaluation Criteria and Scoring Table in Appendix 8 for details of sub-criteria scoring/ weighting.
6. The same reference projects can be submitted to demonstrate experience in response to section B.9.2. There is no scoring advantage for the submission of different reference projects in response to a different section.

B.10 ELIGIBILITY (PASS/FAIL)

To be **completed** by each **Applicant** or, in the case of a Consortium by **each Applicant Member**. Please note that another entity cannot be relied upon for the Data Protection requirements of this PQQ.

Ref No.	Question	Response Tick box or specify as appropriate
B.10.1	The Applicant or Applicant Member is bankrupt or is being wound up or its affairs are being administered by the court or it has entered into an arrangement with creditors or has suspended business activities or is in any similar situation arising from any similar procedure under any applicable laws and regulations.	Yes ☐ No ☐
B.10.2	The Applicant or Applicant Member is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or for an arrangement with creditors or of any other similar proceedings under any applicable laws and regulations.	Yes ☐ No ☐
B.10.3	The Applicant or Applicant Member has been found guilty of professional misconduct by a judgement of a competent authority that is authorised by law to hear and determine allegations of professional misconduct against persons, including the Applicant or the Applicant Member, or been guilty of grave professional misconduct in the course of their business.	Yes ☐ No ☐
B.10.4	The Applicant or Applicant Member has not fulfilled its obligations relating to the payment of taxes or social security contributions in Ireland or any other country in which the Applicant or the Applicant Member is located.	Yes ☐ No ☐
B.10.5	The Applicant or Applicant Member has been found guilty of fraud as defined in S.I. 284 of 2016.	Yes ☐ No ☐
B.10.6	The Applicant or Applicant Member has been found guilty of money laundering as defined in S.I. 284 of 2016.	Yes ☐ No ☐
B.10.7	The Applicant or Applicant Member has been found guilty of corruption as defined in S.I. 284 of 2016.	Yes ☐ No ☐
B.10.8	The Applicant or Applicant Member has been convicted of being a member of a criminal organisation as defined in S.I. 284/2016.	Yes ☐ No ☐
B.10.9	The Applicant or Applicant Member has been found guilty of terrorist offences as defined in S.I. 284 of 2016.	Yes ☐ No ☐

B.10.10	The Applicant or Applicant Member has been found guilty of child labour or other forms of trafficking in human beings as defined in S.I. 284 of 2016.	Yes ☐ No ☐
B.10.11	The Applicant or Applicant Member has been found by the relevant authority to have breached any of: I. the Competition Acts 2002-2014 (as amended) or their predecessors, the Competition Acts 1991 and 1996; II. Article 81 of the Treaty of Rome or Article 101 of the Treaty on the Functioning of the European Union ("TFEU"); III. Article 82 of the Treaty of Rome or Article 102 of the TFEU; or IV. any competition law of any jurisdiction.	Yes ☐ No ☐
B.10.12	The Applicant or Applicant Member or any entity or person that controls (whether by way of a shareholding or otherwise) the Applicant or Applicant Member is subject to any Sanctions ² .	Yes ☐ No ☐
B.10.13	The Applicant or Applicant Member has, within the past three years, in any jurisdiction, shown significant or persistent deficiencies in the performance of a substantive requirement under a prior contract with ESB or any ESB group entity, a prior public contract, a prior contract with a contracting entity or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions	Yes ☐ No ☐

If you have answered yes to any of the above questions, please provide details. The Contracting Entity reserves the right to raise further queries and request further details. Please note that the Contracting Entity reserves the right, but has no obligation, to exclude Applicants from the Procurement process who have answered yes to any of the questions in Section B.10

² Sanctions in B.10.12 means the economic sanctions laws, regulations, embargoes or restrictive measures administered, enacted or enforced by any of the Sanctions Authorities (being the US government, the United Nations Security Council, the European Union, the United Kingdom or the respective Governmental Authorities of any of the foregoing including without limitation, OFAC, the US Department of State and Her Majesty's Treasury.

B.11 DATA PROTECTION (PASS/FAIL)

To be **completed** by each **Applicant** or, in the case of a Consortium by **each Applicant Member**. Please note that another entity cannot be relied upon for the Data Protection requirements of this PQQ.

To be completed by each Applicant or, in the case of a Consortium by each Applicant Member. Please note that another entity cannot be relied upon for the Data Protection requirements of this PQQ.			
Ref No.	Question	Applicant's Response	Pass / Fail or Score
B.11.1	Does your organisation have a documented policy and processes in place to comply with Data Protection Laws which covers how the below aspects are managed? - Principles of Data Protection Laws - Data Subject Rights - Transfers to Third Parties - Breaches of Data Protection Laws - Governance	Yes: ☐ No: ☐	Pass / Fail To achieve a pass the Applicant or, in the case of a Consortium each Applicant Member, must confirm that they have documented policy and processes in place
B.11.2.1 B.11.2.2	Does your organisation operate to a recognised information security standard such as ISO27001 or equivalent? If yes, please provide a copy of the up to date Certification. If you answered "Yes" and provided the relevant information please do <u>not</u> respond to B.11.2.2 If you answered 'No', please outline the key elements of the information security standard in operation in your organisation including: - Organisation of Information Security - Outlines if any audits are conducted - Physical security and access - Anti-virus protection - Data transfer security/encryption - Access controls - Incident Management process - Data back-up and storage - Network Security - Disaster Recovery/Business Continuity	Yes: ☐ No: ☐ Document / Details / Responses attached ☐	Pass / Fail To achieve a pass the Applicant or, in the case of a Consortium each Applicant Member, must demonstrate that it operates either: (i) a certified information security standard, or (ii) a management system that effectively provides the key requirements of information security as outlined in B.11.2.2

B.11.3.1	Has your organisation (or any subsidiaries / sub-contractors you propose to use pertaining to this Contract) been investigated, fined, penalised or subject to an enforcement action by a data protection authority whilst carrying out work on behalf of your organisation in the last 3 years prior to date of this application?	Yes: ☐ No: ☐ Document / Details/ Response attached? ☐	Pass / Fail To achieve a pass the Applicant or, in the case of a Consortium each Applicant Member, must either: (i) answer 'No' to question B.11.3.1, or (ii) confirm to ESB's satisfaction through the details provided in answering B.11.3.2 that any non-compliance with Data Protection Laws has been addressed
B.11.3.2	If you answered "Yes" to section B.11.3.1 then please provide details including: (i) Jurisdiction; (ii) Date of issue; (iii) Reason / root cause of occurrence; (iv) Resulting improvement /remedial action or changes your organisation has made; (v) Evidence that the fine/penalty or order has been complied with or discharged and/or that the investigation has been closed. The Contracting Entity reserves the right to raise further queries and / or seek further information during the PQQ clarification stage of the competition in order to validate compliance with its requirements.		

Important Note to Applicants:-

- (i) Where the Contract involves the processing of personal data by the Contractor on behalf of the Contracting Entity, it shall be a condition of Contract award, that the Contractor permits ESB (and/or its nominee) to conduct audits and or inspections of the Contractor's facilities, systems and processes in order to ensure compliance with Data Protection Laws and specific data protection requirements in the Contract. Further details will be provided to the pre-qualified Applicants at the RFT stage of this Procurement;
- (ii) Applicants should note that a Contract specific evaluation of the Applicant's intended data protection systems and processes for the execution of the Services which are the subject of this Procurement process will follow as part of the contract award criteria in the competitive tendering stage.

B.12 Cybersecurity Cloud Service (PASS/FAIL)

To be **completed** by each **Applicant** and, in the case of a Consortium, **each Applicant Member** must respond to the following:

Ref No.	Question	Response Tick box or specify as appropriate
B.12.1	Does your organization operate to a recognized information security standard such as ISO27001 or equivalent? If you answered 'Yes', please provide a copy of the up-to-date Certification. If you answered 'No,' please provide detail on the key elements of the information security management system in operation in your organisation including: •Information Security Policies •Organisation of Information Security •Human Resources Security •Asset Management •Identity & Access Management Controls •Physical & Environmental Security •Security Operations •Communications Security •System Acquisition, Development & Maintenance •Supplier Relationships •Security Incident Response •Business Continuity Management •Compliance	Yes ☐ No ☐
B.12.2	Do you maintain an ISO 27001:2013 or equivalent certification where the scope applies to your hosting data centres? Please provide detail.	Yes ☐ No ☐

If you have answered Yes to any of the above questions, please provide details. The Contracting Entity reserves the right to raise further queries and request further details.

Please note that the Contracting Entity reserves the right, but has no obligation, to exclude Applicants from the Procurement process who have answered Yes to any of the questions in Section B.12.

APPENDIX 1

FORM OF PQQ RESPONSE DECLARATION

To be printed, completed, signed and returned via eTenders, original hard copy is not required. This Declaration must be completed and signed by a duly authorised officer of the Applicant, or where Applicant is a Consortium, by a duly authorised officer for and on behalf of the Lead Consortium Member

PQQ FOR TR5383-Supply, Implementation, Licensing, Support, and Maintenance of an Enterprise-Grade Digital Preservation System

Name of Applicant:.....

Address of Applicant:

.....

I certify that the information provided in this PQQ Response is accurate and complete and not misleading to the best of my knowledge, information and belief. I understand that the provision of inaccurate or misleading information in this Declaration may lead to the Applicant and/or Applicant Member being excluded from participation in this and/or future tenders.

I understand that the information provided in our PQQ Response will be used in the Procurement process to assess the Applicant's and/or the Applicant Members suitability to be shortlisted and to be invited to tender. I understand that the Contracting Entity may reject this Response if there is a failure to answer all questions fully or if false, misleading or incomplete information is provided in the PQQ Response.

SIGNATURE: _____

NAME: _____

POSITION: _____

DATE: _____

APPENDIX 2

Not Used

APPENDIX 3

FORM OF CERTIFICATE OF COMPLIANCE WITH ESB EMPLOYMENT STANDARDS

To be printed, completed, signed and returned via eTenders, original hard copy is not required. This Certificate of Compliance must be completed and signed by a duly authorised officer of the Applicant or in the case of a Consortium, each Applicant Member.

To: ESB, ('Contracting Entity')
27 Fitzwilliam Street Lower
Dublin 2
D02 KT92
Ireland

Date: []

Name of proposed Contract: TR5383-Supply, Implementation, Licensing, Support, and Maintenance of an Enterprise-Grade Digital Preservation System

Dear ESB

We refer to the above proposed contract. For the purposes of this Certificate "Contractor Personnel" means all persons employed by us and our subcontractors who we propose to involve in the provision of works and/or services by us to or on behalf of the Contracting Entity.

We hereby certify that for the three (3) month period preceding the date of this certificate, we:

1. have complied, (and for the duration of the above proposed contract, will comply) with all statutes, statutory instruments, regulations, bye-laws, rules and orders made under any statute or directive having the force of law which impose obligations on us in relation to Contractor Personnel in all jurisdictions in which works and/or services are proposed to be provided by us to or on behalf of the Contracting Entity, including but not limited to obligations in respect of rates of pay and other terms and/or conditions of employment, obligations in respect of work permits and/or work visas, and laws relating to the use of child, forced or compulsory labour, health and safety in the workplace, non-discrimination, working hours and freedom of association, and

2. have paid rates of pay and observed conditions of employment (and for the duration of the proposed contract will continue to do so) which are not lower than those established for persons engaged in our trade or industry where the works and/or services to be provided to or on behalf of the Contracting Entity are to be carried out, which shall include compliance with all collective, national, and/or trade association agreement(s), including any sectorial employment orders which establish terms and conditions of employment for Contractor Personnel (including minimum rates of pay) engaged in the proposed provision of goods and/or services for or on behalf of the Contracting Entity on the Contracting Entity's or third party's premises.

Signed: _____

Date: _____

Duly authorised representative

Print Name _____

Title _____

APPENDIX 4

REQUIREMENTS FOR AGENTS, SUPPLIERS, CONTRACTORS, ADVISORS AND OTHER THIRD PARTIES ARISING IN CONNECTION WITH ESB POLICIES

Click on link below or download the document from eTenders website for this PQQ.

[**ESB Requirements for Third Parties**](#)

APPENDIX 5

PREVIOUS EXPERIENCE IN RESPONSE TO B.9.2 – REFERENCE PROJECT REGISTER

Project No.	Project Title	Applicant/ Applicant Member Name	Date Completed
Project 1			
Project 2			

Appendix 6

Reference Project Information in Response to Criteria B.9.2

To be completed by the Applicant, or in the case of a Consortium by the Applicant Member(s), and submitted for a total of two (2) projects that are referenced in Appendix 5.

Applicants (or Applicant Members) must provide all of the information required in the format indicated below. In providing this information, consent is given for the accuracy of the information to be checked with the relevant Employer identified below.			
APPLICANT'S/APPLICANT MEMBER'S NAME:			DATE:
ACTIVITY <i>(Title of Applicant Activity)</i>	[activity]		
PROJECT 1 DETAILS Contract: <i>(Title & brief description including relevant project characteristics)</i>	[project 1 details and characteristics]		
Site Location:	[location]		
Proportion of Project undertaken by Applicant/Applicant Member:	[proportion]	Tendering entity (e.g. Sole Trader/ Joint Venture)	[Entity]
VALUE Contract value at award stage:	[value]	Contract value at completion/ final account:	[value]
DATES Start Date:	[date]	Date of Completion:	[date]
Please provide information regarding the relevant cost, quality, and programme management measures (including involvement of specialist resources, control procedures, processes for engagement and communication with stakeholders and procedure for sign off and approvals) adopted for the execution/management of the project/ works.		Applicant/ Applicant Member Entry: insert a Unique Reference to the supporting documentation provided elsewhere, with a suggested maximum of 2000 words, and a suggested maximum of 6 single sided A4 pages per project.	
Name & address of Employer responsible for the project:		[name & address]	
Employer contact name:	[name]	Employer contact phone number:	[phone number]
OTHER INFORMATION			
If not the Employer named above, please state to whom the works/ service was provided in a sub-contracting capacity		[name]	

Applicants (or Applicant Members) must provide all of the information required in the format indicated below. In providing this information, consent is given for the accuracy of the information to be checked with the relevant Employer identified below.

APPLICANT'S/APPLICANT MEMBER'S NAME:		DATE:	
ACTIVITY (Title of Applicant Activity)	[activity]		
PROJECT 2 DETAILS Contract: (Title & brief description including relevant project characteristics)	[project 2 details and characteristics]		
Site Location:	[location]		
Proportion of Project undertaken by Applicant/Applicant Member:	[proportion]	Tendering entity (e.g. Sole Trader/ Joint Venture)	[Entity]
VALUE Contract value at award stage:	[value]	Contract value at completion/ final account:	[value]
DATES Start Date:	[date]	Date of Completion:	[date]
Please provide information regarding the relevant cost, quality, and programme management measures (including involvement of specialist resources, control procedures, processes for engagement and communication with stakeholders and procedure for sign off and approvals) adopted for the execution/management of the project/ works.		Applicant/ Applicant Member Entry: insert a Unique Reference to the supporting documentation provided elsewhere, with a suggested maximum of 2000 words, and a suggested maximum of 6 single sided A4 pages per project.	
Name & address of Employer responsible for the project:		[name & address]	
Employer contact name:	[name]	Employer contact phone number:	[phone number]
OTHER INFORMATION			
If not the Employer named above, please state to whom the works/ service was provided in a sub-contracting capacity		[name]	

APPENDIX 7
NOT USED

APPENDIX 8

QUALITATIVE EVALUATION CRITERIA AND SCORING TABLE

Section no.	Selection criterion	Available marks	Minimum threshold
B.9.2	Relevant Project/Contract Experience of the Applicant (or, in the case of a Consortium, the Applicant Members); Project 1	500	300
B.9.2	Relevant Project/Contract Experience of the Applicant (or, in the case of a Consortium, the Applicant Members); Project 2	500	300
	Total	1000	

APPENDIX 9

QUALITATIVE EVALUATION GUIDANCE TABLE

% of total score available	Evaluation Summary
0 - 10%	Unacceptable – Nil or inadequate Response, or reference project(s), where applicable, are not comparable. The response fails to satisfy the subject matter of the criteria in very significant respects.
11 - 20%	Poor – Overall, the Response is poor and only partially relevant, and the reference project(s), where applicable, is only partially comparable. The Response addresses the subject matter of the criteria in part but contains insufficient / limited detail or explanation to demonstrate how the subject matter of the criteria will be satisfied.
21 - 40%	Fair – Overall, the Response is fair and partially relevant, and the reference project(s), where applicable, is fairly comparable. The response demonstrated a fair understanding of the subject matter of the criteria but lacks detail on how the subject matter of the criteria will be satisfied.
41 - 60%	Good – Overall the Response is good and relevant, and the reference project(s), where applicable, is comparable. The Response demonstrates a good understanding of the criteria and provides details on how the criteria will be satisfied to an adequate standard.
61 - 80%	Very good – Overall, the Response is very good and relevant, and the reference project(s), where applicable, is very comparable. The Response demonstrates a very good understanding of the subject matter of the criteria and provides details on how the subject matter of the criteria will be satisfied to a high standard.
81 - 100%	Excellent – The Response is excellent and relevant and the reference project(s), where applicable, is highly comparable. The Response is comprehensive and demonstrates a thorough understanding of the subject matter of the criteria and provides details on how the subject matter of the criteria will be satisfied to a very high standard.