



DRUGDETECT



DrugDetect has been co-funded by the COSME programme of the European Union under grant agreement No 101036225

Request to Participate

Subject: Invitation to submit a Request to Participate for the Competitive Dialogue procedure within DrugDetect project

1. KENTRO MELETON ASFALIAS (KEMEA), acting in the name and on behalf of the other procurers in the Publics Buyer's Group (together with the Lead Procurer: "DrugDetect Buyers' Group") invites all interested parties to participate in the DrugDetect Competitive Dialogue and to present their Tenders to an innovative solution for the automatic detection of a large range of drugs in correctional institutions and prisons, that is available 24/7, does not cause delays in internal processes, does not require minimal) human intervention, and is GDPR compliant.

2. The DrugDetect Buyers' Group is consisted of:

-KEMEA (Lead Procurer) Center for Security Studies, is a think tank on homeland security policies and an established research center since 2005 (L. 3387/2005) within the Hellenic Ministry of Citizen Protection. KEMEA is heavily involved in innovation procurement projects mainly PPIs where the organisation acts as the Lead Procurer. It has close cooperation due to its constitutional position with the General Directorate for Fight against Crime and Terrorism which is responsible for the prison management;

-DJI On behalf of the Dutch Minister of Justice and Security, the Custodial Institutions Agency (DJI) ensures the execution of sentences and custodial measures imposed after a court decision. With 38 branches spread across the country and around 15,000 employees, DJI is one of the largest organizations in the Netherlands. Every year, the DJI houses about 37,000 offenders for a shorter or longer period of time;

-ESMIR The Secretariat of State for Security (SES) falls under the Spanish Ministry of Interior and is responsible for ensuring the free exercise of the constitutional rights, to direct and supervise the police forces, coordinate the international police cooperation, to execute the government's policy about organized crime, terrorism, human trafficking, and money laundering and related crimes. From the SES depend four main departments: the Directorate-General of the Police, the Directorate-General of the Civil Guard, the General Secretariat for Penitentiary Institutions and the Directorate-General for International Relations and Immigration. The General Secretariat for Penitentiary Institutions is the department participating in this Tender according to his expertise in prison security technologies and requirements, with the support of the SES in innovation public procurement issues;

-DG-EPI The Belgian Prison Service is the largest entity within the Federal Public Service of Justice. In addition to a central administration and two training centres for prison staff, it consists of 35 correctional facilities, of which 17 are located in the Dutch speaking part, 16 in the French speaking part and 2 in Brussels. The Belgian Prison Service stands for an innovative detention policy in which the inmate occupies a central place. Our detention model is based on a balance between dynamic and passive security whereby the rights and obligations of both inmate and staff and the integrity of all employees are guiding principles.

3. All Tenderers must use the DrugDetect Tender Documents, which can be accessed in the Contract Notice on TED.

The Tender Documents are also available to be downloaded upon registration on the DrugDetect website (<https://drug-detect.eu/>)

The Tender process will be conducted using the platform of the National Electronic Public Procurement System (Ε.Σ.Η.ΔΗ.Σ.). The requests to participate are expected to be submitted electronically by the Tenderer economic operators, via the www.promitheus.gov.gr online portal until



the final date and time for the submission of set out in this Tender Notice, in the English language, in an electronic folder.

4. The Administrative section of the Promitheus platform contains one (sub-)folder named 'Participation Documents', containing the supporting documents stipulated in contract documents. In this (sub-)folder the following documents can be filled-out and uploaded:

- The European Single Procurement Document (ESPD-Annex I), which is an up-to-date self-certification from the participating Economic Operator, functions as preliminary evidence to replace the certificates issued by public authorities or third parties, confirming that there are no grounds for exclusion for the relevant Economic Operator and that it meets selection criteria set by the contract documents. Economic Operators may, if they wish, prepare the European Single Procurement Document (ESPD) using the National Electronic Public Procurement System (NEPPS) which provides the current free web service (Promitheus ESPDint) for the Tenderers interested in filling in the ESPD/SSDD electronically. The online form can be filled in, printed and then sent to the buyer together with the rest of the bid. (<https://espd.eprocurement.gov.gr/>).
- CVs for the Demonstration of expertise and working experience required to undertake an innovative project that entails implementation and refinement of innovative features of relevant technology.
- Reference case of implementing similar projects that concern the implementation and further refinement of innovative features of relevant technology.

5. Applications submitted in any other way (e.g. by letter or sent by email) will be disregarded.

6. The deadline for receipt of applications is the 10/2/2023 at 15:00 EET. To avoid any complications with regards to late receipt/non-receipt of applications within the deadline, please allow yourself sufficient time to submit your application. We strongly recommend not to wait until the very last moment. An application received after the time-limit for receipt of applications will be rejected.

7. Interested economic operators must ensure that their submitted applications contain all the information and documents required by the contracting authority at the time of submission as set out in the procurement documents. The application should contain all required elements related to the exclusion and selection criteria. After submitting an application, but before the deadline for receipt of applications, an economic operator may definitively withdraw its application, or withdraw it and replace it with a new one.

8. All documents must be digitally signed by the Tenderer or his duly authorized representative.

9. The submission of application implies the acceptance of the terms and conditions set out in this invitation with annexes and, where appropriate, waiver of the Tenderer's own general or specific terms and conditions. It is binding on the Tenderer to whom the contract is awarded for the duration of the contract.

10. All questions or requests for clarification must be received by KEMEA in English by the 20/1/2023, via the Promitheus platform.

The summary of all questions and answers will be presented in an anonymized Q&A document that will be published in the Promitheus platform and in <https://drug-detect.eu/>

Unless otherwise instructed, please do not use any contact addresses or means or contact any other persons in connection with this procurement.



11. This invitation is in no way binding on DrugDetect Buyer's Group. Buyers' Group contractual obligations commence only upon signature of the contract with the successful Tenderer. Up to the point of signature, Buyers' Group may either abandon the procurement or cancel the award procedure. The decision to cancel by Buyers' Group must be substantiated and Tenderers will be notified.

12. All cost and risk of preparing and submitting a Tender for the DrugDetect PPI, except for the technical verification for up to 5.000,00€ to be born by the Buyers' Group, are born by the Tenderers.

13. Once the Buyers' Group has opened the application, the documents shall become the property of DrugDetect Buyers' Group and be treated confidentially.

14. If processing your reply to the invitation to Tender will involve the recording and processing of personal data, such data will be processed pursuant to GDPR Regulation.

Annexes:

Descriptive document

Appendix I to Descriptive document Exclusion criteria

Appendix II to Descriptive document Selection criteria

Appendix III to Descriptive document Evaluation methodology

ESPD



Annex I Descriptive Document

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I. GENERAL INFORMATION

I.1 Preface

This DrugDetect Call invites all interested parties to express their interest to participate in the DrugDetect Competitive Dialogue and to present their Tenders to an innovative solution for the automatic detection of a large range of drugs in correctional institutions and prisons, that is available 24/7, does not cause delays in internal processes, does not require minimal human intervention, and is GDPR compliant.

DrugDetect is addressing a need that is widely shared by prisons throughout Europe and in this context the project has gathered a representative, geographically balanced consortium of 4 public buyers (KEMEA, DJI, DG-EPI, ESMIR) from 4 European countries with together an average inmates population of 40.000. Based on the EU Agenda and Action Plan on Drugs (2021-2025), disruption of the channels that supply drugs and as a result, their precise and accurate detection before they have been smuggled inside prisons or before they have been used by inmates are crucial prerequisites for keeping prison personnel and inmates safe in any prison.

The misuse of drugs in prisons, in addition to the direct damage it causes to the inmate, creates both security risks because of bullying, violence, self-harm, debt, and health risks due to illness and overdose and generally destabilises the prison environment, with inherent risks to those working in and visiting. It also severely hampers efforts to rehabilitate inmates, following release from prison, due to the physical and psychological damage caused by drug abuse (see the EU Action Plan on drugs 2017-2020 and the EU Drug Strategy 2013-2020).

In this regard, the DrugDetect Buyer's Group will put themselves at all-time in the driving seat of the innovation process and will act as launch customers for an innovative solution to tackle their stringent needs for automatic, accurate and precise drug detection in a rapidly evolving drug market.

DrugDetect is an innovation procurement which is conducted through a Procurement of Innovative Solutions (PPI). This entails that the Drug Detect Buyers' Group is planning to act as launching customers for innovative solutions.

I.2 Definitions

Lead Procurer The Lead Procurer, namely KEMEA, is the public buyer appointed to coordinate and lead the joint PPI, in its name and on behalf of the other procurers in the Public Buyers' Group.

Conflict of Interest The concept of conflicts of interest shall at least cover any situation where staff members of the Buyers' Group or of a procurement service provider acting on behalf of the Buyers' Group who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and



independence in the context of the procurement procedure. (Definition from Article 24 of Directive 2014/24/EU).

License A right given by an IPR owner to another person to use such rights (Licensee) in exchange for an agreed payment (fee or royalty). Licenses can be exclusive or non-exclusive. An Exclusive License means that no person or company other than the named Licensee can exploit the relevant intellectual property rights. A Non-Exclusive License grants to the Licensee the right to use the intellectual property but means that the licensor remains free to exploit the same intellectual property and to allow any number of other Licensees to also exploit the same intellectual property.

Results (i.e., foreground) Any tangible or intangible output, such as data, knowledge or information, that is generated during the DrugDetect PPI contract, whatever its form or nature, whether or not it can be protected, as well as any rights attached to it, including intellectual property rights ('attached IPRs' or 'IPRs attached to the results').

Tender The formal and commercial proposal/bid/offer submitted by the Tenderer, as well as any documents and/or information submitted by the Tenderer on the basis of the Tender Documents.

Tenderer An economic operator that has submitted a Tender.

1.3 Objective of this Request for Participation

This Request for Participation summarises the procedure, the needs, the Exclusion, Selection and Award Criteria as well as the indicative timeframe of the Competitive Dialogue.

The minimum and desirable requirements and technical specifications and the draft contract will be shared with the selected Tenderers before the start of the dialogue phase.

The following Appendices are attached to this Request for participation:

Appendix I: Exclusion criteria

Appendix II: Selection criteria

Appendix III: Evaluation methodology

1.4 Background information

For the consideration of innovative solutions that could fulfil the end-users' needs, during July-September 2022, the consortium organized an open market consultation (OMC).

The Buyers' Group had the opportunity to contact companies that, in response to the requirements have presented several products that can meet those requirements and present innovative features. The majority of the proposed products have been considered useful by the partners.

Some of the presented solutions are already in use with the police or border forces of third countries. However, they can introduce a component of innovation, improving or allowing a



greater adaptation to the prison context. Other presented solutions, such as X-ray integrated with ion mobility spectrometry (IMS) or air sampling integrated with IMS are completely new.

Several innovative features were presented, such as extending the library of drugs able to be detected from the devices (through trace or bulk detection), improving the accuracy of the image detection (localization of anomalies) with the help of smart algorithms, integrating technologies (such as X-Ray and ion mass spectrometry, or air sampling and mass spectrometry) leading to increased safety for prison staff and reduced time for performing security inspections.

1.5 Solutions to be procured

Following the identified needs and the market analysis, the DrugDetect Buyer's Group decided to pursue 3 Lots during the present procurement procedure:

Lot 1 – Identification of drugs

Lot 2 – Detection of drugs inside packages/luggage and

Lot 3 – Detection of drugs on the body.

The solution proposed by the Tenderer must comprise one or more innovative components or one or more architectural innovations. The Drug Detect procurement does not include the procurement of research and development (R&D).

In particular, the proposed solution must comprise new or significantly improved components or architecture that have already been (partially) demonstrated on a small scale and may be nearly or already available in small quantities on the market, but which have not been widely adopted yet. Typically, owing to the residual risk or market uncertainty, these innovative components or architecture have not been produced at a large enough scale. This also includes existing solutions that are to be utilised in a new and innovative way.

Whether a component or architectural feature is innovative will be assessed by the Drug Detect consortium according to the following three cumulative minimum requirements:

1. The innovative component or architectural innovation must be related to innovation aspects indicated as important for the given lot.
2. The difference in time between first deployment of the device/solution, which is equipped with such a component or is based on such architectural innovations, and the date, when the given Tender was due for submission, must not exceed 24 months.
3. Finally, the component or architectural innovation in question must not have been used for more than 50 clients.

These cumulative minimum requirements will be assessed for each bid submitted. Final Tenders that do not conform to this minimal requirement will be excluded.



The DrugDetect Buyer's Group is interested in innovative solutions that differ per Lot, as indicated below.

In Lot 1, the Buyers' Group is interested in the following innovative features:

- Artificial Intelligence to support recognition of substances
- Detection without opening a package/luggage
- Increase the number of drugs that can be detected
- Improved accuracy of detection
- Increased speed of detection
- Minimal operator interaction
- Integration with other relevant functionalities such as air sampling/X-ray/millimeter wave scans

In Lot 2, the Buyers' Group is interested in the following innovative features:

- Improved resolution to support detection
- Improved accuracy of detection
- Artificial Intelligence to support recognition of suspicious objects/drugs
- Other functionalities that enable easier detection (e.g. marking in colours, alerts etc.)
- Improved Threat Image Projection (TIP) or similar software
- Integration with other relevant functionalities such as air sampling/trace detection etc.

In Lot 3, the Buyers' Group is interested in the following innovative features:

- Speed of scanning
- Minimal operator interaction
- Artificial Intelligence to support recognition of suspicious objects/drugs
- Integration with other relevant functionalities such as air sampling/trace detection etc.
- Accuracy of detection
- Improved detection of feet, hair etc.

Contract implementation will consist of a deployment phase and an operational validation phase based on the Innovation Plan submitted by the Tenderers. Metrics and indicators that will be used to evaluate the solutions in real-life operational conditions will be included in the Tendering package sent to qualified Tenderers.

1.6 Total budget and estimated budget distribution

The total budget of the present procurement is 3.880.000,00 EUR, included VAT and taxes. The estimated budget distribution per Lot is as following:

Lot	Buyer	Estimated Budget (VAT included)
Lot 1-Identification of drugs	KEMEA, DG-EPI	1.380.000,00€
Lot 2- Detection of drugs inside packages/luggage	KEMEA, DJI*, DG-EPI*, ESMIR	790.000,00€



Lot 3-Detection of drugs on the body	KEMEA, DJI, ESMIR	1.710.000,00€
Total		3.880.000,00€

*DJI and DG-EPI will award the contracts in Lot 2 under the condition that X-ray CT technology is integrated with Ion Mobility Spectrometry (IMS) technology. In case this innovative solution is not offered and/or not evaluated as the winning Tender, DJI and DG-EPI reserve the right to transfer their budget from Lot 2 to Lot 3 and Lot 1 respectively. Based on the above condition, the budget distribution per Lot may vary.

As of the VAT regime applicable, the VAT regime of each Buyer is described below.

KEMEA

EU rules and the valid Greek VAT legislation will be applied.

KEMEA may be entitled to a deduction for input VAT. In case of suppliers from EU Member States, the reverse charge process, i.e., invoicing without VAT will be applied.

For contractors from Greece (in the case of joint consortia, the consortium coordinator' headquarters are of relevance) national VAT procedures apply.

In case of Contractors from third countries, the VAT is calculated and reported by KEMEA. If the Contractor upon import is obliged to report VAT according to the rules of the home country and the invoice contains VAT, that VAT is non-deductible in Greece. Instead, VAT amount is to be considered as a cost of the service.

DJI

EU rules and the valid Dutch VAT legislation will be applied.

DJI may be entitled to a deduction for input VAT. In case of suppliers from EU Member States, the reverse charge process, i.e., invoicing without VAT will be applied.

For contractors from the Netherlands (in the case of joint consortia, the consortium coordinator' headquarters are of relevance) national VAT procedures apply.

In case of Contractors from third countries, the VAT is calculated and reported by DJI. If the Contractor upon import is obliged to report VAT according to the rules of the home country and the invoice contains VAT, that VAT is non-deductible in the Netherlands. Instead, VAT amount is to be considered as a cost of the service.

DG-EPI

EU rules and the valid Belgium VAT legislation will be applied.

DG-EPI may be entitled to a deduction for input VAT. In case of suppliers from EU Member States, the reverse charge process, i.e., invoicing without VAT will be applied.



For contractors from Belgium (in the case of joint consortia, the consortium coordinator' headquarters are of relevance) national VAT procedures apply.

In case of Contractors from third countries, the VAT is calculated and reported by DG-EPI. If the Contractor upon import is obliged to report VAT according to the rules of the home country and the invoice contains VAT, that VAT is non-deductible in Belgium. Instead, VAT amount is to be considered as a cost of the service.

ESMIR

EU rules and the valid Spanish VAT legislation will be applied

The Council Directive (Directive 2006/112/Ce of the Council, of November 28, 2006, the common system of value added tax) and the valid Spanish VAT legislation (Law 37/1992, of December 28, on Value Added Tax) will be applied.

ESMIR applies the current legislation on VAT, which in the case of contracting for the purchase of equipment is 21 percent.

In the case of purchase of equipment for Penitentiary Centres located in the Canary Islands, the Royal Decree 2538/1994, of December 29, is applied, which establishes development regulations related to the General Indirect Canary Islands Tax and the Excise Tax on production and Importation in the Canary Islands, created by Law 20/1991, of June 7.

ESMIR applies the current legislation on GIC, which in the case of contracting for the purchases of equipment is 21 percent.



I.7 IPR issues

Ownership of results (foreground)

Each contractor will keep ownership of the Intellectual Property Rights (IPRs) attached to the Results they generate during the implementation of the DrugDetect contract. The Tendered price is expected to take this circumstance into account.

The ownership of the IPRs will be subject to the following:

- the Contractor shall provide each of the members of the Buyer's Group an irrevocable, non-transferrable, royalty-free and non-exclusive License to use all Results for their own use.

KEMEA, grants upon notification of the contractors (or may require the contractors to grant) non-exclusive Licences to the Greek Ministry of Citizen Protection to exploit the results under the same conditions (without the right to sub-license).

Each of the members of the Buyer's Group and the Greek Ministry of Citizen Protection, retain ownership of the data that the device generates and that might be used by the Contractor for training of AI/smart algorithms.

Due to the fact that DrugDetect is a EU funded project and wide impact beyond the project should be ensured, the Buyers' Group reserves the right to require the contractors to transfer ownership of the IPRs that results from the execution of the DrugDetect contract, back to the Buyers' Group if the contractors fail to comply with their obligation to commercially exploit the results or use the results to the detriment of the public interest (including safety and security interests).

Protection of the results

The Contractor shall be responsible for the management of all the rights on the Results that it holds and shall bear any associated costs including for the protection, examination, grant, maintenance, defense and litigation of the rights on the Results.

The Lead Procurer shall be entitled to monitor the management of all rights on the Results held by the Contractor. The Contractor shall respond at any time to requests for information from the Lead Procurer about the handling of the rights on the Results.

Declaration of pre-existing rights (background IPRs)

The ownership of pre-existing rights will remain unchanged.

In order to be able to distinguish clearly between results and pre-existing rights (and to establish which pre-existing rights are held by whom), Tenderers are requested to list the pre-existing rights for their proposed solution in their Innovation Plan (see Appendix III Evaluation methodology for more info on the Innovation Plan).



Subject to pre-existing obligations that may apply to background IPRs, the Tenderer grants the members of the Buyer's Group a royalty-free, non-exclusive, irrevocable and non-sub-licensable license to use its background IPRs for the execution of the contract.

If applicable, subject to pre-existing obligations that may apply to background IPRs, the members of the Buyer's Group grant the Contractor a royalty-free, non-exclusive, irrevocable and non-sub-licensable license to use its background IPRs for the performance of the contract.

1.8 Eligibility

Participation in the Tendering procedure is open on equal terms to all types of operators, regardless of their size or governance structure. Please note that participation in the Open Market Consultation during July-September 2022, is not a condition for submitting a Tender.

Requests to participate may be submitted by a single entity or in collaboration with others. The latter can involve either submitting a joint Tender or subcontracting, or a combination of the 2 approaches.

However, please note that this PPI involves security aspects and its development and functioning might require the exchange of security sensitive information. I.e., the scope of the procurement affects essential security interests of the Member States involved.

This means that the participation in this Call is open on equal terms only to nationals (natural persons or legal entities) that are established or deemed to be established in EU Member States and COSME countries and other countries with which the EU has an agreement in the field of public procurement. Participation is also open to Tenderers from States that have ratified WTO Government Procurement Agreement.

The above nationals should be ultimately controlled by the above countries and/or nationals of the above countries. Nationals (natural persons or legal entities) that are established in the above countries but that are controlled by third countries that are not one of the above countries and/or by nationals of third countries, are not eligible for participation DrugDetect PPI.

However, the following relationships between legal entities shall not in themselves constitute controlling relationships: (i) the same public investment corporation, institutional investor or venture-capital company has a direct or indirect holding of more than 50% of the nominal value of the issued share capital or a majority of voting rights of the shareholders or associates, (ii) the legal entities concerned are owned or supervised by the same public body.

Moreover, the Contractors must ensure that any cooperation with nationals of third countries [listed above] or that are controlled by such a country and/or by a national of such a country does not affect the security interests and avoids potential negative effects over security of supply of inputs that are critical to the procurement.



Joint Tenderers-Consortia Tenders

A Consortium (a combination of firms) may submit a joint Tender. Any type of natural or legal persons (including non-profit entities properly registered, such as Universities) shall be entitled to submit Tenders either individually or by way of an association or consortium comprising several Tenderers set up temporarily for the purposes of this PPI.

The following requirements apply for joint Tenders:

- The members of a Consortium must assume joint and several liability for the performance of the contract.
- The members of a Consortium must jointly appoint a Lead Contractor as a party authorized to act in the name and on their behalf, who will deal with all the matters regarding the PPI and to whom all communications will be directed. The Lead Contractor will carry overall responsibility for the Contracts, irrespective of whether tasks are to be performed by a Subcontractor or by another Consortium member or not.
- This will be indicated in the ESPD, which will have to be filled, signed – by a duly authorised person – and submitted in any joint Tender.
- All members of a Consortium have to fill in, sign – by a duly authorised person – and submit the ESPD.
- The members of the Consortium must jointly meet the Selection Criteria.

Each Tenderer may submit no more than one Tender. This means that the Tenderer may only submit a Tender on his own or in one (temporary) Consortia. Failure to do so leads to the automatic exclusion of the bids.

Subcontracting

Subcontracting refers to any contract or agreement between the Tenderer and a Third Party, whereby that Third Party agrees to provide services to the Tenderer or assist the Tenderer to provide the services or any part thereof to the members of the Buyer's Group.

Subcontracting is permitted. However, no essential parts of the Contracts can be subcontracted, nor the management and/or coordination of the execution of the contract. In case a Tenderer wishes to rely on the resources of a Third Party for the fulfilment of the requirements to participate in the PPI, this Third Party should be part of the Consortium (unless it is a hosting environment). I.e., if hardware or software from a third party is needed for the solution, they do not need to be part of the Consortium, but the Contractor needs to demonstrate that these resources will be available to him (e.g., by providing a licensing agreement).

The Tender that wishes to subcontract any part of the services and or products to be provided or to rely on the capabilities of Third Parties must fill in also the specific parts, sign – by a duly authorised person -and submit the ESPD.



Each of the Subcontractors and/or Third Parties participating must fill in, sign – by a duly authorised person - and submit the ESPD.

The subcontractor on whose experience the Contractor has relied on to satisfy the technical competence is obliged to perform the relevant work. This means that the execution of tasks assigned to a subcontractor may not be subject to further subcontracting.

Subcontractors cannot participate in more than one Tender. Failure to do so leads to the automatic exclusion of the bids in which it participates, irrespective of its role in the bids. Due to the short duration of the PPI, no changes on consortia or in subcontractors will be allowed unless exceptional reasons that could not be foreseen apply.

II. Brief description of the Competitive Dialogue and the Contract

II.1 Legal framework for the Competitive Dialogue and execution of the contracts

The procurement involves four public procurers (located in four different countries working together in a joint procurement) that is divided into 3 lots. The procurement procedure is organized as a joint procurement as defined in Articles 42 and 43 of L. 4412/2016 (Greek Government Gazette A 147 / 08.08.2016) on Public Works, Procurement and Services (adaptation to Directives 2014/24 / EU and 2014/25 / EU) and Article 38 of Directive 2014/24/EU of 26 February 2014 on public procurement.

Considering that no immediately available solution could satisfy the complex needs of the Buyers' Group and with regard to the necessity to conduct dialogue sessions, the procedure used is the competitive dialogue, according to Article 30 of Law 4412/2016.

The procurement procedure is entirely subject to Greek law and is conducted in accordance with specific provisions of L. 4412/2016, only when explicitly reference is being made. KEMEA, acts as the Lead Procurer in the name of and on behalf of the four above-mentioned contracting authorities ("Lead Procurer", singularly, or "Buyer's Group", together).

The competitive dialogue will be conducted in accordance with the following principles:

Equality

Each Tenderer is heard during the competitive dialogue under strictly equal conditions. The Buyer's Group cannot provide candidates with information that would give them an unfair advantage over others candidates.

Confidentiality

The Buyers' Group maintains confidentiality of the Proposals of the Candidates and undertake not to reveal to another Candidate any information contained in any other proposal. The qualified candidates undertake to keep confidential all information contained in the documents of the procurement procedure and sent during the dialogue meetings and not to



disclose any information to third parties, except for the sole purpose of preparing their proposals.

The execution of the contracts for each lot, including subcontracting, is subject exclusively to the national law of the respective Public Procurer. In case of early termination of one of the local contracts, in compliance with the national law to which the contract is subject for its performance, the relevant Public Procurer may decide to organize a new Tender procedure that will be subject to national law.

II.2 Approach to the Competitive Dialogue and provisional timeline

The procedure of competitive dialogue is a restricted procedure in which a dialogue will be conducted with the qualified Tenderers invited to participate in the dialogue for their lot. The aim of the dialogue is to discuss with the qualified Tenderers all the aspects of the current procurement, such as to ensure that they offer one or several solutions likely to meet the needs and requirements of the Buyers.

The DrugDetect Buyers' Group chose to jointly conduct a Competitive Dialogue. The dialogue phase (dialogue sessions and exchange of related documents such as Tenders, presentations and minutes) will thus be conducted jointly, according to the following three (3) phases:

1. Phase I: Evaluation of Requests to Participate

Tenderers submit the Request to Participate. Only Tenderers meeting exclusion and selection criteria will be invited to the Competitive Dialogue (phase II).

The letter of invitation to phase II will provide additional information regarding the project (mandatory and desirable requirements and technical specifications and the draft contracts per Lot) that will assist the Tenderers in their original Tenders' submission (for details refer to Paragraph III.5 Award Criteria below).

Each qualified Tenderer shall inform the DrugDetect Buyer's Group if it is interested in participating in the dialogue sessions within fifteen (15) calendar days after receipt of the initial Tendering package.

2. Phase II: The Dialogue and submission of the initial and final Tender

Following selection in Phase I, a first dialogue round will be organised. Following the dialogue round, the selected Tenderer will be requested to submit an initial Tender. The initial Tender will be discussed during a subsequent dialogue round.

For each lot, a provisional schedule of the dialogue will be provided to the Tenderers qualified, without binding the Buyer's Group.

Each dialogue round may consist of several meetings that will be organised online, on site or hybrid. After each individual meeting, the qualified Tenderers may be invited to update their initial Tender by the submission of one or more intermediate Tenders.



During the dialogue, any element of the Tender documentation may be discussed with the qualified Tenderers, excluding the user requirements and the technical specifications and any other element that could eventually substantially amend the Tender documentation and/or the initial Tender.

When the DrugDetect Buyer's Group considers that the dialogue has come to an end, it will inform the Tenderers of this and will invite them to submit their final Tender on the basis of the final Tendering package and the solutions which they have presented and specified during the dialogue.

The closing notification of the dialogue will indicate the deadline to submit the final Tenders. The final Tendering package will be provided concomitantly.

The period of validity of the final Tenders shall be one hundred and eighty (180) calendar days from the deadline for the receipt of the final Tenders.

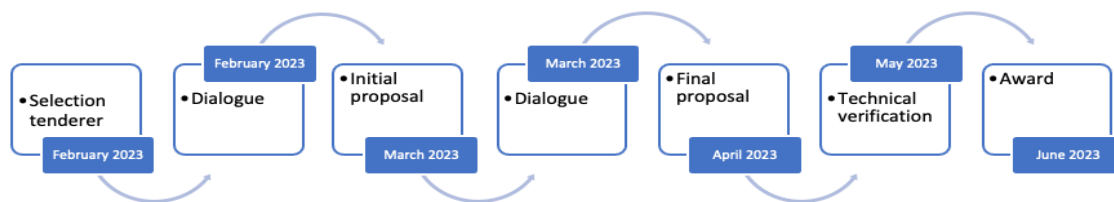
3. Phase III: Technical verification and award of the contract

Based on the final Tender submitted by the Tenderers, a technical verification will be organised in the Netherlands, at the premises of DJI. The aim of the technical verification is to assess whether the solution offered by the qualified Tenderers complies with the mandatory requirements and the weighted Award Criteria and to identify the most economically advantageous Tender.

The stages of the Competitive Dialogue (phase II and phase III) will take place approximately:

- Estimated start of the Dialogue M2 2023
- Estimated conclusion of the Dialogue M3 2023
- Estimated submission of Final Tenders M4 2023
- Estimated technical verification M5 2023
- Estimated conclusion and signature of the Contract M6 2023





Given the nature of the procedure, the aforementioned periods and the number of dialogue rounds are provided as an indication, without Buyers' Group being bound by any obligation whatsoever. Even in the event of significant deviations from the aforementioned periods, the Tenderers will not be entitled to any compensation, except for the compensation for participation in the technical verification (with a maximum of €5000,00 per Tenderer).

The procurement procedure shall not impose on DrugDetect Buyers' Group any obligation to proceed to award the Contract. Up to the point of Contract signature, the Buyers' Group may either abandon the procurement or cancel the award procedure, without the Tenderers being entitled to claiming any compensation. The Buyers' Group will notify the decision and its reasons to the Tenderers

II.3 Language

Interested economic operators may submit their Tender in English. The spoken and written language of all communications during the entire Tender Procedure and with the successful Tenderer during the implementation of the Contract shall be English. During the execution of the Lot Contract the Contractor will liaise extensively with one or several members of the Buyers' Group and all these communications will be in English along with a translation in their respective language (Greek, Dutch, French, Spanish).

II.4 Contractual information

The Buyers' Group aims at concluding Lot Contracts (herein referred to as the "Contract"). The Lot Contract Modalities will be sent to qualified Tenderers along with the letter of invitation to phase II.



III. Exclusion, Selection and Evaluation

III.1 Requests to Participate (RtP)

III.1.1 Form and content of the RtP

In Phase I (as described above in section II.1) the Tenderers submit the Request to Participate (RtP). The RtP includes all the information and documents required by the Buyers' Group , namely:

- ESPD;
- CVs for the demonstration of expertise and working experience required to undertake an innovative project that entails implementation and refinement of innovative features of relevant technology;
- Reference case of implementing similar projects that concern the implementation and further refinement of innovative features of relevant technology.

Where information or documentation contained in a RtP is or appears to be incomplete or erroneous or where specific documents are missing, the Buyers' Group may request the Tenderer concerned to submit, supplement, clarify or complete the relevant information or documentation within five (5) calendar days. The Buyers' Group shall ensure that such requests are made in full compliance with the principles of equal treatment and transparency.

III.1.2 RtP Opening

The main aim of the opening session is to check whether the RtP received electronically are compliant with the following formal requirements: 1. Not submitted later than the submission deadline, and 2. All Administrative Forms are duly filled and signed (see Section III.1.1). If not compliant with any of the above formal requirements the RtP may be rejected.

III.2 RtP Evaluation Session

The Requests to Participate complying with the formal requirements of the opening session shall be considered eligible and will be evaluated against the following criteria: a) Exclusion Criteria, section III.3 below; b) Selection Criteria, section III.4 below.

The Buyers' Group reserves the right to request any additional documentary evidence it deems necessary or useful in order to verify a Tenderer's legal, professional, economic and financial standing. The Buyers' Group may request that missing formal documents be submitted within five (5) calendar days.

III.2.1 Assessment of joint Requests for Participation and joint Tenders involving sub-contracting

Joint Requests for Participation shall be assessed as follows:

- a) The exclusion criteria shall be assessed in relation to each economic operator individually.
- b) The selection criteria shall be assessed in relation to the combined capacities of all members of the consortium as a whole.

Requests for Participation involving subcontracting shall be assessed as follows:

- a) The exclusion criteria shall be assessed in relation to each company individually.



b) The selection criteria shall be assessed in relation to the combined capacities of the Tenderer and the subcontractor, as a whole to the extent that the subcontractor puts its resources at the disposal of the Tenderer for the performance of the contract.

Joint Tenders shall be assessed as follows:

- a) The award criteria shall be assessed in relation to the Tender, irrespective of whether it has been submitted by a single legal or natural person or by a Group/Consortium.
- b) The contract shall be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the group (a power of attorney or sufficient authorisation has to be provided and shall be attached to the contract as an annex), when the Tenderers have not formed a legal entity.

Tenders involving subcontracting shall be assessed as follows:

- a) The award criteria shall be assessed in relation to the Tender.

III.3 Exclusion Criteria

Tenderers (a Group/Consortium) who find themselves in one of the cases of exclusion referred to in Appendix I will be excluded from participating in this procurement procedure. Buyers' Group may request to verify whether the Tenderer is not in a situation of exclusion, by requesting additional information. A refusal to answer the questions asked or to provide the information and/or documents may result in the rejection of the RfP concerned. The Tenderer which will be selected for the award of the Contract shall provide in due time, preceding the signature of the Contract, the evidence confirming fulfilment of the Exclusion Criteria, as requested by the Buyers' Group.

III.4 Selection Criteria

Tenderers must have the overall capabilities to perform the Contract. If any of the Selection Criteria listed below are not fulfilled, Tenders will not be invited for participation in the Phase II of the competitive dialogues. For Selection Criteria see Appendix II.

III.5 Award Criteria

Once the Tenderer has demonstrated the capacity to be able to perform the Contract on the grounds of the Exclusion and Selection Criteria, will be invited to the next step, namely Phase II – Dialogue phase.

NB: In case the number of Tenderers meeting Exclusion and Selection Criteria is equal to one (1) or two (2) the Buyers' Group may cancel the procedure.

At the end of the Dialogue in Phase II, the Tenderers are invited to submit their final Tender in line with the identified solution(s). The evaluation of the final Tenders will be carried out in order to assess whether the solution offered by the qualified Tenderers complies with the mandatory requirements and the weighted Award Criteria and to identify the most economically advantageous Tender (for Evaluation Methodology see Appendix III). Only Tenders that have met all the Minimum Threshold Scores for the Award Criteria indicated, will have their Financial Tenders assessed.



III.6. Price

It is mandatory that the Tenderer's pricing be fully transparent.

Attention is drawn to the following points:

- Prices must be expressed in Euros.
- Prices shall not be conditional and shall be directly applicable by following the technical specifications.

The Contract will be awarded to the Tenderer who submits the Tender offering the best value for money by weighting quality criteria against price criteria on 80/20 basis (as per the Evaluation Methodology, see Appendix III). The Tenderers must observe that the Tenders submitted shall be binding in the subsequent delivery of services and products.

III.5.4 Finalising the Contract

The Contract modalities will be sent to qualified Tenderers before the start of the Dialogue session(s).

The Buyers' Group can still proceed with the adjustment of the Contract following the award to the winning Tenderer. The main purpose of this is to finalise the scope of the rights and obligations to be established. The discussions in the context of finalising the Contract may not lead to a material change of the essential aspects of the offer or the Contract, nor to a distortion of competition or discrimination.

IV. List of Documents published with the Contract Notice and Request for Participation

Appendix I: Exclusion criteria

Appendix II: Selection criteria

Appendix III: Evaluation methodology

ESPD



Appendix I: Exclusion criteria

The exclusion criteria are as follows:

Exclusion criteria	Definition	Evidence
A) Conflict of Interest	<p>A Conflict of Interest covers both personal and professional conflicts. Personal conflicts can arise in any situation where the impartial and objective evaluation of Tenders and/or implementation of the contract is compromised for reasons relating to economic interests, political or national affinity, family, personal life (e.g., family or emotional ties) or any other shared interest.</p> <p>Professional conflicts might occur in situations where the contractor's (previous or ongoing) professional activities affect the impartial and objective evaluation of Tenders and/or implementation of the contract.</p> <p>If there is a potential Conflict of Interest affecting the Tenderer, a member of the Consortium, a subcontractor or a Third Party on whose resources the Tenderer relies upon (if applicable), Tenderers must immediately notify the Lead Procurer in writing.</p> <p>If an actual or potential Conflict of Interest arises at a later stage (i.e., during the implementation of the contract), the contractor must contact the Lead Procurer, who is required to notify the EU and take all necessary steps to rectify the situation. The EU may verify the measures taken and require additional information to be provided and/or further measures to be taken.</p> <p>If the situation cannot be rectified, the Tenderer will be excluded from further participation in the PPI.</p>	ESPD
B) Breach of obligations relating to the payment of	A Tenderer or Contractor, a member of the Consortium, a subcontractor and/or a Third Party on whose	ESPD



taxes or social security contributions	resources it relies upon (if applicable) can be excluded from further participation in the PPI if it is in breach of its obligations relating to the payment of taxes or social security contributions and where this has been established by a judicial or administrative decision having final and binding effect.	
C) Bankruptcy & professional misconduct	<p>A Tenderer or Contractor, a member of the Consortium, a subcontractor and/or a Third Party on whose resources it relies upon (if applicable) can be excluded from further participation in the PPI in any of the following situations:</p> <ul style="list-style-type: none"> • Where the Contracting Authority can demonstrate by any appropriate means a violation of applicable obligations referred to in Article 18(2) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014. • Where the Tenderer is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under national laws and regulations. • Where the Lead Procurer can demonstrate by appropriate means that the Tenderer is guilty of grave professional misconduct, which renders its integrity questionable. • Where the Lead Procurer has sufficiently plausible 	ESPD



	<p>indications to conclude that the Tenderer has entered into agreements with other economic operators with the intention of distorting competition.</p> <ul style="list-style-type: none"> • Where the Tenderer has shown significant or persistent deficiencies in the performance of a substantive requirement under 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. • Where the Tenderer has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria. • Where the Tenderer has undertaken to unduly influence the decision-making process of the Lead Procurer, to obtain confidential information that may confer upon it undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. • Where the Tenderer has failed to maintain relevant licensing or membership of an appropriate trading or professional organisation where required by law. 	
D) Criminal offences	The Tenderer, or a representative of the Tenderer, a member of the	ESPD



	<p>Consortium, a subcontractor and/or a Third Party on whose resources it relies upon (if applicable) will be excluded from the PPI it has been convicted by final judgment for a criminal offence listed below:</p> <ul style="list-style-type: none"> • Participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA. • Corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (2) and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in the national law of the contracting authority or the economic operator. • Fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests. • Terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision. • Money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council. 	
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	<ul style="list-style-type: none"> Child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council. 	
E) Compliance with GDPR	<p>The Tenderers shall comply with the legislation and regulations applicable to the processing of personal data in Europe.</p> <p>In particular and if applicable, the Tenderer, members of a Consortium, subcontractors and Third Parties if applicable will have to ensure compliance with Article 28(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council and Article 29(7) of Regulation (EU) 2018/1725 of the European Parliament and of the Council (on standard contractual clauses between controllers and processors).</p>	ESPD



Appendix II: Selection criteria

The purpose of the Selection Criteria is to determine whether a Tenderer has the financial, economic, technical and professional capacity necessary to carry out and perform the work.

The selection criteria are as follows:

Selection criteria	Definition	Evidence
A) Suitability to pursue the professional activity.	The Tenderer, the members of the Consortium (if applicable) and the subcontractors (if applicable), should be registered in the Chamber of Commerce of their own country or equivalent.	ESPD
B) Demonstration of expertise and working experience required to undertake an innovative project that entails implementation and refinement of innovative features of relevant technology.	Description of the expertise and working experience required to undertake an innovative project that entails implementation and refinement of innovative features of relevant technology. *Please note that this is a performance clause.	At least two CVs of engineers working for the Contractor. At least one of them must be employed by the Contractor. Two CVs of personnel related to Project Management tasks. The personnel should have project management experience in at least two projects.
C) At least one reference case of implementing similar projects that concern the implementation and further refinement of innovative features of relevant technology.	Description of (a) case(s), not older than 5 years.	Free text





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Appendix III Evaluation Methodology

The proposals will be evaluated based on Quality (Desirable requirements) 40%, Innovation 40% and Price 20%.

Lot 1

Award criteria		Maximum score
Percentage Quality (Desirable Requirements) (%)	40,00	308
Percentage Innovation (%)	40,00	308
Percentage Price (%)	20,00	154
Total number of points to be awarded		770

Lot 2

Award criteria		Maximum score
Percentage Quality (%)	40,00	268
Percentage Innovation (%)	40,00	268
Percentage Price (%)	20,00	134
Total number of points to be awarded		670

Lot 3

Award criteria		Maximum score
Percentage Quality (%)	40,00	166
Percentage Innovation (%)	40,00	166
Percentage Price (%)	20,00	83
Total number of points to be awarded		415

Quality

The quality will be evaluated based on the compliance with the desirable requirements defined by the Buyers' Group. These desirable requirements will be communicated to the selected Tenderers before the start of the dialogue phase. The desirable requirements will be tested during the technical verification in the last stage of the competitive dialogue. The results therefore will determine the score for each desirable requirement. Only Tenderers who score at least 60% of the maximum number of points for Quality, will be considered for the award of the contract.



Innovation

Innovation will be evaluated based on the minimum requirements described in section I.1 of the Request for Participation and the following award sub-criteria:

- degree of relevance for the important performance targets or functional requirements as indicated per lot;
- degree of innovativeness (developed less than 24 months and sold to less than 50 clients);
- reliability of the proposed innovation (this will be tested during the procurement procedure);
- the plan to further refine the innovative component or architecture during the execution of the contract.

In Lot 1, you can get a maximum of 77 points on each sub-criterion. That means you can score a maximum of 308 points for Innovation.

Each sub-criteria is judged on the extent to which the described approach is SMART described.

SMART stands for Specific, Measurable, Achievable, Relevant, and Time-Bound.

How we score the above sub-criteria

The assessment committee determines what score your innovation will receive for a specific sub-criteria or part thereof. You will be assigned a number between 0, 4, 6, 8 or 10. All points scored per part are added together to arrive at a score for the innovation plan. In the table below you can read what each figure says about the quality of your innovation plan.

Table scores

10	Excellent: in the opinion of the assessment committee, the Tenderer has provided an excellent answer to the question posed for this (part of the) sub-criteria.
8	Good: in the opinion of the assessment committee, the Tenderer has provided a good answer to the question asked for this (part of the) sub-criteria.
6	Sufficient: in the opinion of the assessment committee, the Tenderer has provided a sufficient answer to the question asked for this (part of the) sub-criteria.
4	Insufficient answer: in the opinion of the assessment committee, the Tenderer has provided an insufficient answer to the question asked for this (part of the) sub-criteria.
0	No answer: in the opinion of the assessment committee, the Tenderer has not answered the question posed for this (part of the) sub-criteria.

Determining the score for Innovation

For each sub-criterion, we multiply each score (0, 4, 6, 8 or 10) by the maximum number of points (77) and multiply by the weighting factor of 10% (or 0,1) for each sub-criterion. The weighting factor expresses the weight of a criterion in relation to other criteria. The score multiplied by the weighting factor is called the weighted score.



For example, if you score 6 on 'degree of innovativeness', the final number of points is $6 \times 77 \times 0,1 = 46,2$.

Only Tenderers who score at least 60% of the maximum number of points for Innovation, will be considered for the award of the contract.

Price

The Tenderers are requested to submit unit prices. Unit price should include the warranty as indicated in the minimum requirements (which will be shared with the selected Tenderers) and the maintenance costs after the warranty period (based on a fictive calculation of 3 interventions per year). The Tenderer is also requested to include also the price of the disposables needed for 1000 detections and the parts that need to be replaced every 2 years.

Determining the score for Price

The Tenderer with the lowest price will score the maximum number of points (In Lot 1, for example, 154 points). The score on the Price of other Tenderers will be determined in accordance with the formula below:

$$\text{Score Price} = 154 - ((\text{Price Tender} - \text{Price Lowest Tender}) / \text{Price Lowest Tender}) * 154$$

If this calculation results in a negative score for the Tenderer, its score for the price will be set at 0 points.

Calculation example:

Tenderer 1 offers a price of 900 Euro and Tenderer 2 of 1,000 Euro. Tenderer 1 therefore has 100% of the maximum number of points, 154 points.

Score Tenderer 2 is $154 - ((1,000 - 900) / 900) * 154 = 137$ points (rounded up)

Innovation Plan

To assess whether the bid conforms to the minimum requirements for innovation (see section I.4 Solutions to be procured above) and award sub-criteria, the Tenderer is requested to submit an Innovation Plan that provides the following information:

- Analysis of offered innovative component or architectural innovation and how it contributes to reaching performance targets or meet functional requirements marked as important for the given lot.
- Statement on whether this innovative component or architectural innovation has been used for other clients. If yes, then details for the solution including date of deployment must be provided.
- The plan to further refine the innovation during the execution of the contract



!! The Tenderer is advised to take into account that the innovative character of a solution is changing over time. The proposed innovative solution or an architectural innovation must still be considered innovative in the sense of the definition provided above when the final bid is due for submission.

ESPD

