TENDER SPECIFICATIONS "DATABASE ON CARGO MANIFESTS"

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1. Introduction

The European Commission represented by the European Anti-Fraud Office (OLAF) is launching an invitation to tender for services to conclude a framework contract for the acquisition of access to data on cargo manifests.

Services provided as a result of this call for tender may be delivered to any Directorate-General of the European Commission or to anybody or agency set up under the EU treaties or on their basis.

The Commission (OLAF) wishes to conclude a framework service contract to acquire (access to) data on cargo manifests to be used primarily in support of the investigations and analytical work carried out by its key partners in the Member States, acceding States, candidate countries or other third countries in particular in the field of the protection of the EU's financial interests as well as OLAF's investigations. The specific contracts may be funded under the Hercule III programme¹ which has the objective to protect the financial interests of the EU by preventing and combating fraud, corruption and any other illegal activities and enables support to authorities of participating countries by providing specific databases.

Further information concerning OLAF can be found at: http://ec.europa.eu/anti_fraud/index_en.html

1.1. Purpose of the Framework Contract

This Call for Tenders concerns the acquisition of cargo manifests information. The contract takes the form of a framework contract (see Annex 8). The framework contract will be implemented through specific contracts. On the basis of a service request, the contracting authority will ask the contractor to submit a service proposal. Once accepted by the contracting authority, the service proposal will be annexed to the specific contract. The specific contract will be drawn up in accordance with the standard format, as specified in the framework contract. The framework contract and the specific contracts will come into force on the day they are signed by the contracting authority. Signing the framework contract **does not commit** the contracting authority to placing orders and does not give the contractor any exclusive rights to the services covered by the framework contract. The contracting authority reserves the right to cease placing orders without the contractor having the right to any compensation. It can do so at any point during the framework contract's duration.

The framework contract will be awarded for an initial period of one calendar year and may be renewed annually up to 3 times. The overall duration of the framework contract shall not exceed four years. Its renewal will be automatic and under the same conditions, unless one of the contracting parties notifies the other to the contrary, in writing, before the period indicated in the model framework contract ends. Renewal does not imply any modification or deferment of existing obligations.

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¹ Regulation (EU) No 250/2014 of 26 February 2014 of the European Parliament and of the Council establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III Programme) and repealing Decision No. 804/2004/EC, OJ L 84 of 20 March 2014.

1.2. Estimate of volumes

The total value of the contract to be awarded depends on the evolution of the tasks to be performed by OLAF during the course of the procurement period, requests from Member States, partner countries and other European Institutions, etc. It is therefore not possible at the time of writing for OLAF to commit itself to ordering a specified volume of data.

For the purposes of this call for tenders, the financial comparison of bids will be based on predefined levels of service which are not necessarily the levels of service which will be contracted.

The overall value of the specific contracts that can be concluded under this framework contract over a four year period will not exceed EUR 5 000 000.

The Commission may exercise the option to increase the estimated contractual value at a later stage via negotiated procedure with the successful tenderer in accordance with Article 134(1) (e) of the rules of application of the Financial Regulation No 966/2012 (OJEU L 342 of 29 December 2015).

2. Information on tendering

2.1. Participation

Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement.

Where the Multilateral Agreement on Government Procurement² concluded within the WTO applies, the participation to the call for tender is also open to economic operators of the countries that have ratified this Agreement, on the conditions it lays down.

Considering that the subject of the contract is the acquisition of manifest data from all the third countries, the contracting authority exceptionally authorises the participation in this call for tender of economic operators that are established in all other third countries without creating a precedent or obligation for the future.

2.2. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

² See http://www.wto.org/english/tratop E/gproc e/gp gpa e.htm

2.3 Joint bids and subcontracts

All bids must clearly specify the name of each company involved in the bid and state whether they are acting as a member of a grouping or a consortium presenting a joint bid, or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others).

Members of a grouping or a consortium presenting a joint bid assume **joint and several liability towards the Commission** for the performance of the contract as a whole.

Tenderers are required to identify all subcontractors whose share of the contract is above 20% of the offer. Their full details (name, place of establishment, roles, services, responsibilities, amounts provided and the reasons why subcontracting is envisaged) must be included in the tender. Tenderers must ensure that Article II.7 of the contract (see Annex 8) can be applied to all subcontractors.

Where elements of the tasks provided for in the contract are the subject of a subcontract between the Tenderer and a third party **the contractor retains full liability towards the Commission** for performance of the contract as a whole. Accordingly the Commission will treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor. Under no circumstances can the main contractor avoid liability towards the Commission on the grounds that the subcontractor is at fault.

Bids envisaging subcontracting must include a letter of intent by each proposed subcontractor stating its intention to collaborate with the main contractor in case the contract is awarded.

During execution of the contract, the contractor must obtain the Commission's express authorisation to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original bid.

Contractors must be able to demonstrate that subcontracting must be based on the best value for money given the quality of the service proposed (best price/quality ratio).

3. Content of tender

3.1. Structure of tender

The Tender must be presented in the following three distinctive parts.

3.2. Administrative part

The tender must include:

A **cover letter** presenting the name of the tenderer (including all entities involved in the case of a joint offer), the subcontractors whose share of the contract is above 20% of the offer, and the name of the single contact person for the tender.

For **joint tenders**, the cover letter must be signed by a duly authorised representative of each tenderer, or by a single tenderer duly authorised by the others (by power of attorney).

- The **administrative identification form** (Annex 5).
 - If applicable, subcontractors must provide a letter of intent stating their willingness to provide the service specified in the offer in line with the tender's specifications.
- In order to prove their legal capacity and their status, all tenderers must provide a signed **legal entity form**.

The form is available on:

http://ec.europa.eu/budget/contracts grants/info contracts/legal entities/legal entities en.cfm

The legal entity form should be completed, signed, stamped and returned together with:

- a **certificate of trade registration** or a copy of another official document
- If the legal entity has a **VAT number**, the document issued by the VAT authorities to certify registration must be attached (except where the VAT number already appears on the certificate of trade registration or its equivalent).

Tenderers that are already registered in the contracting authority's accounting system (i.e. they have already been direct contractors of the contracting authority) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the single point of contact for joint tenders) must provide a financial identification form signed by his banker and supporting documents.
 Only one form per offer should be submitted (no form is needed for subcontractors and other joint tenderers).

The form is available on:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

- Tenderers must provide the following information if it had not been submitted with the legal entity form:
 - For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tender in dealings with third parties and in legal proceedings, or a copy of the publication of this appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be supported by evidence.
 - For natural persons, where applicable, proof of registration in a professional or trade register or any other official document showing the registration number.

The European Commission reserves the right, after the submission of the tender, to request any document that the European Commission judges necessary for the evaluation of the bid.

These requests may refer to any evidence in support of the information requested in the identification form, in particular those relating to the legal existence of the candidate, its enrolment in a professional or trade register or the appointment of its legal representatives. It would be helpful, however, to provide those documents already in the tender.

The administrative part of the tender must also contain the necessary information for the European Commission to evaluate the exclusion and selection criteria (see 4.3 and 4.4).

All administrative proposals must contain all the information and supporting documents required by these specifications. In their absence, the European Commission may disqualify the bid.

3.3. Technical part

The technical proposal should address all matters laid down in the Technical Specifications and should include models, examples and technical solutions to problems raised in the specifications. The technical proposal must meet the technical specifications and provide, as a minimum, all the information needed for the purpose of awarding the contract.

The technical offer must be completed in full and signed by the person authorised to represent the tenderer.

3.4. Financial part

This section should contain all financial information relevant to the services to be provided which will constitute the future contractual basis for the pricing of the specific contracts.

The financial part of the tender must be presented in a separate sealed envelope clearly marked "Financial bid". The financial bid must be signed by the person or persons authorised to represent the Tenderer.

3.5. Presentation of tender

The tendering documents must be forwarded in two parts, each in separately sealed and clearly marked envelopes. One part must contain the administrative and technical information; the second part must contain only the price information. *One signed* original, *two* hard copies and one electronic copy (e.g. CD, DVD, memory stick) must be provided.

In case of discrepancy between the paper version and the electronic version, the original of the paper version will be taken into consideration for the evaluation.

Tenders must be clear and concise, both in term of content and presentation.

Tenderers must keep in mind that the assessment of their bid will be based solely on the content of the written bids; therefore it is essential that the written bid encompasses all the information needed to evaluate their capacity to meet the requirements of the specification.

4. Evaluation

4.1. Procedure

The evaluation is based on the information provided in the submitted tender. It contains the following steps:

- 1. Verification of the non-exclusion of tenderers based on the exclusion criteria.
- 2. Selection of tenderers based on the **selection criteria**:
 - economic and financial capacity;
 - technical and professional capacity.
- **3.** Verification of compliance with the minimum requirements set out in these tender specifications.
- **4.** Evaluation of tenders based on the **award criteria**.

Only tenders that meet the requirements of one stage will pass on to the next stage.

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

- **5.** Notification of the results to tenderers
- **6.** Signature of the contract by both parties.

4.2. Opening of bids

The received bids will be opened, by the appointed Opening Board, at the time and date indicated in the Call for Tender (OJ 2016/S). One authorized representative from each Tenderer can observe the opening of the bids. The request to attend the opening session must be sent to: OLAF-FMB-TENDERS-DATABASES@ec.europa.eu ten days in advance.

4.3. Exclusion criteria

All tenderers must provide a declaration on their honour (see Annex 6), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in Annex 6.

For joint tenders, this requirement applies to all members of the consortium.

A declaration on their honour is also required for identified subcontractors whose intended share of the contract is above 20% of the offer.

The tenderer to whom the contract is to be awarded must provide the documents mentioned as supporting evidence in Annex 6. It must do so within the time limit defined by the contracting authority before the contract is signed.

4.4. Selection Criteria

Tenderers must prove their economic, financial, technical and professional capacity to carry out the work specified in this call for tender.

For joint tenders, each member of the group must provide the evidence requested.

If there are subcontractors whose intended share of the contract is above 20% of the offer, they must also each provide the evidence requested. However, all consortium members and sub-contractors will be assessed together to verify compliance with the selection criteria.

4.4.1 Economic and financial capacity

In order to prove their economic and financial capacity, the tenderers (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) must:

- 1. Show that their annual compound turnover is at least EUR 200 000 cumulated for the past two years.
- 2. Have a sufficient positive net operating cash-flow for the past two years.

The tenderers must:

- fill in the simplified balance sheet and simplified profit and loss account (Annex 7) for the last two financial years for which accounts have been closed, if the tenderer is required by law to produce such statements.
- enclose the following documents:
 - a. Copy of the balance sheet, profit and loss account and the cash flow statement for the last two financial years for which accounts have been closed, if the tenderer is required by law to produce such statements.
 - b. The audit statements, if the relevant company law requires these financial statements to be audited.

If, for some exceptional reason which the contracting authority considers justified, a tenderer is unable to provide one or more of the above documents, it may prove its economic and financial capacity with any other document that the contracting authority considers appropriate.

In this case, the tenderer must inform the contracting authority about the exceptional reason and its justification in the tender itself.

The contracting authority reserves the right to request any other document that will enable it to verify the tenderer's economic and financial capacity.

4.4.2 Technical capacity

The tenderer's expertise and professional experience in the area of the service required must be relevant, both in type and volume, to the potential contracts that it is proposed to award.

Evidence of the tenderer's technical and professional capacities must be furnished on the basis of the following documents/detailed information:

- (a) a list of the main services similar to those set out in this notice provided over the past 3 years (2013, 2014 and 2015), together with details of the volumes and recipients involved,
- (b) a description of the technical equipment and tools to be employed by the tenderer for performing a service contract;
- (c) a description of the measures employed to ensure the quality of services;
- (d) an indication of the technicians or technical bodies involved, whether or not belonging directly to the tenderer, especially those responsible for quality control;
- (e) a statement of the average annual manpower and the number of managerial staff of the tenderer or contractor in the last three years;
- (f) an indication of the proportion of the contract which the tenderer may intend to subcontract.

Tenderers should note that failure to provide sufficient information for the aforementioned points 4.4.1 and 4.4.2 could lead to their tenders being rejected.

In addition, the Commission reserves the right to use any other information from public or specialist sources.

5. General information

5.1. Language

Bids may be submitted in any of the official languages of the Union.

At the end of the procurement process and following the award of the contract, all official exchanges of information between the Commission and the contractor relating to the contract shall be made in English, unless otherwise specified by the Commission.

5.2. Other conditions

Submission of a tender implies that the Contractor accepts all the terms and conditions set out in these specifications (including the annexes) and waives all other terms of business.

Submission of a tender binds the Contractor to whom the contract is awarded during performance of the contract.

The tendering procedure shall not involve the European Commission in any obligation to award the contract.

Once the European Commission has accepted the tender, it shall become the property of the European Commission and the European Commission shall treat it confidentially. The European Commission shall not reimburse expenses incurred in preparing and submitting tenders. No compensation may be claimed by candidates whose tender has not been accepted, including when the European Commission decides not to award the contract.

6. Personal Data

If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the European Antifraud Office. Details concerning the processing of your personal data are available on the privacy statement at http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation. For more information, see the Privacy Statement on

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm

7. Deadlines

7.1. Final date for submitting written questions: 7 October 2016

In principle, no contact is permitted between the European Commission and the candidates during the procurement procedure.

However, in exceptional circumstances contact may be made on the candidates' initiative before the date given above, in order (and only for this reason) to clarify the nature of the contract or to request a copy of the invitation in a different language.

Such requests for further information may be made by e-mail to the following e-mail address: <a href="https://doi.org/10.2016/nc.2016/

Replies to tenderers' queries and any additional information including that referred to above will be posted on OLAF website: http://ec.europa.eu/anti-fraud/olaf-and-you/calls-for-tender en.

The website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the tendering period.

7.2. Final date for reception of bids: 21 October 2016

The tender shall be submitted in three paper copies and one copy on an electronic medium (e.g. CD, DVD, memory stick). The tenderer has to scan the device for viruses in order to avoid contamination with viruses of the IT infrastructure of the EC. It shall indicate in the tender: The software used for the virus scan (and version) and the guarantee that support was verified and does not contain any viruses.

Tenders must be sent under double envelope. Both envelopes must be sealed. The inner envelope should be addressed to the department indicated below and marked "Call For Tenders - OLAF/D1/77/2016 Database on cargo manifests" and "Not to be opened by the internal mail department". If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape.

Tenders may be:

• Sent, by registered mail, posted no later than 21 October 2016 (date as postmark), to the following address:

EUROPEAN COMMISSION

European Anti-fraud Office (OLAF)

Invitation to tender: "Database on cargo manifests" Unit OLAF/D1 'Policy Development & Hercule"

Office address: J-30 12/73 B-1049 Brussels, Belgium

• Delivered by hand, i.e. by delivery in person or by an authorised representative (including private courier services) no later than **4.00** p.m. on **21 October 2016**, to the following address:

EUROPEAN COMMISSION

European Anti-fraud Office (OLAF)

Invitation to tender: "Database on cargo manifests"

Unit OLAF/D1 "Policy Development & Hercule", Office address: J-30 12/73

Service central de réception du courrier

Avenue du Bourget 1

B-1140 Brussels (Evere), Belgium

Please note that, for security reasons, hand deliveries (including private courrier services) shall no longer be accepted in other European Commission's buildings. An acknowledgement of receipt shall be delivered by the "Service central de réception du courrier".

Candidates shall observe precisely the above indications in order that tenders can reach their precise destination in due time. It is highly recommended to send a copy of the receipt for the

registered mail, handing over to a courier company or for the reception at the European Commission Central Mail service to the E-mail address mentioned under 7.1.

Reminder: Late delivery will lead to the exclusion of the tender from the award procedure for this contract.

8. Technical specifications

The contract will cover obtaining of information on cargo manifest data with worldwide country coverage (except EU countries), with focus on South-Asian region (including China).

8.1. Purpose and scope

The contract will cover the acquisition of global maritime information on manifests³ from the highest number of countries possible and the widest range of imports and exports as possible with focus on South-East Asian region, including China. The data should be at every single shipment or transaction level. It should contain details of individual shipments and preferably identify the precise shipping means (such as ship's name, bill of lading⁴, container number), description of goods and party information (importer / exporter). It is generally used to identify details of specific shipments. Data is expected to cover (whenever available, but not limited to) the following information:

- bill of lading number;
- identification of transport and voyage number;
- consignee name and address;
- consignor name and address;
- notify name and address;
- port / country of lading;
- departure date;
- port / country of destination;
- description of goods;
- weight:

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- container number;
- Harmonised System (HS) code (at the greatest level of detail available per country);
- Quantity and value of the commodity traded.

In addition the provider shall make available on-line and keep up-to-date an overview on the data coverage (percentage of the overall trade flow per source country; last update and indicator of the origin of the data). Under origin of the data is to be understood an indicator whether the data presented are generated by the source country or whether the data has been compiled from data provided by trade partners of the source country.

³ A manifest is a statement containing a full list of a vessel or aircraft cargo presented to customs authorities.

⁴ A bill of lading is a document issued by a carrier to a shipper, acknowledging that specified goods have been received on board as cargo for conveyance to a named place for delivery to the consignee.

The manifest data for any country is expected to include full bill of lading level of detail and container information. The consignor and consignee name and address, container number and description of goods are considered essential data fields, where available.

Any additional information / function, which can be provided by the tenderer (such as data from customs declarations), should be indicated in the bid for consideration in the assessment process.

Data coverage

The data must cover as much as possible of the total maritime import and export per source country. The contractor must show the volume of trade covered per country by comparison with publicly available trade statistics. The contractor may use any publicly available reference list, table, etc. providing it is shown to be from a reliable source. The contractor may not base the coverage solely on their own figures.

The manifest data must cover primarily as much trade as possible between Europe (with specific reference to EU countries) and other world regions.

The tenderer shall use Table1 in Annex 2 to indicate the countries covered and the nature and range of the information which meets the requirements.

The bid must provide information relating to the data coverage of the country, the port regions and the level of detail for each country available.

Chinese data

It is desirable for the bid to cover Chinese data. The bid should preferably cover exports from China to all countries. The data should cover the widest range of exports possible.

Data sources

The data (cargo-manifests, bills of lading, customs declarations) must originate from reliable sources, such as, customs authorities, port authorities, carriers, etc. The contractor preferably should compile the data from multiple sources for each country in order to provide manifest data as complete and detailed as possible. All data sources must be clearly identified in the database. The bid must mention information on the sources which provide the data for each country.

Data quality

The tenderer should describe in the bid the method for collecting and verifying the manifest data to ensure that the data provided are reliable and trustworthy.

The controls carried out by the contractor to ensure the integrity, completeness and the quality of the manifest data should be described in the bid. It should also be described how the contractor monitors the data coverage and reports to the Commission (OLAF) any problems in the record counts and the fields of the required data.

The data are to be as reported by the original source, subject only to pre-processing carried out by the contractor for qualitative and/or quantitative reasons.

8.2. Update frequency

The manifest information should preferably be available **before** the cargo arrives in the port of discharge.

The information source should be updated regularly. The system must indicate the date on which the information relating to each manifest was last updated.

Bids must include information on the frequency with which the information is updated and the timeliness of the data for each direction (import or export).

8.3. Historical data

Historical data for all the countries must be included in the price over the last three years (2013, 2014, 2015) or at least as from January 2014, where available. Historical data should be available in the same way as current data. The bid should provide a list with the historical data available per country and the periods covered.

8.4. User interface and search facilities

The information should be presented in a user-friendly format. A search facility, which enables all information over a given time period to be selected, is essential. The possibility to conduct searches throughout the fields of information described under "Purpose and scope" is essential.

The system must allow download of information in a searchable format, save and print the results of searches. All obtained results should be retrievable and exportable preferably in one single operation.

The language used in the search facilities, downloads and printouts of manifest information must be English. It should be indicated whether they are also available in other Union languages.

8.5. Confidentiality

The contractor should describe in the bid the measures which it will implement to ensure that the searches made by the users are kept confidential and should not be disclosed to third parties.

User nominal data should be protected at or above the EU legal requirement. Nothing to identify the users should be made available to anyone except the Commission (OLAF). Account names and passwords may be recorded by the contractor for their own internal audit purposes or for the provision of monthly logon and usage statistics only. Users will have generic names (e.g. user1, user2, etc.).

8.6. Reporting

The data provider must furnish a monthly report on the data deliveries and usage of the database. The content and format of these reports will be determined in light of the pricing structure of the contract.

Monthly reports should include sufficient information to meet the following requirements:

• Provide an overview on the data coverage and data deliveries for the month.

- Provide an indication of any drop in performance for any source country on expected data fields, volume of data, frequency of delivery and the timeliness of the data. This should be also by e-mail notification as soon as the problem occurs.
- Provide a table of deliveries with details of data uploads for each country.
- Provide an overview on the database usage at individual user level, including at least the number of log-ins, searches and details about the nature of those searches, per month.

A consolidated version per quarter shall be also provided.

Monthly and quarterly reports should be produced within two weeks, i.e. 10 working days of the end of each month and/or quarter.

An annual report on the data deliveries and usage of the database for the period of the specific contract shall be also provided.

8.7. Services

8.7.1 Support and helpdesk

The price must include support via e-mail or telephone for the resolution of technical problems in the use of the database.

A helpdesk facility may be provided to the system's users during normal Brussels office hours (Monday to Friday, from 8.30 to 18.30 CET). Language coverage of the helpdesk facility must be indicated in the bid. Should this helpdesk facility entail extra costs on their part, tenderers should mention separately these costs.

8.7.2 Training

The price must include one day of training at OLAF's premises in Brussels at the request of OLAF at a mutually agreed time. If any major changes in the channel of delivery of the information occur during the contract period, the contractor must provide appropriate training for users at no additional cost to OLAF.

8.7.3 E-learning

The provider may make available and keep up-to-date an e-learning module directly accessible from within the system. In addition, if available, a copy external to the system shall be made available to OLAF for the purpose of integration in OLAF's own e-learning package(s).

Should this method of providing and maintenance entail extra costs on their part, tenderers should include an itemised entry of these costs.

Criteria considered of importance for the quality assessment are:

- interactive or not (in any case beyond a simple presentation),
- the structure and easiness of navigation,
- no need for installation of special software,
- training adapted to the specific profile of the users or possibility for OLAF to intervene in the composition of the package,

- where it is made available to the user (before or after authentication).

8.8. Languages

At the end of the procurement process and following the award of a contract, all official exchanges of information between the Commission (OLAF) and the contractor relating to the contract shall be made in English, unless otherwise specified by OLAF. This refers in particular to the following documents:

- the contract, periodic reports, deliverables, and all official correspondence;
- the user interface (search facilities and printouts), documentation (user manuals, technical papers, training material, etc.);

The availability of these documents in other Union languages (as well as the number of official languages spoken at the helpdesk) will be considered an asset. Tenderers must make explicit in their reply the cost of any translation necessary to comply with the above requirement to have all documentation / user interfaces in English. Bids must include an itemised entry of the additional costs this would entail, in particular when providing the estimation for the pre-defined levels of service used for the price comparison (refer to § 11.3.).

9. Other requirements

9.1. Data access and use

The Commission (OLAF) acquires access to the data for use in support of the investigations, operations and analytical work of its key partners in the Member States, acceding States, candidate countries or other third countries as well as OLAF's investigations.

OLAF must be authorised to give access to the database for external users limited to Member States' customs and law enforcement authorities to be used for their own investigations, operations and analytical work in particular into fraud. This concerns a limited number of users in the Member States that will be determined by OLAF, who can be given access to data. OLAF requires a number of accesses that it will distribute to Member States' users.

Users will be OLAF staff as well as customs and law enforcement/anti-fraud authority staff in multiple locations in the Member States, who are authorised to access, read and download data.

OLAF and Member States' customs and law enforcement authorities may distribute the results of analyses based on the data, reports or extracts from the data to any person or body cooperating with them in their field of competences, in particular with regard to the protection of the EU's financial interests in electronic, paper or other format and state the source of the data. The redistribution will be for purposes of analysing and/or investigating in particular possible fraud at any stage in that mission. There will be no redistribution for commercial purposes.

For licensing models see section 9.2 of this document, for technical modalities see section 9.3 of this document.

9.2. Licensing models

OLAF distinguishes as possible licensing models for access to the data:

Volume based licensing would allow an unlimited amount of users to access the external database with invoicing based on the number of searches and downloads performed in the system.

User based licensing would allow a limited number of users to perform an unlimited number of searches and downloads in the external database.

Unlimited access would allow unlimited searches and downloads and unlimited number of users.

Tenderers are asked to take into account that within the Anti-Fraud information system each natural person has a dedicated nominal account to login to the system (1:1 relationship). As a result, when integrating with the Single Sign-On (SSO) capability of AFIS as described in section 9.3 and Annex 1, the number of user accounts who are potentially able to access the external database is rather high compared to the volume of searches and downloads performed in the external database. For this reason to provide access via AFIS, OLAF prefers to use a volume based licensing model, named users licencing or unlimited access. OLAF may also use concurrent users licensing, though this would require a minor adaptation on OLAF side.

Regardless of the selected licensing method OLAF must retain the possibility to provide on the spot direct database access to users in the Member States in case of need.

9.3. Technical modalities

OLAF and Member State users will connect to the external database using standard Internet connectivity. The web-based application must include a secure site access. The web site must be encrypted. Logons must be by means of local user names and passwords, or by means of a Single Sign-On access (for example by implementing the SAML - preferred option - or OAUTH2 protocol). Automatic logoff has to be done after a fixed period of inactivity. To facilitate user registration and management OLAF prefers to use the Anti-Fraud Information System (AFIS) portal as the user repository for access to the external database. The AFIS portal is capable of providing Single Sign-On services for external applications.

This would require a minor integration from the vendor which would result in reduced efforts to register and maintain user access to the data for both the vendor and OLAF. The proposed Single Sign-On approach is capable of supporting both volume and user based licensing models.

Ability and willingness to integrate with the AFIS portal as a Single Sign-On provider are one of the award criteria that will be taken into account when bids are assessed. Tenderers must indicate in the bids their ability and willingness to adapt to the integration at no additional cost.

Technical details on the proposed SSO approach are provided in Annex 1 of this document.

9.4. Future developments

For Business-to-business (B2B) or web-service access OLAF may decide to extend its existing software infrastructures with the intent to access information from third-party data sources automatically. The OLAF IT infrastructure includes applications which are able to automatically retrieve data from third-party sources using common, well known business-to-business protocols.

Future developments might require the said OLAF applications to access the data provided by the tenderer. An interface for application-to-application interaction should then be implemented in both systems. The said access will be strictly controlled by OLAF and will not be used as a means to download bulk data.

At the time of writing, no decision has been taken regarding the technical details for the actual implementation of the solution. Tenderers must indicate their ability and willingness to deliver services via such IT architecture. Tenderers must mention separately in the bids the additional cost related to the business-to-business integration, if any.

At a later stage, before the actual implementation of the solution, OLAF will provide the required technical details.

10. Prices

10.1. Pricing schemes

The annual priorities and workload of OLAF and its partners, a possible accession process, and the budget allocation for the acquisition of information may impact significantly on the level of service the Commission (OLAF) wishes to purchase over the four year period covered by this procurement.

The Commission (OLAF) has the following requirments for access to the data:

- To be able to select the number of countries, trade flows (import/ export/ both) and, where available and appropriate, regions which will be opened to the subscription or the entire package to have access to the entire database for all the available countries for each contracting period;
- To be able to set the user access rights to the subscription, for instance to give access to certain users to specific countries of interest only and change the countries to which users have access depending on their interest, if possible.

The Commission (OLAF) will consider the following pricing structures:

- a) Number of searches regardless of the number of users;
- b) Number of downloads regardless of the number of users;
- c) Number of concurrent users with unlimited access (searches and downloads);
- d) Number of named users with unlimited access (searches and downloads);
- e) Flat rate price for unlimited access (searches and downloads) for up to 100 concurrent users or 400 named users and for unlimited users;
- f) Different pricing schemes for diverse sections of the database based on different elements: e.g. countries, regions, direction (imports or exports), HS codes or commodities, etc.;

g) Any other pricing structure or combination of the above structures which the tenderers apply.

Note: (a) & (b) above are for volume based licensing (c) and (d) are for user based licensing.

(a) & (b) above may be expressed in units or credits provided these are defined in a transparent way (i.e. bytes, CPU time, information block or any other unit of measurement).

For (a), (b), (c) and (d) above, the prices for, and discounts applicable to, the annual purchase of varying quantities of the service must be clearly stated. The same applies for (e) regarding the number of concurrent or named users above 100 or 400. The same applies for (f) and (g).

Tenderers are requested to provide detailed prices for the pricing schemes a), b), c), d), e), f) and g) above, as applicable, per source country, trade flow (import/ export/ both) and, where available and appropriate, also per region (also when not all countries of that region are available) in the tables of unit prices in point II of Annex 3 or to provide their lists of unit prices.

Tenderers should also provide the price for (e) for the entire package for access to all the countries offered.

Tenderers should fill in the answers to the questions on the financial bid in Annex 4.

The Commission (OLAF) reserves the right to seek clarification of the pricing basis of any bid submitted where such clarification is considered necessary for the assessment and / or comparison of bids.

Tenderers must make explicit in their reply the cost of any translation necessary to comply with the requirement to have all documentation / user interfaces in English when providing the estimation for the pre-defined levels of service to allow OLAF to perform a language-neutral price comparison.

The Commission (OLAF) will specify the pricing structure to be used for each contracting period depending on the level of service required (i.e. pricing structure may change from one contract period to another at OLAF's request).

Prices must be expressed in Euro. Tenderers are liable for any losses that may result from fluctuations in the exchange rate with non-Euro zone countries. The price quoted may not be revised in line with exchange rate movements.

Prices shall be free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union. Exemption is granted to the European Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubts about the applicable VAT system, it is the tenderer's responsibility to contact his national authorities to clarify the way in which the European Union is exempt from VAT.

Prices must be inclusive of all costs and expenses directly and indirectly connected with the services supplied.

Prices shall be fixed and not subject to revision during the period covered by this procurement for all products and services included in the bid.

Tenderers are requested to submit their upgrade policy and pricing modalities for any anticipated enhancement of the functionality of their information source over time (prices and/or discounts for products not (yet) included in the data source but to be included during the course of the procurement period).

The Commission (OLAF) reserves the right to acquire such additional functionality (i.e. new countries, additional services, etc.) at any time, as an additional service on-demand (or include it as part of the standard price for the next contracting period).

The acquisition of the additional functionality will have to be based on the pricing modalities described in the bid submitted as a response to the call for tenders.

The Commission (OLAF) will be unable to acquire any functionality that is not included in the bid. Consequently, new services added or linked to the data source over time, and not included in the bid will have to be provided at no extra cost to OLAF.

10.2. Terms of Payment

Payments under the contract shall be made in accordance with Articles I.6 and II.21 of the draft contract in Annex 8. Payments shall be executed only if the Contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted.

A monthly and quarterly report, in the form of a summary listing the number and nature of the queries made to the data source by each user, must be furnished by the data provider (see point 8.6).

These reports will be used to substantiate the amounts charged in line with pricing policy stated in the reply to this call for tender. Payments shall be conditional on approval by the Commission (OLAF) of the reports for each quarter.

The Commission (OLAF) reserves the right to adapt the payment terms and reporting modalities in the specific contract if the duration of the specific contract is less than one year.

10.3. Validity of the tender

Bids should remain valid for a period of nine (9) months calculated from the closing date for submitting tenders. During that period, bids may not be varied in any respect.

11. Evaluation

11.1. Technical evaluation

The technical evaluation will be made by establishing an overall technical score for each bid taking into account the individual scores for the following criteria:

- The data sources content in terms of number of countries, worldwide coverage (with emphasis on South-East Asian region, including China; excluding EU countries), percentage of imports and exports covered, data quality measures, level of detail and degree to which the information is up-to-date. Clear distinction should be made between data originating from the source country and data compiled from trade partners of the source country. This information should be provided via Table 1 in Annex 2. Tenderers are requested to provide full online access to the data source (at no cost to OLAF) for a limited period to allow for a comprehensive assessment of all the technical characteristics and functionalities. For the calculation of the total score of the technical evaluation, this criterion will be weighted at 50% and broken down as follows:
 - coverage of South-East Asian region 25%;
 - coverage of China 15%;
 - worldwide coverage (excluding EU countries, South-East Asian region and China) 10%.
- Presentation and functionality of the data source in terms of functionality, search facilities of the system, reporting and on-line monitoring facilities, associated services (training, support, multilingual help desk), etc. Tenderers are requested to attach examples of screen layouts and printed report layouts of the data source. For the calculation of the total score of the technical evaluation, this criterion will be weighted at 40%.
- The tenderer's capacity to make adaptations to single sign-on architecture in terms of licensing, pricing structure and IT considerations. For the calculation of the total score of the technical evaluation, this criterion will be weighted at 10%.

11.2. Overall technical score

The overall technical score for each bid will be calculated as the sum of the individual scores for each of the evaluation criteria.

Individual scores will be attributed to the evaluation criteria in accordance with the following method:

Criterion	%	Max Points	Min points
1. Content of the data source, of which:	50	50	25
coverage of South-East Asian region	25	25	
coverage of China	15	15	
worldwide coverage (excluding EU countries,	10	10	
South-East Asian region and China)			
2. Presentation and functionality	40	40	20
3. Adaptation to the single sign-on architecture	10	10	
Total	100	100	65

In order to guarantee a minimum level of quality, bids that do not reach a minimum of 50% of the possible score for the first two main criteria of the technical evaluation will not be considered further. In addition, bids that do not reach a minimum of 65% of the possible overall score for the technical evaluation will be eliminated from further evaluation.

11.3. Financial evaluation

The financial evaluation will be based on the pricing schemes quoted by tenderers as described in § 10.1.

For the purpose of comparing prices, the following pre-defined levels of service for (a), (b), (c), (d) and (e) below have been determined:

- a) Number of searches regardless of the number of users:
 - (a) 15 000 searches;
- b) Number of downloads regardless of the number of users:
 - (b) 15 000 downloads;
- c) Number of concurrent users with unlimited access (searches and downloads):
 - (c) 50 users;
- d) Number of named users with unlimited access (searches and downloads):
 - (d) 300 users;
- e) Flat rate price for unlimited access (searches and downloads) for up to 100 concurrent users or 400 named users and for unlimited users:
 - (e) flat rate for unlimited users for the entire offer.

The information for a), b), c), d) and e), if and where applicable, should be completed in Table 2 in Annex 3.

Tenderers must make explicit the **translation** cost (as an absolute or proportional value) to comply with the requirement to have all documentation / user interfaces in English for the above pre-defined levels of service. The Commission (OLAF) will perform the price comparison after having corrected the proposed prices with the translation factor.

In case the geographical coverage is not satisfactory for none of the tenders, the detailed prices per source country or per region may be taken into consideration for evaluation.

12. Award

The award decision will be based on the "quality/price" ratio (i.e. the most economically advantageous bid).

The bid representing the best value for money will be identified in the following way:

• The bid with the best technical score will receive a quality indicator of 100 points. The remaining bids will receive lower quality indicators in proportion to their technical scores.

- The bid found to be the cheapest will receive a price indicator of 100 points. The remaining bids will receive higher price indicators in proportion to their prices.
- A "quality / price" ratio will be calculated for each bid by dividing the quality indicator by the price indicator. The highest result will go for the bid presenting the best value for money.

13. Service Level Agreement

Tenderers are requested to submit a detailed Service Level Agreement (SLA) in order to specify the level and the quality of the services related to the procurement and to define penalties for non-delivered or impaired service.

The SLA will be part of the bid and therefore subject to evaluation.

The SLA should define all the relevant details of the services concerned and will later form an integral part of the contract. It defines the basic elements of:

- Organisation of the service;
- Pricing policy;
- Penalties:
- Monitoring services;
- Periodic reporting;
- Data source availability;
- Response time;
- Support and help desk;
- Training.

14. Questions

14.1. Questions on the "Content of the data source"

Purpose and scope

Number of countries from which manifests are available in the information source at the time of submitting the bid? Are there plans to increase country coverage during the procurement period (4 years)?

Reference:

Provide the list of countries and indicate the percentage of both imports and exports covered.

Indicate whether the data is provided by the country itself or by its trade partners.

Provide information on the sources which provide the data for each country.

Reference:

Indicate if the following information is included in the system:

- bill of lading number;
- identification of transport and voyage number;
- consignee name and address;
- consignor name and address;
- notify name and address;
- port / country of lading;
- departure date;
- port / country of destination;
- description of goods;
- weight;
- container number;
- Harmonised System code. Indicate the level of detail available per country (i.e. HS code digit level);
- Quantity and value of the commodity traded.

Reference:

Is the manifest information available in the database when the cargo arrives at the port of discharge?

Reference:

Provide on-line access for a period of one month to the information source to allow a comprehensive evaluation of its technical characteristics.

Alternatively, provide a sample from the information source from the last two months using electronic media, i.e CD-ROM, etc.

Reference:

Complete Table 1 in Annex 2 to this call for tender.

Reference:

Additional information contained in the system:

Reference:

Describe the method for collecting and verifying the manifest data.

Describe the controls carried out to ensure the integrity, completeness and the quality of the manifest data.

Describe how the contractor monitors the data coverage and reports to OLAF any problems in the record counts and data fields.

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к	ет	eı	rei	n	ce:	

Update frequency

Does the system indicate the date on which the information was last updated?

	Reference:
	Explain the procedure and frequency of information update and the timeliness of the data for each direction (import or export).
	euch direction (import of export).
	Reference:
	Are historical data available in the database at the time of submitting the bid over the last three
	years (2013, 2014, 2015)?
	Provide the list with the historical data available per country and the periods covered.
	Deference
ļ	Reference:
	14.2. Questions on the "Presentation and functionality of the data source"
	<u>User interface and search facilities</u>
ı	
	Describe the user interface functions
	Reference:
	Provide printouts of the system interface
	Trovide printouts of the system interface
	Reference:
	Indicate the languages of the user interface
	Reference:
	Describe the search functions of the system
	Is it mossible to newform furgry seemakes in the system? Dravide details
	Is it possible to perform fuzzy searches in the system? Provide details
	Reference:
	Is it possible for users to download the results of searches? YES/NO
	Reference:
	Is it possible to retrieve and export all results available in one single operation?
	Reference: Is it possible for users to print the results of searches? YES/NO
	is it possible for users to print the results of searches? TES/NO
	Reference:
	Provide printed examples of the result of searches
	1
	Reference:
	Any additional function?
	Reference:
	Describe the procedure for ensuring the confidentiality of the searches and the users.
	Reference:
ı	NOIOIOIO

SLA & Reporting

Provide the proposed Service Level Agreement (SLA) for the procurement (refer to § 13).

Reference:

Detail the content and format options which OLAF could request for inclusion in monthly report.

Reference:

Do you commit yourself to produce monthly and quarterly reports within two weeks working days at the end of each month/quarter?

Do you commit yourself to produce annual reports within two weeks working days at the end of the specific contract?

Do you commit yourself to produce ad-hoc reports within a short time frame (i.e. two days) at the request of OLAF?

Reference:

Is it possible to have online access to monitor the use of the information source by OLAF users and key partners to ensure accountability (i.e. real time reporting)?

YES/NO

Do you commit yourself to provide access to OLAF to the log files of its own account?

Reference:

Provide a model monthly report.

Reference:

Services

Confirm that you will provide support via e-mail or telephone for the resolution of technical problems in the use of the database.

Reference:

If available, describe the Helpdesk services for IT matters and business-related, support modalities, remote and on-site assistance, etc.

Reference:

Depict Help-desk procedures (i.e. management of incidents and user requests, Service Level Agreement, contact modalities, etc.).

Reference:

Indicate Help Desk hours of availability. Do you provide support services during normal Brussels office hours (Monday to Friday from 8h30 to 18h30 CET)?

Indicate call-back time; resolution time; and on-site intervention time.

Indicate linguistic competence of the Help-desk staff.

Reference:

Confirm possibility of providing one day training in Brussels at OLAF's request.

Confirm commitment to provide appropriate training for users at no additional cost if major changes in the channel of delivery of the information occur during the contract period.

Reference:

Describe documentation to be provided by the service provider (user manual, training material, etc.).

Reference:

If available, describe the e-learning module to be provided, how it will kept up-to-date and whether and how an external copy will be provided. Provide details as to the specific assessment criteria listed in § 8.7.3.

Reference:

Provide any additional relevant information

Reference:

Data access and use

- Is OLAF authorized to give direct access to Member States' customs and law enforcement authorities who are its key partners for anti-fraud purposes?
- Is OLAF entitled to allocate user accesses to customs and law enforcement/anti-fraud authorities in multiple locations in the Member States?

Reference:

Are OLAF and Member States' customs and law enforcement authorities allowed to redistribute analysis results based on the data, reports or extracts from the data to their partners for the purposes of possible investigation?

Reference:

Licensing models & technical modalities

Provide details on the possible methods of accessing the data, and their main technical characteristics (e.g. delivery speed).

Reference: ...

Give details of the software required for accessing the data source, if any.

Describe licensing modalities applied (i.e. non-exclusive rights of use by OLAF and its key partners). Please refer to § 9.2.

Compatibility of the software with OLAF IT environment (at the time of writing this is Windows 7).

Reference:

Describe the authentication and authorisation standards used to log into and use your electronic systems. How is data protected during transmission?

Please give a description of the security-related aspects.
Reference:
Indicate the possibility for OLAF to administer its users (e.g. password reset, blocked users,
etc.).
Reference:
Willingness to adapt the volume based licensing policy which is described in § 9.2.
Define what is considered a search and what is considered a download.
Reference:

14.3. Questions on the "willingness and ability to adapt to single sign-on architecture"

Ability to adapt to the single sign-on architecture as described in § 9.3 and Annex 1.
Reference:
Indicate the ability and willingness to adapt to future developments as described in § 9.4
(Business-to-business access).
Reference:

ANNEX 1: AFIS - Anti-Fraud Information System: Single Sign On for external applications

The Anti-Fraud Information System (AFIS) allows external service providers to leverage AFIS users and identities to grant access to their applications. The solution is based on the industry standard SAML2 protocol, allowing an efficient integration using standard interfaces. The process when using AFIS as an identity provider to allow Single Sign-On to external applications can be summarized as follows:

- The AFIS user logs on to the AFIS portal;
- Based on the users' privileges a shortcut for the external application is displayed on the AFIS portal;
- Upon clicking the icon the AFIS user's browser will open a new tab pointing to the external application;
- The external application contacts the AFIS Identity Provider service to validate the user;
- The AFIS Identity Provider service will respond to this request indicating whether the user is a valid AFIS user, whether or not the user is currently successfully logged on to the AFIS portal. Additional parameters such as group membership(s) or e-mail address can be added in the response.

This process is entirely transparent for AFIS users who are logged on to the AFIS portal.

The proposed solution allows the external application several options and approaches regarding the authentication and authorization of AFIS users:

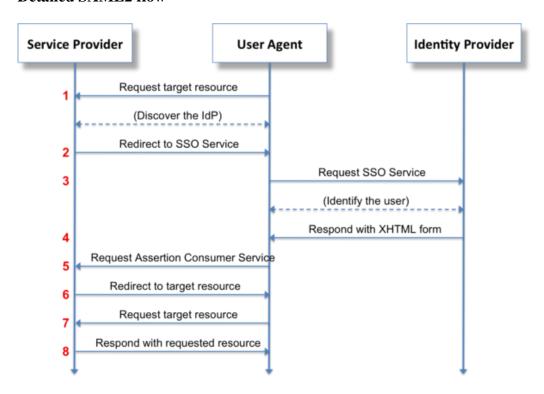
- Grant access to AFIS users without creating linked users in their own repository. Attention: applications requiring user information such as settings or preferences will not be able to store this information.
- Grant access to AFIS users by creating a single linked user in their own repository.
 Attention: applications requiring user information such as settings or preferences will effectively share these settings or preferences between all AFIS users seeing that only one profile is available.
- Grant access to AFIS users by creating a linked user for the respective users in their own repository.
 - This is the most flexible solution and allows settings or preferences to be saved for each individual user.

Technical description

The AFIS platform offers identity provider services using SAML2 protocol using the web browser SSO profile. On successful authorisation with the identity provider, the external application will receive the following details about the user:

- user ID,
- e-mail, and
- list of domains accessible for the user.

Detailed SAML2 flow



The picture above represents the flow of requests to achieve single sign-on with SAML2 web browser profile.

A. Request the target resource at the SP

The principal (via an HTTP user agent) requests a target resource at the service provider:

https://sp.example.com/myresource

The service provider performs a security check on behalf of the target resource. If a valid security context at the service provider already exists, skip steps 2–7.

B. Redirect to the SSO Service at the IdP

The service provider determines the user's preferred identity provider (by AFIS token for example) and redirects the user agent to the SSO Service at the identity provider:

https://idp.example.org/SAML2/SSO/Redirect?SAMLRequest=request

The value of the SAMLRequest parameter is the <u>Base64</u> encoding of a deflated <samlp:AuthnRequest> element.

C. Request the SSO Service at the IdP

The user agent issues a GET request to the SSO service at the identity provider where the value of the SAMLRequest parameter is taken from the URL query string at step 2. The SSO service processes the AuthnRequest and performs a security check. If the user does not have a valid security context, the identity provider identifies the user (details omitted).

D. Respond with an XHTML form (this step is optional)

The SSO service validates the request and responds with a document containing an XHTML form:

```
<form method="post" action="https://sp.example.com/SAML2/SSO/POST" ...>
<input type="hidden" name="SAMLResponse" value="response" />
...
<input type="submit" value="Submit" />
</form>
```

The value of the SAMLResponse parameter is the base64 encoding of a <samlp:Response> element.

E. Request the Assertion Consumer Service at the SP

The user agent issues a POST request to the assertion consumer service at the service provider. The value of the SAMLResponse parameter is taken from the XHTML form at step 4.

F. Redirect to the target resource

The assertion consumer service processes the response, creates a security context at the service provider and redirects the user agent to the target resource.

G. Request the target resource at the SP again

The user agent requests the target resource at the service provider (again):

https://sp.example.com/myresource

H. Respond with requested resource

Since a security context exists, the service provider returns the resource to the user agent.

Note: In SAML 1.1, the flow begins with a request to the identity provider's inter-site transfer service at step 3.

Terms and definitions

What is single sign-on?

Single sign-on is a property of access control of multiple related yet independent software systems. With this property a user logs in once and gains access to all systems without being prompted to log in again at each of them.

How Does single sign-on work?

In single sign-on there are three parties: identity property, user agent and service provider.

Identity Provider (idP)

An Identity Provider is responsible for:

- Providing identifiers for users looking to interact with a system.
- Asserting to such a system that such an identifier presented by a user is known to the provider.
- Possibly providing other information about the user that is known to the provider.

An example of this could be where a website allows users to log in with AFIS credentials and AFIS acts as an identity provider. AFIS verifies that the user is an authorized user and returns information to the website - e.g. username and email address (specific details might vary).

In perimeter authentication, a user needs to be authenticated only once (single sign-on). The user obtains a security token which is then validated by an Identity Assertion Provider for each system that the user needs to access. There are various protocols for perimeter authentication, AFIS uses SAML2 protocol.

Service Provider (SP)

A service provider is a role donned by a system entity where the system entity provides services to principals or other system entities. Let's say for instance www.example.com allows users to logon with AFIS credentials, in this case the website www.example.com acts as service provider and AFIS acts as Identity Provider.

User Agent (UA)

User Agent is a medium through which user connects to the service provider, in most cases this will be a web browser.