

# Request for Quotation

RFQ for the provision of Consultancy on future legal construct for TF-CSIRT

Date of Issue: 28/02/2019

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Owner: GÉANT Procurement

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## 1 Definitions

Terms	Definitions
<b>Attachment</b>	A document made available to Bidders in relation to this procurement.
<b>Bidder</b>	A Supplier submitting a tender for the supply of the requested Services.
<b>Commencement Date</b>	The date the Services start to be delivered.
<b>GÉANT</b>	<p>The contracting party, GÉANT, who is inviting Suppliers to participate in this procurement process.</p> <p>GÉANT Vereniging is a not-for-profit organisation, owned by its core membership of 41 NRENS. More information on the GÉANT Project and GÉANT Network can be found at <a href="http://www.GÉANT.org">www.GÉANT.org</a>.</p>
<b>Service(s)</b>	The services as described in this document, which the supplier has agreed to offer under the standard contractual terms supporting the supply of goods and / or services and which GÉANT has instructed the Supplier to carry out in an order.
<b>Solution</b>	A Supplier's response to GÉANT's RFQ in the form of an offer capable of acceptance made by the Supplier as a proposal to meet the requirements set out in this document.
<b>Statement of Requirements</b>	A statement issued by GÉANT detailing its Service requirement issued in accordance with the RFQ.
<b>Supplier</b>	An Economic Operator and could be a registered company, charitable Organization, Voluntary Community and Social Enterprise, Special Purpose Vehicle or other form of entity, who is capable to offers the requested Services.
<b>Tender</b>	The bid(s) prepared and submitted by Bidder in response to this RFQ).

## 2 Introduction

### 2.1 Contact Person

The contact person for this RFQ is:

Nicole Harris  
Head of Trust and Identity Operations  
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E: nicole.harris@GÉANT.org

### 2.2 About GÉANT

GÉANT (previously known as DANTE was established in 1993, to coordinate pan-European research and education (R&E) networking on behalf of Europe's NRENs. Since then, our role has evolved to that of a true services innovator, incorporating network planning, procurement, build and operation, as well as coordination of research programmes and development of innovative services. Working with NREN partners and the European Commission (EC), the high-speed networks that we build and operate connect NRENs to each other and to the rest of the world, enabling scientists, academics, innovators and students to collaborate across dedicated networks, regardless of their location.

These networks are built using leading-edge technologies to create advanced, high-bandwidth infrastructure, identity management and end-to-end services that meet the needs of our partners and of their data-intensive R&E communities, facilitating collaboration and discovery by researchers around the world. As leaders in networking technology, the networks that we build and operate also act as testbeds for innovation, providing vital experience that drives their successful adoption by commercial providers. GÉANT plans, builds and operates advanced networks for research and education, including the pan-European network known as GÉANT (shown in its current form at <https://www.GÉANT.org/Resources/#maps>).

GÉANT's role has evolved to that of a true services innovator, incorporating network planning, procurement, build and operation, as well as coordination of research programmes and development of innovative services. Working with NREN partners and the European Commission (EC), the high-speed networks that we build and operate connect NRENs to each other and to the rest of the world, enabling scientists, academics, innovators and students to collaborate across dedicated networks, regardless of their location.

GÉANT Vereniging, the legal entity for GÉANT is a not-for-profit organisation based in The Netherlands, owned by its core membership of 36 NREN organisations and NORDUnet, which participates on behalf of 5 Nordic NRENs.

### 2.3 Background

In July 2018, GÉANT and the TF-CSIRT Steering Committee agreed that the time was now right for TF-CSIRT to operate under a new legal construct. The transfer will be prepared for later in 2019/20 based on consultations inside the TF-CSIRT community and further considerations prepared by external experts.

The TF-CSIRT Steering Committee has decided to put in place a working group to explore the options available to the TF-CSIRT community from their point of view. In addition, the legal options are to be explored by a suitable consultant.

The services and activities for the new entity at the beginning are assumed as the sum of existing activities of TF-CSIRT, Trusted Introducer and TRANSITs training. For the background it is expected that the following services will be provided to either the public (open) or a community of heterogeneous organizations seeking a variety of services and individuals (community).

The services offered are at least one or all of the following:

- Organizing and conducting meetings and training courses in different countries (both open and community).
- Registering (listing) legal organizations active in the areas of threat intelligence, vulnerability management, malware analysis, SOCs, CERTs, ISACs, as well as experts in these fields (open).
- Providing accreditation and certification for registered organisations interested to demonstrate a specific level of maturity (community).

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- Facilitating the sharing of threat intelligence and artifacts as well as warnings concerning the security of products, networks, organizations or the society at large (community).
- Supporting volunteer working groups and development projects (both open and community).
- Liaising with other security organizations (e.g. ENISA, FIRST) to ensure the representation of the community interests as such (community).

It is not foreseen that the new organization would get involved in lobbying activities.

Also it is foreseen that the organization should provide the umbrella but not represent the individual members / founders of the community or represent in any legal context their interests.

More information:

- TF-CSIRT – <https://tf-csirt.org/tf-csirt/>
- Trusted Introducer – <https://www.trusted-introducer.org/>
- TRANSTIS – <https://tf-csirt.org/transits/>

A “Background of TF-CSIRT” document is attached as an attachment to this document.

### 2.4 Objective of this Procurement

The aim of the consultancy is to analyze various legal options that fit the requirements of the TF-CSIRT community as they are currently understood. In order to provide a stable and sustainable legal foundation for the future, a legal analysis shall provide recommendations for further analysis and/or preparation towards a decision of the TF-CSIRT community later on. Initially the analysis will focus on a low number of countries (see below) to focus on suitable organizational models.

The objectives are to:

1. To analyze **legal** frameworks in three countries – **the Netherlands, Estonia and Switzerland** – to understand the differences in terms of rights, duties, obligations, liability, etc. for non-commercial and non-governmental legal entities (if those exist in those countries) such as a foundation, association or cooperative.
2. To review **financial** implications of a change of legal ownership for TF-CSIRT.
3. To review **operational** implications of the proposed change.

The Analysis shall explain especially the legal rights and duties from the viewpoint of:

- The legal entity itself
- Mandatory legal roles managing the legal entity like a board, managing director, etc.
- The founders, members or cooperative owners – if applicable
- Customers receiving services

The analysis shall point out the facts for each of the options regarding:

- Minimum amount of capital assets and what happens with any assets shall the legal entity be dissolved
- Other requirements for incorporation or roles managing the legal entity like citizenships, residency, etc.
- Non-profit tax benefits and resulting tax liability issues (see above) as well as resulting requirements for public tendering (including thresholds)
- Whether the Board members and other legal roles – if applicable – can be shielded from liability issues
- How complex is the process of establishing new entity and how long it usually lasts, involvement of notaries, chambers of commerce, etc. should be pointed out
- Minimum staff needed for operation? (I.e. is there a requirement for at least employee, etc.)
- Minimum roles needed for operation? (I.e. The general manager, bookkeeper, secretary, etc.)
- Possibilities to receive EU / national grants / subsidies? Possibilities to accept sponsorship (private and commercial)?
- Duties, obligations and restrictions of the entity under the legal framework of the country to which that entity belongs in areas like:
  - data protection and data retention
  - language restrictions for official purposes (i.e. how easy it is to conduct everything in English)

If type of legal entity allows memberships, becoming a member needs to be analyzed in more depth like:

- If a member from sanctioned countries can be part of the organization
- If a member from government or military entities can be part of the organization
- Any restrictions for joining as an individual person

## 3 Statement of Requirements

### 3.1 Procurement plan

Below indicated procurement plan, provides an overview of the key stages and dates in this procurement. GÉANT reserves the right to change these dates as necessary, although it will seek to minimise any changes.

- |  |                             |
|--|-----------------------------|
| 1) RFQ issued:                           | 1 <sup>st</sup> March 2019  |
| 2) Deadline for clarification Questions: | 15 <sup>th</sup> March 2019 |
| 3) Deadline for Quotation responses:     | 29 <sup>th</sup> March 2019 |
| 4) Contract evaluation / awarded:        | 19 <sup>th</sup> April 2019 |
| 5) Commencement Date:                    | 1 <sup>st</sup> May 2019    |

### 3.2 Conditions of Contract

For the supply of the requested Services, raised under an approved Purchase Order for values below the EC thresholds, the standard contractual terms supporting the supply of goods and / or services of GÉANT Association are applicable. These terms can be downloaded from: [https://www.GÉANT.org/About/Joining\\_GÉANT/Pages/Terms-and-Conditions.aspx](https://www.GÉANT.org/About/Joining_GÉANT/Pages/Terms-and-Conditions.aspx).

Applicable taxes are extra and must be itemized separately in your proposal and all and any additional costs must be detailed in your quotation.

GÉANT terms must be accepted to submit a quote. Specific details surrounding deliverables and milestones can be included in the Annexes to the resultant PO but wholesale substitution of GÉANT terms is not acceptable.

Payment will be by single invoice on acceptance of the report by GÉANT.

### 3.3 Specification

#### 3.3.1 Detailed requirements

The outcome of this consultancy is expected to be a report with full analysis of the possible outcomes in a comparable manner regarding the three target countries stressing strengths and weaknesses of particular options. The results shall be in English and be made as editable MS Office document as well as PDF. A draft should be made available for comment to GÉANT one month before the due date (31<sup>st</sup> August 2019).

Bidders must be able to attend a face-to-face meeting In Europe to further discuss the report and analysis with the TF-CSIRT community at a date and time to be agreed after the report is delivered. Expenses for this meeting (time and travel costs) should be included in the proposal.

The timeframe for the analysis and delivery of the work is 1<sup>st</sup> May 2019 – 31<sup>st</sup> August 2019.

### 3.3.2 Specifications

#### Q1. Does the Bidder accept the GÉANT Association Terms and Conditions

Please provide a YES / NO answer

[Click here to enter text.](#)

#### Q2. Meetings and Travel

Is the Bidder willing to attend a meeting with the TF-CSIRT Community after the report has been delivered (and has included the costs for such a meeting in the proposal)?

[Click here to enter text.](#)

#### Q3. Solution

Please provide your proposal for meeting the terms of the consultation.

*Please enter your response in the box below or in a separate Appendix using the template provided at **Error! Reference source not found.** [Max 4 sides of A4].*

[Click here to enter text.](#)

#### Q3. Quote

Please provide a full quote for the consultation. Please include evidence / track record of previous work in this field.

[Click here to enter text.](#)

## Attachment 1: Background on TF-CSIRT

TF-CSIRT is an activity under the auspices of GEANT, formerly TERENA. Task Forces are a well-known instrument to establish a community of organizations and experts that are working together on new technologies, specific tasks or develop new ways of working together.

The (GEANT) Task Force Computer Security Incident Response Teams (CSIRTs) started out in the year 2000 based on the common understanding, that European CSIRTs needed:

- An infrastructure to support basic needs of all teams, most namely a directory of contacts – this became the Trusted Introducer (TI) Service by 2001.
- Specific trainings and knowledge transfer – this became TRANSITS after conclusion of an European research project that helped created basic training content and deliver early versions of what now has become a standard offering.
- An open but organized meeting space to discuss and exchange trends, ideas, incidents and vulnerabilities – this became the tri-annual TF-CSIRT Meetings.

### Trusted Introducer Service

Since 2001 more than 390 teams have been listed and accredited by the TI Service. The basic rules and processes are explained on <http://www.trusted-introducer.org>. A motivation why it is a good idea to become listed is available from <https://tf-csirt.org/membership/why-become-a-trusted-introducer-listed-team/>.

While accredited teams pay a monthly fee of EUR 100, listed teams pay no fee. This was already decided before the start of the service as the community believed that it is also of value for the paying (= accredited) teams that the operational teams are listed and therefore known and easily accessible for the better good of the community. The information available in the directory helps to quicker inform affected parties about new incidents and distribute other critical information. Over time a ratio of 55% accredited to 45% listed teams has been stabilized. While many teams that are accredited are also member of the international forum of incident response and security teams (FIRST), most teams that are only listed are not a member of FIRST. On the other hand there are also a number of FIRST teams that are located in Europe but have not yet joined the TF-CSIRT community, neither as listed, nor as accredited team.

Originally certification was not perceived as part of the service offering. But after 10 years the interest in helping teams to become more mature and being able to access the maturity level gained traction. A working group developed the so-called SIM3 self-check and based on this rating scheme the TI Certification is offered since 2013. This is voluntarily and financed by an additional annual fee of EUR 800 per team for those interested. A re-certification is mandatory every three years.

Due to the required resources TERENA and now GEANT had outsourced this service since the beginning, making it basically a self-sustained service. Since 2011 the service is tendered according to European law and 20% of the annual fee is withheld for contingencies, also the way the service is contracted, there are no financial risks to GEANT as the service costs are directly tied to the real income of the service.

The service has been overseen by a so-called review board established via voting of the accredited teams since the beginning. As the TF-CSIRT was re-organized in 2011, this review board got more responsibilities also for TRANSITS and TF-CSIRT as a whole and became the TF-CSIRT Steering Committee (SC). While the SC can decide within the boundaries of the TI service contract and the TF-CSIRT Terms of Reference, all financial decisions need to be backed by GEANT.

## **TRANSITS**

Based on the original content developed within the context of an European research project with the same name in 2003, TERENA and now GEANT provided the organizational backbone to organize several trainings. Over time two trainings have been developed:

1. TRANSITS I – basic course for practitioners of security and incident response teams
2. TRANSITS II – advanced course for network analysis and communication skills

The material raised much interest for other organizations. ENISA, the European Network Information Security Agency of the EU Commission, has been a grateful sponsor over time organizing specific trainings for EU Member State government teams for example.

It is important to note that while GEANT organizes the logistics and processing, the trainers are from the TF-CSIRT community. Basically individuals are volunteering or (mostly accredited) teams contribute resources, content and trainers to make TRANSITS worthwhile for the whole community.

Due to the various sources and the contracts with the EU and ENISA it has proven difficult to develop an attractive business model. But as mostly European teams rely on this training by practitioners efforts are under way to make sure, it can be provided under a Creative Commons license balancing the various legal requirements and interests of those organizations that donate and sponsor as well as to protect the effort invested in this offering.

## **TF-CSIRT Meetings**

Meetings of European CSIRTs and security teams have been organized by volunteers since Autumn 1993. But as the TF-CSIRT was established TERENA offered logistical support for the TF-CSIRT including to organize three meetings per year. Since 2001 this has been successfully done.

Every three years the Terms of Reference are reviewed and they have been slightly adjusted about the now 18 years of operation. The actual version can be found at: <https://tf-csirt.org/membership/terms-of-reference/>.

In 2011 an effort was made to adjust the three activities and since then the TF-CSIRT Steering Committee are overseeing not only the meetings, but also TRANSITS and the Trusted Introducer Service. From the same time membership within the TF-CSIRT are aligned with the TI Service. Basically all teams listed by the TI service are welcome to the meetings.

To facilitate the deeper sharing of accredited teams, that have signed up for a stricter regime of Non-Disclosure Agreements and sharing policies, a part of the meeting is accessible only by the team members of accredited teams. These are the so-called “closed meetings”.

To reduce the costs for participants, volunteers are asked to provide the local resources most namely meeting space, catering and social events. Up until now, volunteers have been identified to carry those costs, sometime split among multiple teams in case a national community co-hosted the meeting instead of a single team. In addition the first meeting of each year, usually in January or early February, is co-hosted with FIRST since some years. Before there were two meetings in short sequence, as FIRST organizes meetings in Europe as well. By having a so-called “Joint Meeting”, it is easier for all members to come together and also the costs are carried by FIRST, as the number of attendees is much higher for this meeting naturally.

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There has been a long-term concern, that the size of the meetings is growing so much, that it is becoming impossible to find volunteers taking the costs upon themselves. So far this has been no issue, but it must be noted, that since some years no small team has offered due to limited funding. Today government teams that attract funding for such activities via national programs have made it possible to progress. That said, in the future it might be necessary to charge an attendee fee to cover costs that are not subsidized by either the local host nor GEANT.