

EUSPA/OP/19/24
"Supply and installation of hardware shredders"

Annex I to Invitation to Tender

"Tender Specifications"

(update after Corrigendum 2)

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1 Overview

The present Tender Specifications, attached to the Invitation to Tender, complement the information contained in the Contract Notice with further details on the procurement procedure and scope.

1.1 Context of the tender: European Union Agency for the Space Programme and Union Space Programme

The European Union Agency for the Space Programme (hereinafter referred to as "EUSPA", "the Agency" or "the Contracting Authority") is a European Union decentralised agency whose mission is to contribute to the European Union Space Programme. EUSPA replaces and succeeds the European GNSS Agency formed by the European Union to accomplish specific tasks related to the European GNSS programmes (including Galileo and EGNOS).¹ EUSPA takes on increased responsibilities not only for Galileo and EGNOS, but also for other EU Space Programme components, including Copernicus, GOVSATCOM and Space Situational Awareness (SSA).

Further information can be found on the Agency's web site at <https://www.euspa.europa.eu/>. This website contains, for instance, information about:

- European GNSS programmes (<https://www.euspa.europa.eu/european-space/eu-space-programme/what-gnss>); or
- Legal framework applicable to EUSPA (<https://www.euspa.europa.eu/media-library/register-of-documents>).

The EUSPA headquarters are located in Prague 7 – Holesovice, Czechia. Other EUSPA sites are located in Saint-Germain-en-Laye (France), Madrid (Spain), Noordwijk (Netherlands) and Toulouse (France).

1.2 Outline of the tender

Name: EUSPA/OP/19/24 - "Supply and installation of hardware shredders "

Procedure: **Open procedure** for tenders with publication in the Official Journal of the European Union in accordance with Article 164 1. (a) of Regulation (EU, Euratom) 2018/1046 on the financial rules ("Financial Regulation" or "FR")²

¹ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU

² Regulation (EU, Euratom) 2018/1046 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

for procurement of supplies with a **single service framework contract** for the procurement of supplies.

Lots: Not applicable.

1.3 Principles

- Tenderers are required to accept all the terms and conditions set out in the Invitation to Tender, Tender Specifications and Draft Contract, as well as their Annexes. Tenderers are required to waive their own general or specific terms and conditions. The terms and conditions set out in the Invitation to Tender, Tender Specifications and Draft Contract, as well as their Annexes, shall be binding on the tenderers to whom the Contract are awarded, throughout the duration of the said Contracts.
- Any attempt by a Tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the Contracting Authority during the process of examining, clarifying, and evaluating tenders will lead to rejection of its tender and may result in administrative penalties.
- This document, its Annexes, the Draft Contract, and any subsequent document for this activity to be issued by the Contracting Authority in the course of this procurement process are in no way binding on the Contracting Authority. The contractual relationship with the Contracting Authority commences only upon signature of the Contract with the successful Tenderer.
- Until the signature of the Contract, the Contracting Authority may either abandon the procurement or cancel the award procedure, without Tenderers being entitled to claim any compensation.
- The Contracting Authority reserves the right to supplement, vary, terminate, or otherwise amend the tendering process, to the extent allowed under applicable procurement rules and without any liability for financial compensation to the Tenderers.

1.4 Purpose of the Invitation to Tender

The objective of the Invitation to Tender is to conclude single framework contract (hereinafter referred to separately and/or individually as “the Contract”, “Framework Contract”, or “FWC”) for the supply and installation of hardware shredders.

Where the reference is made to the FWC in these Tender Specifications, it should be assumed that any such reference is also meant to cover any specific contracts concluded on a basis of the FWC, in particular when there is a reference covering any obligation of the Tenderers.

The terms and conditions of this document shall take precedence over its annexes.

1.5 Applicable legal acts and rules

The legal context of this procurement procedure is given for indicative and non-exhaustive purposes by the following documents:

- Financial Regulation (FR).

- EUSPA Financial Regulation.³
- EU Space Programme Regulation.⁴
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.
- Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission.
- Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information.
- Council Decision 2013/488 of 23 September Council Decision 2013/488 of 23 September 2013 on the security rules for protecting EU classified information.
- Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.
- Regulation on public access to documents.⁵
- Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme.
- Commission Decision of 29 November 2001 amending its internal Rules of Procedure, 2001/844/EC, ECSC, Euratom, as last amended by Commission Decision 2006/548/EC, Euratom of 5 August 2006.
- Council Decision (CFSP) 2021/698 of 30 April 2021 on the security of systems and services deployed, operated and used under the Union Space Programme which may affect the security of the Union, and repealing Decision 2014/496/CFSP.
- The Programme Security Instruction (PSI) concerning European GNSS Programmes, always in the latest version (current: Version [4.1] issued by the GNSS Security Board (GNSS SB) dated [26 September 2014]).

³ European GNSS Agency Financial Regulation 2019 adopted by its Administrative Board on 16 August 2019.

⁴ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU.

⁵ Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

- Financial Framework Partnership Agreement (FFPA) between the European Commission representing the European Union and EUSPA and ESA on the implementation of the Union Space Programme and Horizon Europe.
- Contribution Agreement between the European Commission representing the European Union and EUSPA on the implementation of the Union Space Programme and Horizon Europe under the FFPA.

It shall be the contractor's duty and corresponding sole responsibility to comply and ensure full compliance with all applicable laws at any part of performance under the contract contemplated to be awarded as a result of the current procedure.

1.6 Procurement schedule

Tenderers are informed that the timeline indicated below is purely indicative and that the Contracting Authority reserves the right to modify – extend or shorten such timeline as the case may be.

Timetable	Date	Comments
Launch of procurement process - submission for publication of Contract Notice to the Supplement to the EU Official Journal	30 September 2024	All documents of the Invitation to Tender available at: Funding & Tenders Portal: https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/dba257a6-6cd4-48eb-bc8d-8f710ad9cc69-CN?#anchorDocuments and EUSPA website: http://www.EUSPA.europa.eu/EUSPA/procurement
Deadline for requests of clarifications	22 November 2024 10 January 2025 ^{Corr.2}	Clarification requests to be sent in writing only to: tenders@EUSPA.europa.eu or Funding & Tenders Portal: https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/dba257a6-6cd4-48eb-bc8d-8f710ad9cc69-CN?#anchorDocuments

Last date on which clarifications may be issued by EUSPA	26 November 2024 14 January 2025 ^{Corr.2}	All clarifications will be published at the above-mentioned Funding & Tenders Portal. Tenderers are invited to check the abovementioned Funding & Tenders Portal on a regular basis.
Deadline for submission of tenders	2 December 2024 20 January 2025 ^{Corr.2} at 23.59 CET	According to conditions of submissions set out in Section 4.8 of these specifications.
Opening session and start of evaluation process	3 December 2024 22 January 2025 ^{Corr.2}	Please refer to Section 4.9 for more details on how to attend the opening session.
Completion of evaluation	January-February ^{Corr.2} 2025 (estimated)	
Award of the Contract	January-February ^{Corr.2} 2025 (estimated)	
Estimated start of implementation of the Contract. The estimated date is only indicative, it may be changed, and it is not binding on the Contracting Authority.	Upon award	

Table 1 – procurement schedule

2 Terms of reference

2.1 High level description of the FWC

2.1.1 Introduction

The overall objective of the procedure is to award a framework contract for the supply to the EUSPA of hardware shredders with the following characteristics:

2.1.2 Shredders: required types

Shredders shall comply with the following destruction requirements:

- Hardware: max. surface of 10 mm²;
- Meet the requirements of ISO/IEC 21964 (based on German DIN 66399), or equivalent.

2.1.3 General technical requirements

The following requirements shall be applicable as well to the provided shredders.

A. Delivery and installation:

The equipment is to be delivered and installed at the following locations:

- Czech Republic, Prague;
- France, Saint-Germain-en-Laye (near Paris);
- Spain, Madrid, San Martín de la Vega

	Prague	Saint-Germain-en-Laye	Madrid San Martín de la Vega
Site address	Janovského Street 438/2 Praha 7 Prague 170 00 Czech Republic	Quartier Général des Loges 8, avenue du Président Kennedy BP 40202 78102 Saint-Germain-en-Laye France	[located within the premises of Instituto Nacional de Técnica Aeroespacial (INTA)], Ctra. de Villaverde Bajo San Martín de la Vega, km 18, 28330 San Martín de la Vega, Madrid
Situation			
Street entrance	Side entrance on ground level	Security checkpoint at the gate, then continue through the gate to the building	Security checkpoint at the gate, then continue through the gate to the building
Parking	Reserved space for deliveries	N/A	N/A
Delivery lift	Yes, from 0 to 5	Yes	N/A
Distance from truck to lift	10m	up to 50 m	N/A
Distance from lift to offices	Up to 100m	From car up to 50m	N/A

Estimated quantity	max. 1	max. 1	max. 1
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The contractor shall deliver the hardware shredders to the rooms designated by EUSPA with DDP (delivery and duty paid), and shall take care of the transportation to the designated room for each procured item: i.e. unloading from truck, and bringing packages to the right floors/rooms.

The contractor shall then be responsible for unpacking (including disposal of the packing material), assembly and installation of the equipment, test of functionality and a basic training in English language provided in terms of manipulation with the equipment.

B. Safety:

The contractor will need to fill/sign a safety plan for the delivery in compliance with locally applicable health & safety rules.

C. Security:

The designated buildings in France and Spain are within a military base. The contractor shall provide 5 (five) working days in advance of delivery and installation information on the persons (name, surname, ID nr, nationality) and vehicles (type and registration) coming to site.

2.2 Legal and contractual terms of reference

2.2.1 Participation conditions

Article 176 of Regulation 2018/1046² shall apply for the participation in this tender (all entities involved, including subcontractors).

Notice on the Council Implementing Decision (EU) 2022/2506 on measures for the protection of the Union budget against breaches of the principles of the rule of law in Hungary (complementing the participating conditions)

In accordance to the Council Implementing Decision (EU) 2022/2506 adopted on 15 December 2022 on measures for the protection of the Union budget against breaches of the principles of the rule of law in Hungary it's been established that, where Union budget is implemented in direct or indirect management pursuant to of Article 62(1) points (a) and (c) of Regulation (EU, Euratom) 2018/1046, no legal commitments shall be entered into with any public interest trust established on the basis of the Hungarian Act IX of 2021 (or any other entity maintained by such a public interest trust).

2.2.2 Ceiling volume of the Contract

The maximum budget estimated for the duration of the Framework Contract is 150,000.00 Euro (one hundred fifty thousand Euro).

The amount is estimated considering the maximum duration of the FWC to up to 4 (four) years. This budget is not binding for the Contracting Authority and it will be subject to budget availability.

EUSPA reserves the right to conduct an exceptional negotiated procedure for new supplies without prior publication of a contract notice based on point 11.1 (e) of the Annex I to FR to increase (up to 50% of the initial value of the Contract) the ceiling, if such a need occurs and the respective conditions apply.

2.2.3 Duration

The applicable terms and conditions on duration of the FWC are defined in the Draft Contract (Annex II to the Invitation to Tender).

2.2.4 Compliance with internal rules, professional conflicting interest and confidentiality

2.2.4.1 Compliance with the Contracting Authority's internal rules

The Contractor shall ensure that its personnel follows any internal rules laid down by the Agency for anyone entering into or staying in the premises of the Contracting Authority. Such rules include in particular security rules and rules related to health and safety. These rules may evolve in future. Any such rules will be provided to the Contractor.

2.2.4.2 Confidentiality

The Tenderer shall pay particular attention to the clauses on confidentiality of the Draft Contract (Annex II to the Invitation to Tender).

2.2.5 Supply scope

The contractor is expected to install the shredders in their final destinations, i.e. in a selected place in a designated room within a designated EUSPA site.

2.2.6 Subcontracting

General principles

- (i) The Tenderer may call on subcontractors to perform part of the contract and to fulfil selection criteria. However, subcontracting shall not relieve the eventual Contractor from its obligations under the FWC. In this respect, the Contractor shall remain the sole person legally and financially responsible vis-à-vis the Contracting Authority.
- (ii) When subcontracting, Tenderers shall ensure the subcontractors' compliance with the exclusion criteria set out in the present Tender Specifications. **Tenderers shall provide the subcontractor's Declaration of Honour, as provided in Section 3.1.**

Regarding the subcontractors' compliance with the selection criteria, attention is drawn to the Important Note at the end of Section 3.2.3.

- (iii) Third parties from which Commercial Off-the Shelf (COTS) products are procured for the purpose of this FWC shall not be considered subcontractors except for the purpose of demonstrating compliance to the requirements related to subcontracting shares set under the paragraph below unless such COTS are used or present elements of connection with security relevant activities or they are part of the Core Team. In such latter case, the Tenderer shall have to prove the compliance of these subcontractors to the participation conditions and all other requirements set in the tender specifications, applicable to subcontractors. The Tenderer shall present a list of such third parties / COTS product for verification by the Contracting Authority.
- (iv) Where no subcontracting is indicated in the tender, the work will be assumed to be carried out directly by the Tenderer.
- (v) Any change in subcontracting during the procurement procedure (i.e., after the submission deadline and before contract signature) is not permitted unless specifically authorised in writing by EUSPA as per below.
- (vi) If the Tenderer requests that a subcontractor be removed or replaced, then the Contracting Authority must verify the following conditions:
 - 1. whether the new subcontractor (if any) is not in an exclusion situation;
 - 2. whether the new subcontractor (if any) fulfils the applicable participation conditions (see Section 2.2.1);
 - 3. whether the Tenderer still fulfils the selection criteria with the new subcontractor, if any, (see Section 3.2) compared to the tender originally submitted and whether the new subcontractor fulfils the selection criteria applicable to it, if any;
 - 4. whether the new subcontractor is not subject to restrictive measures;
 - 5. whether the change in subcontracting does not entail a substantial change in the tender. This condition is met as long as:
 - (a) all the tasks assigned to the former subcontractor are taken over by another entity involved (a new subcontractor or a member of the Consortium or the sole tenderer itself, subject to relevant aforementioned conditions);
 - (b) the change in subcontracting does not make the tender non-compliant with the Tender Specifications;
 - (c) the change in subcontracting does not modify the evaluation of award criteria of the tender as originally submitted.
- (vii) In the case where, during the procurement procedure, a subcontractor is affected by an exclusion situation or is rejected due to failure to compliance with selection criteria, the Authorising Officer shall:

- notify the exclusion or rejection to the Tenderer;
- request whether and by whom all the tasks assigned to the excluded or rejected entity are taken over (it may be a new subcontractor or a member of the Consortium or the sole tenderer itself);
- inform about the applicable conditions, as per above.

The Tenderer shall respond to such a request within the deadlines prescribed by the Contracting Authority. Failure to reply within such deadline may imply the rejection of the subcontractor.

The Contracting Authority must then proceed with the same verifications, as described above in the case a change in subcontracting was to be initiated at the request of the tenderer.

- (viii) Signature of the contract entails acceptance of identified subcontractors listed in the tender unless those have been explicitly excluded or rejected during the procedure as per the foregoing process.

Changes of subcontractors after the signature of the FWC, shall be governed by the provisions under Article II.6 of the Contract.

2.2.7 Supply Chain

Tenderers shall clearly indicate in their tenders which part of the supplies, if any, they intend to subcontract as well as their approach for implementing such subcontracting to demonstrate compliance with the below mentioned requirements.

2.2.8 Participation of consortia

Consortia may submit a joint tender on the condition that they comply with the rules of competition.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific tender procedure.

Such consortium must specify the company or person heading the project (the leader). All members of the consortium must sign a power of attorney authorizing the leader to submit a tender on behalf of the consortium, as well as to act in connection with all relevant questions, clarification requests, notifications, etc. that may be received during the evaluation, award and until the contract signature, to sign the contract should the joint tender be successful and to represent the consortium for any contract execution issue, including amendments of FWC. The template of this power of attorney is provided in Annex I.C.

All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority for performance of FWC.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria (see **sections 3.1 and 3.2** below). Concerning the selection criteria “economic and financial capacity” as well as “technical and professional capacity”, the evidence provided by each member of the consortium will be assessed to ensure that the consortium as a whole fulfils the criteria.

The participation of an ineligible entity (entity not meeting exclusion criteria/selection criteria/participation conditions) will result in rejection of that entity from the procurement procedure. If that ineligible entity belongs to a consortium, the whole consortium may be excluded, unless the composition of the consortium is changed as per the subsequent paragraph.

Changes in the composition of the Consortium **during the procurement procedure** (i.e., after the deadline for submission of tenders and before contract signature) are in principle not accepted.

The Contracting Authority reserves however the right to approve such changes provided the following cumulative conditions are fulfilled:

- none of the remaining Consortium members is subject to restrictive measures,
- the remaining Consortium members are not in an exclusion situation, meet the selection criteria (see section 3.2) and comply with participation conditions,
- the change must not make the tender non-compliant with the procurement documents,
- the terms of the originally submitted tender are not altered substantially,
- the continuation of the participation of the remaining Consortium members in the procurement procedure does not put the other tenderers in a competitive disadvantage,
- the remaining Consortium members undertake to implement the contract, in case of an award, without the excluded group member.

In cases where the proposed change depends on a Consortium member who:

- is subject to restrictive measures or
- is in an exclusion situation, does not meet the selection criteria (see section 3.2) and does not comply with participation conditions, or
- is relied upon by the other consortium’s members for the fulfilment of selection criteria

the Contracting Authority, subject to the above-mentioned conditions being met, reserves the right to authorise the replacement of the Consortium member.

Changes in the composition of the Consortium, **during the procurement procedure**, due to universal succession (e.g. merger or takeover of a Consortium member) are in principle accepted, subject to the above-mentioned conditions being met and the authorisation of the Contracting Authority being granted.

Changes in the composition of the Consortium **after signature of the Contract** are governed by the provisions of the Draft Contract.

2.2.9 Compliance with competition laws in case of joint bidding (consortia)

Consortia may submit a tender on the condition that their joint bid does not result in the restriction or elimination of competition. For detailed information regarding the applicable competition law principles, tenderers are invited to consult the Commission's Horizontal Guidelines⁶ („Guidelines“).

Restriction or elimination of competition may occur when the members of the consortium are (even potentially) competing on the same market and one (or more) member(s) of the consortium would be realistically capable to carry out the contract individually, i.e. the consortium includes more members than what is strictly necessary in order to carry out the contract.⁷

For this reason, joint bidding by entities that could have otherwise competed for the procured supplies may restrict or eliminate competition on the market. Joint bidding by a consortium composed of potential and/or actual competitors may still be allowed if the joint bid provides significant efficiencies compared to the potential individual bids (see below).⁸

In case of a joint bid, the tenderer shall therefore assess whether its bid does or does not fall within one of the situations described above, and provide a justified assessment in the cover letter as to the reasons why (cumulatively):

- 1) none of the consortium members could have delivered the supplies individually, and

⁶ Communication from the Commission – Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2023.259.01.0001.01.ENG

⁷ See points 352 to 357 of the Guidelines.

⁸ See point 358 and 359 of the Guidelines.

- 2) the participation of all members is necessary to deliver the supplies.

Or, failing that, why the joint bid (cumulatively):⁹

- 3) increases efficiency (in particular offering a better value for money to the Contracting Authority) as compared to the potential individual bids (e.g. lower prices, better quality, greater choice, faster realisation), and
- 4) is indispensable, and
- 5) does not eliminate competition and/or is unlikely to produce anticompetitive effects.

EUSPA reserves the right to request additional information from the tenderer to be able to conduct an internal evaluation of the submitted assessment. EUSPA reserves the right to reject any tender that reveals not to comply with the applicable competition laws.

2.2.10 Intellectual property rights

Applicable terms and conditions on intellectual property rights are defined in the Draft Contract (Annex II of the Invitation to Tender).

2.2.11 Terms of payment

Payments shall be made in accordance with the provisions specified in the Draft Contract (Annex II of the Invitation to Tender).

2.2.12 Liability

Applicable terms and conditions of Liability are defined in the Draft Contract (Annex II of the Invitation to Tender).

2.2.13 Language of the FWC

English shall be the working language of the FWC including all correspondence with the Contracting Authority. The consultants, proposed to be made available for the FWC implementation shall possess the necessary English language proficiency to allow for the smooth contract implementation.

2.2.14 Delivery at Place Unloaded and Installed (DPUI)

For the purposes of this contract DPUI shall mean 'Delivery at Place Unloaded and Installed' (DPUI) consisting of DPU and Installation as detailed below.

The activities (including the additional maintenance ones) shall include every logistical, technical and safety activities and means needed to bring goods from the supplier location to the

⁹ See point 358 of the Guidelines.

designated EUSPA location, unloading, moving to the designated destination (floor/room location within the room), installing, testing, delivering of documentation and user training.

The contractor shall bear all costs and risks involved in delivering and installing the supplies to the designated place of delivery. The Contractor shall also bear the risks of damage to the EUSPA infrastructure and operations during delivering and installing activities.

2.3 FWC implementation approach

The FWC shall be implemented via the signature of Order Forms for each particular shredder, that will become needed for the Contracting Authority.

3 Assessment of tenders

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

1. Verification of **non-exclusion** of tenderers on the basis of the exclusion criteria;
2. Selection of tenderers on the basis of **selection criteria**;
3. Verification of compliance with the **minimum requirements**;
4. Evaluation of tenders on the basis of the **award criteria**.

The Contracting Authority reserves the right to perform the evaluation in a different order.

The Contract will be concluded following the result of the evaluation of admissible tenders.

In order to demonstrate compliance with exclusion criteria, selection criteria and minimum requirements, the tenderers must sign the declaration of honour duly completed, signed and dated (Annex B as per Annexes I.A- I.B-I.C-I.D (Administrative Annexes) to this document). In case of consortia or subcontracting, each member of the consortium and/or each subcontractor must provide a declaration of honour and submit documentary evidence.

3.1 Exclusion criteria

The tenderer shall not be in any exclusion situation described in the declaration of honour included in Annexes I.A-I.B-I.C-I.D (Administrative Annexes).

Supporting evidence requested as part of the declaration on honour shall be submitted as part of the tender for all entities, included in the Core Team, and subcontractors (not part of the Core Team) with expected contribution above 10% of the overall FWC value.

The applicable evidence in each country can be checked on the following site: <https://ec.europa.eu/tools/ecertis/#/search>.

EU Restrictive Measures

The Tenderer shall provide a statement in the Cover Letter of its Tender (on its own behalf and on behalf of its subcontractors, Core Team or not) guaranteeing that the Tenderer, and

its subcontractors and respective relevant persons¹⁰ are not being a Restricted Person and do not fall under the scope of subject to EU Restrictive Measures in the list published at www.sanctionsmap.eu. In case of discrepancies between 'sanctionsmap.eu' and the restrictive measures published in Official Journal of the EU, the latter prevails.

For any subcontractors not yet known at the time of the tender submission, the fulfilment of this criteria needs to be evidenced upon the Tenderer's proposal of the said subcontractor.

Funds under this procurement procedure shall not be made available, directly or indirectly, to, or for the benefit of any Restricted Person.

Please see also Declaration on Honour (Annex I.B) hereto (see section 4 applicable and to be provided completed and duly signed by to all Tenderer and Subcontractors – Core Team if applicable or not).

3.2 Selection criteria

Tenderers must have the capacity to perform the tasks, specified in this section, at the time of the tender submission and maintain it during the contract implementation.

In accordance with point 18.6 of Annex I of the FR, the tenderer may, where appropriate, rely on the capacities of other entities. In such case, the tenderer must prove that it has at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to that effect in the form of a Subcontractor Letter of Intent (template in Annex I.D) signed by every member of the candidate's Core Team, confirming their irrevocable undertaking to make such resources available to the candidate in case of being awarded the contract. The tenderer must comply with all the conditions laid down in point 18.6 of Annex I of the FR.

The tenderer who intends to rely on the capacities of other entities of subcontractors, must indicate the proportion that it intends to subcontract.

The supporting evidence, which must be provided in the tender, are indicated in the column "to be evidenced by" in the tables below.

3.2.1 Legal and regulatory capacity

In order to fulfil the professional activity, the Contracting Authority requires the tenderer to fulfil the below requirements.

¹⁰ Respective relevant persons are meant the natural or legal persons indicated in Section 4 of the Declaration of Honor (Annex I.B).

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L1	Legal entity authorisation requirement Entity is authorised to perform the Contract under its national law.	1. Legal Entity File (template available at: https://ec.europa.eu/info/publications/legal-entities_en), and 2. Extract of the inclusion in a trade or professional register, or certificate, membership of a specific organisation, and 3. Express authorisation or entry in the VAT register, or equivalent.	Each economic operator participating in this procurement, i.e., primes, each consortium member and any proposed subcontractors.
L2	Participation conditions Entity must meet the conditions listed under Section 2.2.1.	1. As evidenced by proof provided for under criterion L1, 2. Filled-in dedicated Section in the Declaration on Honour (Annex I.B) The Agency reserves the right to request further supporting evidence demonstrating compliance to the participation conditions if it considers this necessary, prior to finalisation of the evaluation process.	Each economic operator participating in this procurement, i.e., primes, each consortium member and any proposed subcontractors.
L3	Absence of conflicting professional interests that may negatively impact the performance of the Contract	To be evidenced by specific, appropriate and conclusive means following section 2.2.4.2 to be provided with the proposal.	Each economic operator participating in this procurement, i.e., primes, each consortium member and any proposed subcontractors.

Table 3 – Legal Capacity Selection Criteria

3.2.2 Economic and financial capacity

The tenderer (all legal entities belonging to a consortium) shall demonstrate the financial and economic capacity required for performance of the Contract as follows:

Ref #	Economic and financial capacity criteria	To be evidenced by:	Applicable to:
F1	A stable financial capacity to sustain its business	1. Submitting a full copy of the Tenderer's annual accounts of the last 3 (three) years (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable) and	Tenderer (all members of consortium individually). The Tenderer must also provide the specified evidences of stable financial capacity for the subcontractors, on which it relies to reach the required minimum turnover.

		<p>2. Financial statements relating to the selection stage in Annex I.E. If, for some exceptional reason which EUSPA considers justified, the tenderer is unable to provide the requested documents, the tenderer may prove its capacity by other documents which EUSPA considers appropriate. In any case, EUSPA must, as a minimum, be notified of any exceptional reason and its justification in the tender. EUSPA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.</p>	
F2	<p>Minimum yearly turnover</p> <p>The tenderer must have a minimum yearly turnover (in EUR) of: 20 % of the value of the contract in the last three years preceding the year of launch of the present tender procedure.</p>	<p>Duly filled in Financial Statements relating to the selection stage in Annex I.E.</p> <p>Submission of a copy of the Tenderer's annual accounts (profit and loss account, notes on the accounts and auditors' remarks when applicable).</p>	<p>Tenderer (all members of consortium cumulatively). The Tenderer may also include the financial capacity of sub-contractors in order to reach the required capacity level.</p>

		<p>If, for some exceptional reason which EUSPA considers justified, the tenderer is unable to provide the requested documents, the tenderer may prove its capacity by other documents which EUSPA considers appropriate. In any case, EUSPA must, as a minimum, be notified of any exceptional reason and its justification in the tender. EUSPA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.</p>	
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Table 4 – Economic and financial capacity selection criteria

3.2.3 Technical and professional capacity

The tenderer (all legal entities belonging to a consortium) shall demonstrate the technical and professional capacity required for performance of the contract as follows:

Ref #	Technical and professional capacity criteria	To be evidenced by:	Applicable to:
T1	The tenderer must have been manufacturing and/or supplying and installing security furniture at least in the past 3 (three) years.	Description of projects and list of clients fulfilling the requirement.	Applicable to all economic operators participating in this procurement cumulatively, i.e. primes, each consortium member and any proposed sub-contractors on which the prime relies for fulfilling this criterion.

Table 5 – Technical and professional capacity selection criteria

IMPORTANT NOTE: The Tenderers may rely on the capacities of other entities to fulfil the technical and professional capacity-related selection criteria, regardless of the legal nature of the links which they have with them. The Tenderers must in that case prove to EUSPA that they will have at their disposal the resources necessary for performance of the contract, by producing a Letter of Intent (in the form provided in Annex I.D) ensuring that the tasks for which the support will be provided are clearly indicated therein.

3.3 Minimum requirements

Tenderers must submit the information below with the tender. Failure to comply with minimum requirements at the submission time of the tender will lead to exclusion of the Tenderer from the tender procedure.

3.3.1 List of requirements

The Tenderer shall demonstrate compliance with the minimum requirements required for performance of the Contract as follows:

Ref #	Minimum requirements	To be evidenced by:	Applicable to:
M1	Compliance with applicable environmental, social and labour law obligations established by European Union law, national legislation, collective agreements or the applicable international social and environmental conventions listed in Annex X of Directive 2014/24/EU.	Corresponding statements of compliance in the Declaration on Honour – Annex I.B	Tenderer (all members of consortium and proposed subcontractors cumulatively).

Table 6 – Minimum requirements

Failure to comply with the minimum requirements will lead to exclusion of the Tenderer from the procurement procedure.

Attention is drawn to the fact that minimum quality thresholds (i.e., total minimum score for all the award criteria and individual minimum score for the criteria), as identified in Section **Error! Reference source not found.** below, as well as the ceiling volume of the contract, as identified in Section 2.2.2 above, shall operate as minimum requirements.

3.4 Award criteria

For the tender to be evaluated in award stage, the Tenderer must have passed the exclusion and selection stages and fulfil the minimum requirements.

The contract shall be awarded to the tenderer submitting the admissible offer offering the best-value-for-money (best quality-price ratio).

The quality of technical offers reaching this stage will be evaluated in accordance with the award criteria and the associated weightings as detailed in the evaluation grid below. The financial evaluation will be made on the basis of the price offered in the model financial offer applying the formula specified in the grid below (Table 7).

Ref #	Criteria	Maximum Points
1	Technical evaluation^[1] The content of the tenderer's technical proposal should be drafted with reference to and shall be evaluated in line with the following criteria: <ul style="list-style-type: none"> - Q1: Quality and adequacy of the proposed shredders in terms of range of choice, based on the list and description of available models max 50 points - Q2: Committed delivery term between the EUSPA order and the date of an on-site delivery (the faster the better): max 10 points 	60
2	Financial Evaluation The financial evaluation will be made on the basis of the price offered in the model financial proposal – applying the formula specified below: Financial score for tenderer X = 0,4 * 100 * (cheapest price among prices of all bidders/price of tenderer X)	40

Table 7 – Evaluation grid

3.4.1 Detection of abnormally low tenders

Tenderers must be aware of Article 23 of Annex I of the Financial Regulation on abnormally low tenders. In order to make a consistency check of each tenderer's financial offer towards the level of service required, tenderers are requested to provide their pricing methodology in a separate price structure document attached to the Financial Table of Answers. The price structure document must explain in detail how tenderers establish their all-inclusive daily prices for the services. The document should demonstrate the compliance of the daily prices with the laws of the country in which the services are to be performed, for minimum levels of staff remuneration, contributions to the social security, occupational safety and health standards, and/or other applicable schemes and standards.

4 Conditions of submission of tenders

4.1 Participant Register

Any economic operator willing to submit a tender for this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons participating in European Commission's calls for tenders or proposals (participants).

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other European Commission's calls for tenders or calls for proposals.

Participants are required to provide information about the SME status of the participant in the Participant Register by filling in the SME Declaration section in the Participant Register. The section becomes available only when updating/modifying the details of the registered organisation.

At any moment during the procurement procedure the Research Executive Agency Validation Services (hereafter the EU Validation Services) may contact the participant and ask for supporting documents on legal existence and status and financial capacity. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by the EU Validation Services are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

Please note that a request for supporting documents by the EU Validation Services in no way implies that the tenderer has been successful.

4.2 Disclaimers

Please note disclaimers referred to in the Invitation to Tender.

4.3 Visits to premises or briefing

Visits to Contracting Authority's premises or briefings during the tendering process are not foreseen.

4.4 Variants

Variants are not permitted under this procurement procedure.

4.5 Preparation costs of tenders

Costs incurred in preparing and submitting tenders are borne by the tenderers and will not be reimbursed.

4.6 Presentation of the tender

4.6.1 Language

Tenders shall be drafted in one of the languages of the EU, preferably in **ENGLISH**.

4.6.2 Submission conditions

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the link below:

https://wikis.ec.europa.eu/display/FTPPortal/Open+procedures_EN

Make sure you prepare and submit your tender in eSubmission early enough to ensure it is received within the deadline indicated under Section 5.1.12 of the Contract Notice.

The documents which must be signed according to the Tender Specifications may be signed electronically with a qualified electronic signature (QES). This electronic signature must be provided by a provider which has a qualified status granted by a national competent authority of an EU Member State and which is listed in the national eIDAS Trusted Lists and the EU List of eIDAS Trusted Lists (LOTL) (available at <https://esignature.ec.europa.eu/efda/tl-browser/#/screen/home>).

4.7 Content of the tender to be submitted

The tender must be:

- signed by the Tenderer or its duly authorised representative;
- perfectly legible so that there can be no doubt as to words and figures;
- drawn up using all model reply forms supplied in the Annexes to the Tender Specifications;
- clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. organised in files).

EUSPA reserves the right to request additional evidence in relation to the tender submitted for evaluation or verification purposes.

4.7.1 Administrative file (FOLDER 1)

Each tender shall include an administrative file, containing:

Ref.#	FOLDER 1 – ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and LEGAL AND FINANCIAL/ECONOMIC SELECTION CRITERIA
(1)	<p>A cover letter, dated and signed by duly authorized representative of the tender, including:</p> <ul style="list-style-type: none"> - A declaration of full acceptance of the requirements in this Invitation to Tender; - The Tenderer's undertaking to provide the services; - Analysis of absence of conflicting interest, as per Section 2.2.4.2 above;

	<ul style="list-style-type: none"> - A list of all the documentation included/enclosed in the Tender; - A list of the legal entities involved, if any, specifying each entity's role and qualifications and the share of the FWC total price that will be covered by the respective entity's contribution; - Tenderer's contact details; - A declaration that any of the entities involved are not a Restricted Person and do not fall under the scope of subject to EU Restrictive Measures in the list published at www.sanctionsmap.eu. <p>If the tender is submitted by a consortium or grouping:</p> <ul style="list-style-type: none"> - specify each member's role and qualifications; - include a letter signed by each member undertaking to participate as detailed; - justified assessment of the compliance with competition laws as per Section 2.2.9 (in case of joint bidding). <p>For the subcontracting:</p> <ul style="list-style-type: none"> - Indicate the elements and proportion (%) of the tender for which subcontracting is planned, if any.
(2)	<p>If <u>applicable</u>, subcontracting proposal</p> <p>As per section 2.2.7.</p>
(3)	<p>The duly filled in, signed and dated identification sheet of the Tenderer using the template in Annexes I.A-I.B-I.C-I.D (Administrative Annexes) (one per Tenderer including all the legal entities involved in the consortium and subcontractors and containing, where appropriate, as many sections as legal entities involved).</p>
(4)	<p>The duly filled in, signed and dated legal entity form (one per economic operator involved) (tender, consortium member or subcontractor) using the template available at: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal-entities_en.cfm and any supporting documents required in this template.</p> <p>Please take into consideration the instructions from this link before filling in the documents: http://ec.europa.eu/budget/library/contracts_grants/info_contracts/instructions_fich_le_en.pdf.</p>

(5)	A duly signed and dated statement of authorisation/power of attorney containing the name and position of the representative/signatory and official documentary evidence on the person's legal authority to validly sign the tender and the FWC on behalf of the organisation, should it be awarded it.
(6)	<p>The duly filled in, signed and dated Financial Identification Form using the template available at:</p> <p>http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm</p> <p>In case of consortia, only one financial identification form for the whole consortium should be submitted, nominating the bank account into which payments are to be made under the SCs (i.e., the account of the consortium leader) in the event that the respective tender is awarded to it.</p> <p>Please pay attention to the supporting documents that should be submitted together with dully filled in financial identification form.</p>
(7)	The duly filled in, signed and dated Declaration(s) on Honour relating to exclusion criteria and selection criteria using the relevant template in Annex I.B - one per economic operator (i.e. Tenderer, all consortium members, all subcontractor(s), if any).
(8)	The duly filled in, signed and dated Financial Statement relating to the selection stage using the template in Annex I.E , complemented by the full financial statements for the last three financial years and a statement of turnover relating to the relevant services for this tender for the last 3 (three) financial years.
(9)	<p>All evidence relating to:</p> <ul style="list-style-type: none"> - the selection criteria in Section 3.2.1 above relating to legal and regulatory capacity, and - the selection criteria in Section 3.2.2 above relating to economic and financial capacity.
(10)	<p>All evidence relating to:</p> <ul style="list-style-type: none"> - the minimum requirements in Section 3.3.1 above.
(11)	<u>In case of consortia</u> , a duly signed and dated statement/declaration by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the consortium, sign and manage the Contracts, using the template of Annex I.C.

(12)	<u>For the proposed subcontractors on whom the tenderer relies for the fulfilment of the selection criteria (if any)</u> , duly filled in, signed and dated subcontractor Letter of Intent using the template in Annex I.D.
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Table 8 – Folder 1 content – administrative documents

4.7.2 Technical proposal (FOLDER 2)

Each tender shall include an administrative file, containing:

	FOLDER 2 – TECHNICAL OFFER
(1)	<p>Technical Proposal, in accordance with the requirements of the present Tender Specifications, including (list not exhaustive):</p> <ul style="list-style-type: none"> • Introduction, contents and layout of the entire tender; • All evidence relating to the selection criteria in Section 3.2.3 - Technical and professional capacity above. • Clear references to the FWC and commitment to the complete scope of the work of the present Tender Specifications, covering all the Technical Requirements.

Table 9 – Folder 2 content – technical proposal

4.7.3 Financial proposal (FOLDER 3)

Content

Each tender shall include a financial offer, containing:

	FOLDER 3 – FINANCIAL OFFER
(1)	<p>Duly signed and dated financial proposal using the template in Annex I.F, which shall be duly filled in, stamped, initialled, dated and signed by the Tenderer, without any omission or addition with regard to the original format. Omissions or additions with regard to the original format may lead to exclusion from the tender procedure.</p>

Table 10 – Folder 3 content – financial proposal

The financial offer must respect the following conditions:

VAT exemption

As the Contracting Authority is exempt from all taxes and dues, including value added tax (VAT), pursuant to Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union, these must not be included in the price.

Currency and exchange rates

The price tendered must be all-inclusive and expressed in Euro without VAT, including for countries which are not part of the Euro zone. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any fluctuation.

4.8 Submission

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation to tender letter and the eSubmission Quick Guide and are to be submitted not later than the relevant date and time specified in Section 1.66 above.

It is required that tenders be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender.

EUSPA retains ownership of all tenders received under this procedure. Consequently, tenderers shall have no right to have their tenders returned to them.

Tenderers are advised to submit the tender ahead of the deadline in order to avoid potential problems during the final days/hours before the closing date of tenders' submissions. The Agency cannot be held responsible for any last-minute malfunctioning of the eSubmission tool due to heavy traffic on the website.

4.9 Opening of the tenders

The tenders will be opened on the date and time specified in Section 1.6 above, in the offices of EUSPA, Janovskeho 438/2, Prague 7, Czech Republic.

This opening session will be public. At the end of the opening session, the Chairman of the opening committee will disclose the name of the tenderers and the decision concerning the admissibility of each offer received. The prices indicated in each tender received will not be communicated.

One representative per tender may attend the opening session. For organisational and security reasons the tenderer must specify the tenderer (s)he represents and provide the full name of the attending person, date of birth, nationality and ID or passport number of the representative at least five calendar days in advance to: tenders@euspa.europa.eu. The subject of the email shall be: "EUSPA/OP/19/24 - Supply and installation of hardware shredders: request from [insert name of legal entity / consortium] to participate to the opening session". The representative will be required to present the submission receipt generated by eSubmission and to sign an attendance sheet. The contracting authority reserves the right to refuse access to its premises if the above information or the submission receipt are not provided as required.

In order to be able to enter the EUSPA premises for the opening of the tenders, the attending person shall further present an ID card or passport at the reception of the EUSPA. Maximum one representative per Tenderer may attend the opening.

The public part of the opening session will be strictly limited to the following aspects:

- verification that each tender has been submitted in accordance with the submission requirement of the call for tenders;
- announcement of the tenders received: the names of the tenderers (all members in the case of a joint tender) will be announced;

Tenderers not present at the opening session may send an information request to tenders@euspa.europa.eu if they wish to be provided with the information announced during the public opening.

Once the contracting authority has opened the tenders, they shall become its property and will be treated confidentially.

4.10 Period of validity of the tenders

Period of validity of the tenders, during which tenderers may not modify the terms of their tenders in any respect shall be 9 (nine) months from the closing date for the submission of the tenders.

4.11 Further information

Contacts between EUSPA and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of tenders:

- At the request of the Tenderer, EUSPA may provide additional information solely for the purpose of clarifying the nature of the contract.
- Any requests for additional information must be made in writing only through the procedure's Funding & Tenders Portal (F&T Portal) link indicated in the Invitation to Tender in the "Questions & answers" section, by clicking "Create a question" (EU Login registration¹¹ is required to be able to create and submit a question).
- Requests for additional information received after deadline specified in Section 1.66 above cannot be processed.
- EUSPA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the Invitation to Tender.

¹¹ EU Login is the entry gate to sign in to different European Commission services and/or systems. Read more [here](#).

After the opening of tenders:

- If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, EUSPA may contact the Tenderer, although such contact may not lead to any substantial alteration of the terms of the submitted tender.

4.12 Information for tenderers

EUSPA will inform tenderers of decisions reached concerning the award of the contract in due course, including the grounds for any decision not to award a contract or to recommence the procedure.

If a written request is received, EUSPA will inform all rejected tenderers of the reasons for their rejection and all tenderers submitting an admissible tender of the characteristics and relative advantages of the selected tender and the name of the successful tenderer.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

4.13 Data protection

Personal data gathered for the purpose of the present procedure will be processed pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. This data will be processed by EUSPA as indicated in the privacy statement published on the Agency's website (https://www.euspa.europa.eu/system/files/page/privacy_statement_relating_to_euspa_procurement_procedures_grants_prizes_and_selection_of_experts.pdf). Any request regarding your personal data should be addressed to the data controller responsible for the call for tenders (add the relevant department e.g. Head of SAU, and the functional mailbox). You may also contact the Agency's Data Protection officer (DPO) at DPO@euspa.europa.eu. If your request has not been responded to adequately by the data controller and/or DPO, you can lodge a complaint with the European Data Protection Supervisor at edps@edps.europa.eu.

4.14 Tenderer's consent to the use of information supplied in the tender

By submitting a reply to the invitation to tender a Tenderer provides its unconditional and irrevocable consent to the Agency to use any information contained in the tender in legal proceedings related to procurement regardless of the parties involved to the extent as necessary or appropriate for due protection of Agency's rights. Should the Agency use the content of the tender for this purpose, the Tenderer waives any claim for any compensation of any kind whatsoever or any claim related to confidentiality and/or data protection.

5 List of tender specifications annexes

These tender specifications have the following annexes:

Annex	Title
Annexes I.A-I.B-I.C-I.D (Administrative Annexes)	Template Identification Sheet of the Tenderer - Template Declaration of Honour - Power of Attorney - Subcontractor Letter of Intent
Annex I.E	Financial Statements relating to the Selection Stage
Annex I.F	Template Financial Table of Answers

Table 12 – Annexes to Annex I

End of Document