

GSA/OP/09/14
"General ICT Support"

Annex I to Invitation to Tender
'Tender Specifications'

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1 Overview

The present specifications are attached to the call for tender and are intended to complement the information contained in the Contract Notice 2014/S 092-160728 providing to the tenderers further information on the procurement procedure and elements to allow them to prepare for the procurement process.

1.1 Context of the tender

The European GNSS Agency (hereinafter 'GSA', 'the Agency' or 'the Contracting Authority')¹ is the Agency formed by the European Union to accomplish specific tasks related to the European GNSS (Global Navigation Satellite Systems - EGNOS and GALILEO) programmes.

1.2 Outline of the tender and procedural process

Name: GSA/OP/09/14 - "General ICT Support"

Procedure: Open call for tender with publication in the Official Journal of European Union.

It is important to note that:

- The tenders will have to fulfil the conditions of submission set out in section 4 of these specifications.
- In drawing up your tender, the provisions of the Draft Contract (see Annex II to the Invitation to Tender) should be kept in mind. In particular, the Draft Contract indicates the method and the conditions for payments to the contractor.
- Tenderers will be required to accept all the terms and conditions set out in the Invitation to Tender, Tender Specifications & Draft Contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The terms and conditions set out in the invitation to tender, tender specifications & draft contract shall be binding on the tenderer to whom the contract is awarded for the duration of the contract.
- The Invitation to Tender is in no way binding on GSA. GSA's contractual relationship commences only upon signature of the contract with the successful tenderer.
- Up to the point of signature, GSA may either abandon procurement or cancel the award procedure, without tenderers being entitled to claim any compensation.

¹ - REGULATION (EC) No 1285/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the implementation and exploitation of European satellite navigation systems

- REGULATION (EU) No 912/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council

TIMETABLE	Date	Comments
Launch of tender	2 May 2014	All documents available at: http://www.gsa.europa.eu/gsa/procurement
Deadline for request of clarifications from GSA	1 July 2014	Requests to be sent in writing only to: tenders@gsa.europa.eu clearly quoting the reference number of procurement procedure
Last date on which clarifications are issued by GSA	8 July 2014	All clarifications will be published at: http://www.gsa.europa.eu/gsa/procurement Tenderers are advised to check this webpage on a regular basis for possible updates and/or clarifications
Deadline for submission of tenders	15 July 2014	According to conditions of submission set in Section 4 of these specifications
Opening session and start of evaluation session	22 July 2014	11h00 in GSA premises in Prague
Completion of evaluation and award	August 2014	Estimated

1.3 Purpose of the contract

The GSA would like to conclude a contract for the provision of the general ICT support as described in this document and its annexes. This description of general ICT support covers what is required at this moment in time by the GSA, these services may be expanded upon in the future as technology evolves. The scope of the services shall apply equally to all future versions of software products replacing the software as specified in these tender specifications.

The GSA currently has approximately 100 staff based in Czech Republic (estimated to grow to 200 by 2015), 25 based in France, and 5 based in the United Kingdom. Further growth of staff figures is expected before 2016 (up to a double).

2 Terms of reference

2.1 Reference legal documents

Participation to the tender is subject to applicable legal restrictions and obligations. The reference documents include:

- REGULATION (EC) No 1285/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the implementation and exploitation of European satellite navigation systems
- REGULATION (EU) No 912/2010 of the EUROPEAN PARLIAMENT and of the COUNCIL of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council;

The procurement procedure will be carried out in accordance with the rules of:

- Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 (under revision);
- REGULATION (EU, EURATOM) No 966/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002;
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

In the general implementation of its activities and for the processing of tendering procedures in particular, regarding confidentiality and public access to documents, the GSA observes the following rules:

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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, and;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

2.2 Technical terms of reference

For technical terms of reference please see Annex I.D.

2.3 Legal and contractual terms of reference

2.3.1 Form of contract

The aim of this procurement is to award Framework Service Contract to Contractor for the provision of services described in present Tender Specifications.

Signature of the Framework Service Contract imposes no obligation on the GSA to purchase. Only implementation of the Framework Service Contract through specific contracts is binding for the GSA.

When drawing up their tenders, Tenderers should bear in mind the Draft Framework Service Contract (Annex II to the Invitation to Tender).

The Contracting Authority reserves the right to launch an exceptional negotiated procedure for similar services with the same Contractor in case of need, as foreseen in Art. 134(1)(f) RAP.²

2.3.2 Place of performance

The Contractor shall consider that the GSA is geographically distributed.

The GSA's Headquarters is at Janovskeho 438/2, 170 00, Prague 7 – Holesovice, Czech Republic.

Currently the GSA's offices in France / UK are located at the following addresses:

- Quartier Général des Loges, 8, avenue du Président Kennedy, 78102 Saint-Germain-en-Laye, France,
- Sopwith Way, Swanwick, Hants SO317AY, United Kingdom.

The location for performance of each Task and/or execution of each Specific Contract shall be specified in the relevant Specific Contract; please note that the location could be different from the above listed addresses.

2.3.3 Volume of the contract

The indicative budget estimated for the maximum duration of the Framework Service Contract is 2,500,000 EUR (two million and five hundred thousand euro).

This budget is only indicative; they will be subject to budget allocations given to the GSA.

2.3.4 Duration

The expected duration of the Framework Service Contract is 4 years.

A Framework Service Contract will be signed with the successful tenderer; consequently a Specific Contracts will be signed annually or more frequently if required.

² Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012

2.3.5 Language of the contract

Unless specified otherwise by GSA, English shall be the main working language of the contract including all correspondence with GSA. Therefore, all personnel of Contractor that shall communicate with GSA should have an excellent level of English.

2.3.6 Subcontracting

The Contractor will be able to call on subcontractors to provide specific know-how. However, the Contractor will remain the sole partner and person legally and financially responsible vis-à-vis the GSA.

Particular attention will be paid to the approach proposed by the Contractor for the management of his subcontractors.

The Tenderer must indicate clearly which parts of the work will be sub-contracted **and** to what **extent** (proportion in %). The sub-contractor must not sub-contract further.

Sub-contractors must satisfy the exclusion criteria applicable to the Contractor (see section 3.1 of these Tender Specifications).

If the identity of the intended sub-contractor(s) is already known at the time of submitting the tender, Tenderer must furnish a statement guaranteeing the eligibility of the sub-contractor.

If the identity of the sub-contractor(s) is not known at the time of submitting the tender, the Tenderer who is awarded the contract will have to seek GSA's prior written authorisation before entering into a sub-contract.

Where no sub-contracting is indicated in the tender the work will be assumed to be carried out directly by the Tenderer.

2.3.7 Participation of consortia

Consortia may submit a tender on the condition that it complies 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 grouping (or consortium) must specify the company or person heading the project (the leader) and must also submit a copy of the document authorising this company or person to submit a tender on behalf of the consortium. All members of a consortium (i.e. the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (see section 3 of these Tender Specifications). 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 checked to ensure that the consortium as a whole fulfils the criteria.

The participation of an ineligible person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

2.3.8 Security requirements

2.3.8.1 Access to GSA premises

Access to GSA premises implies the acceptance by the Contractor or any subcontractor to comply with the GSA's internal security and safety rules.

For security requirements please see also Annex I.D part 4.

2.3.8.2 Security Convention

Security Convention defines conditions for remote access to GSA's ICT systems. Security Convention forms a part of the Framework Service Contract.

2.3.9 Non-Disclosure Agreement

The Non-Disclosure Agreement is forming part of the Framework Service Contract (annexed to draft framework service contract). The sub-contractors will be considered Third Parties in the sense of the Non-Disclosure Agreement and conditions set therein apply.

2.3.10 Service Level Agreement

The GSA requires from the provider a high quality of service. A Service Level Agreement (SLA) will form integral part of the Framework Service Contract and will be implemented by the successful Tenderer and the GSA.

Draft of Service Level Agreement (Annex I.K) has to be duly filled-in by a Tenderer. The Service Level Agreement will be applicable according to the terms set therein.

3 Assessment of tenders

All admissible tenders will be assessed. The assessment of the tenders is carried out separately in successive stages against the exclusion and selection criteria set out below:

- 1) **Exclusion stage**- to check, on the basis of the exclusion criteria, whether Tenderers can take part in the tendering procedure;
- 2) **Selection stage**- to check, on the basis of the selection criteria, (a)the technical and professional capacity; (b)economic and financial capacity of each Tenderer.
- 3) **Award stage**- to assess, on the basis of the award criteria, each tender that has passed the exclusion and selection stages.

A single Framework Service Contract will be concluded with the Tenderer ranked best as the result of the evaluation of admissible tenders.

3.1 Exclusion criteria

Participation in this tender is only open to tenderers (all entities involved, including sub-contractors) who will be able to sign the Declaration of Honour (Annex I.E to this document). Failure to do so will lead to exclusion from the procurement process.

Before the signature of contract the successful Tenderer will have to submit supporting documents to the Declaration of Honour (listed in therein).

3.2 Selection criteria

To be assessed in selection stage, the Tenderer must have passed the exclusion stage described above.

Tenderers must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tender.

3.2.1 Economic and financial capacity criteria

The Tenderer (all economic operators involved in set-up of the Tenderer as a whole, except sub-contractors) shall demonstrate the financial and economic capacities required for performance of the contract.

Financial and economic capacities shall be demonstrated by:

- the provision of full financial statements for the last three years, including a consolidated balance sheet and the profit and loss account, and
- a statement of overall turnover and of turnover relating to the relevant services for this tender for the last 3 financial years (please see Annex I.F to this document).

The minimum requirement:

The Tenderer (all economic operators involved in set-up of the Tenderer as a whole, except sub-contractors) is expected to prove minimum turnover relating to the relevant services for this tender of 500.000 EUR.

3.2.2 Technical and professional capacity criteria

The Tenderer (all economic operators involved in set-up of the Tenderer as a whole, except sub-contractors if not expressly specified otherwise) shall demonstrate the technical and professional capacity required for performance of the contract.

The criteria are described in Annex I.G. The Tenderers are required to duly fill in this template.

Non-compliance with these criteria will lead to exclusion of the tender.

3.3 Award criteria

To be assessed in selection stage, the Tenderer must have passed the exclusion stage described above.

All tenders will be assessed in the light of the objectives, specifications and criteria set out in these Tender Specifications.

The assessment of the tenders in award stage is carried out in two successive stages against the Qualitative and Financial Award Criteria set out below.

3.3.1 Qualitative Award Criteria

The technical quality of the tender will be assessed on the basis of the Tenderer's technical proposal submitted together with relevant table (Annex I.H to this document).

3.3.2 Financial Award Criteria

The price of the tender will be calculated on the basis of the tables filled-in by the Tenderer (see Annex I.I of this document).

The tables have to be duly filled in with no article omitted or added by the candidate, stamped, dated and signed.

The price quotes given are binding for the Tenderer and they will be considered as references for the Framework Service Contract.

The total tender price (TTP) will be calculated as described in the Table G in Annex I.I.

3.3.3 Price index

Price index will be calculated as follows:

Price Index = Cheapest TTP / TTP of the Tender * 150

3.3.4 Calculation of final score and ranking of tenderers

The Framework Service Contract will be awarded to the Tenderer whose tender obtains the highest score, according to the formula below:

FINAL SCORE = Total number of quality points + Price index

4 Conditions of submission of tenders

4.1 Disclaimers

- This invitation to tender is in no way binding on the GSA. The GSA's contractual obligation commences only upon signature of the contract with the successful tenderer. Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure, without the Tenderers being entitled to claim any compensation. This decision must be substantiated and the Tenderers notified.
- In drawing up the tender, tenderers should bear in mind the provisions of the Draft Contract (see Annex II to the Invitation to Tender).
- Submission of a tender implies acceptance of all the terms and conditions set out in Invitation to Tender, in the specifications and in the Draft Contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

4.2 Visits to premises or briefing

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

4.3 Variants

Unless otherwise specified in the terms of reference of these Tender Specifications and its Annexes, the tender should not deviate from the services requested.

4.4 Preparation costs of tenders

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

4.5 Content of the tender to be submitted

4.5.1 General

The tender must be submitted in 1 paper original and on five (5) CD-ROMs.

The tender must consist of:

- A. An administrative file
- B. A technical proposal and
- C. A financial offer

in response to and in line with the tender documentation must be accompanied by a:

- D. cover letter, dated and signed by the tenderer or by any other duly appointed representative, declaring acceptance of the conditions in this invitation to tender; the tenderer's undertaking to provide the services proposed in the tender and listing all the documentation included/enclosed in the tender. If the tender is presented by a consortium or group of service providers, it must be accompanied by a letter signed by each member undertaking to provide the services proposed in the tender and specifying each member's own role and qualifications.

In addition to the above, in general the tender must be:

- signed by the tenderer or his duly authorised representative;
- perfectly legible so that there can be no doubt as to words and figures;
- (if necessary) drawn up using the model reply forms in the specification;
- clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled).

Since tenderers will be evaluated on the content of their submitted tenders, they must make it clear that they are able to meet the requirements of the specifications.

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

4.5.2 Checklist

Every proposal should include following documents:

No	Document that should be submitted	Reference
A- Administrative File		
1	Cover letter	See part 4.5.1.D of this document
2	Identification Sheet of the Tenderer	See Annex I.A
3	Legal Entity Form	See Annex I.B
4	Financial Identification Form	See Annex I.C
5	Declaration of Honour relating to Exclusion Stage	See Annex I.E
6	Financial Statement - declaration	See Annex I.F
7	Full financial statements for the last three years, including a consolidated balance sheet and the profit and loss account	See part 3.2.1 of this document
B- Technical Proposal		
8	Technical and Professional Capacity requirements document	See Annex I.G
9	Technical Proposal	See Annex I.D and I.H
10	Service Level Agreement	See part 2.3.10 of this document and Annex I.K
C- Financial Offer		

11	Financial Offer	See part 4.5.4 of this document See Annex I.I
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4.5.3 Technical proposal

Tenders must provide a technical proposal demonstrating a good understanding of the tender requirements and the capability to satisfy them.

The Tenderers offer shall include at least the information listed as required in Annex I.D - Technical Terms of Reference.

4.5.4 Financial offer

The financial offer must be submitted in tables (Annex I.I) and respect the following conditions:

4.5.4.1 Prices

Prices quoted are subject to revision as described in Article I.3.2 of the draft of Framework Service Contract.

4.5.4.2 VAT exemption

As the GSA 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 Communities", these must not be included in the price.

4.5.4.3 Currency and exchange rates

The price tendered must be all-inclusive and expressed in Euro, including for countries which are not part of the Euro zone. For tenderers in countries which do not belong to the Euro zone, the price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an exchange rate and assume the risks or the benefits deriving from any fluctuation.

4.5.4.4 Unit prices

The unit prices will be firm and will include all costs and expenses.

Cost and expenses are: effort for all the tasks (including drawing up quotations and reports) necessary for their performance, including all costs (management of the project, coordination, quality control, support resources, etc.), all overheads (management of the firm, secretarial services, social security, wages, etc.) necessary for the performance of the tasks described, incurred directly and indirectly by the Contractor in performance of the tasks that will be entrusted to him.

4.5.5 Presentation of the Tender

Tenders must be submitted in an envelope or parcel that should be sealed with adhesive tape, signed across the seal and carry the following information:

- the ref. number of the invitation to tender "**GSA/OP/09/14**" and the project title "**General ICT Support**"
- the name of the Tenderer
- the indication "***Tender - Not to be opened by the internal mail service***"
- the address for submission of tenders (*as indicated in section 4.6*)
- the date of posting (*if applicable*) should be legible on the envelope

The outer envelope must contain **FOUR (4) inner envelopes**, with the content specified in 4.5.2 above:

- **Envelope 1-** Administrative File;
- **Envelope 2-** Technical Proposal;
- **Envelope 3-** Financial Offer;
- **Envelope 4-** Five CD-ROMs (each including full tender documentation)

Applications shall be drafted in one of the official languages of the European Union, preferably **ENGLISH**.

Nota bene:

- It is strictly 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.
- GSA retains ownership of all applications received under this procedure. Consequently tenderers shall have no right to have their tenders returned to them.

4.6 Submission

Tenders sent by post mail are to be sent not later than **on date specified in section 1.2 above**, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the following physical address:

European GNSS Agency
Legal and Procurement Department
Janovskeho 438/2
170 00 Prague 7
Czech Republic

Tenders sent by express mail, commercial courier or hand-delivered should be addressed to the same postal address not later than **17.00 (CET) on date specified in section 1.2 above**. In this case, a receipt must be obtained as proof of submission, signed and dated by the reception desk officer. The reception is open from 08.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays, European Commission holidays and some Czech national holidays.

4.7 Opening of the Tenders

The tenders will be opened **at 11:00 (CET) on date specified in section 1.2 above**, in the offices of the GSA, Janovského 438/2, Prague 7, Czech Republic.

This opening session will be public. A representative of each tenderer may attend the opening of the tenders. At the end of the opening session, the Chairman of the opening committee will indicate the name of the tenderers and the decision concerning the admissibility of each offer received. The prices indicated in each received tender will not be communicated. Should you wish to attend, please send a request (at least 5 calendar days before the date of the opening) to the following e-mail address tenders@gsa.europa.eu, indicating the name of the attending person and the tenderer (s)he represents.

4.8 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: nine (9) months from the closing date for the reception of the tenders.

4.9 Further information

Contacts between the contracting authority 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, the contracting authority 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 to tenders@gsa.europa.eu. The subject line of the e-mail has to quote the reference of the procurement procedure.
- Requests for additional information received after deadline specified in section 1.2 will not be processed (*for practical reasons*).
- The GSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

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, the GSA may contact the tenderer, although such contact may not lead to any alteration of the terms of the submitted tender.

4.10 Information for Tenderers

The GSA 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, the GSA 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.

4.11 Data protection

Processing your reply to the invitation to tender will involve 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 GSA. You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to the GSA. You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data.

You are informed that for the purposes of safeguarding the financial interest of the Communities, your personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).

Data of economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation³ may be included in a central database and communicated to the designated persons of the European Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of

³ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 (OJ L 248 of 16.09.2002), as amended by Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390 of 30.12.2006)

the Financial Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, up on request to the accounting officer of the European Commission.

5 List of Annexes

These Tender Specifications (Annex I to Invitation to Tender) have the following annexes (separate documents):

- Annex I.A - Template Identification Sheet of the Tenderer
- Annex I.B - Template Legal Entity Form
- Annex I.C - Template Financial Identification Form
- Annex I.D - Technical terms of reference
- Annex I.E - Template Declaration of Honour relating to the Exclusion Stage
- Annex I.F - Template Financial Statements relating to the Selection Stage
- Annex I.G - Template for Technical and Professional Capacity requirements relating to the Selection Stage
- Annex I.H – Table for Qualitative Evaluation relating to the Award Stage
- Annex I.I - Template Financial Offer relating to the Award Stage
- Annex I.J – GSA Rules for Mission Reimbursement
- Annex I.K – Service Level Agreement
- Annex I.L – Security Convention