

EUSPA/OP/06/23

"Provision of Express Courier and Mail Services for EUSPA (all sites included)"

"Tender Specifications"

Ref: 282938

Issue: 1.0

Date: 27/11/2023

CONTENTS

1	OVERVIEW	5
1.1	EUSPA.....	5
1.2	CONTEXT AND PURPOSE OF THE INVITATION TO TENDER	5
1.3	OUTLINE OF THE TENDER.....	6
1.4	APPLICABLE LEGAL ACTS AND RULES	6
1.5	PROCUREMENT SCHEDULE.....	7
1.6	PRINCIPLES	8
2	TERMS OF REFERENCE	9
2.1	TECHNICAL TERMS OF REFERENCE	9
2.2	CONTRACTUAL TERMS OF REFERENCE	10
2.2.1	<i>Form of contract and conditions</i>	10
2.2.2	<i>Volume of the contract</i>	10
2.2.3	<i>Place of performance</i>	10
2.2.1	<i>Duration</i>	10
2.2.2	<i>Terms of payment</i>	10
2.2.3	<i>Liability</i>	11
2.2.4	<i>Participant Register</i>	11
2.3	LEGAL TERMS OF REFERENCE.....	11
2.3.1	<i>Participation conditions</i>	11
2.3.2	<i>Participation of consortia</i>	12
2.3.3	<i>Subcontracting</i>	12
2.3.4	<i>Access to EUSPA premises</i>	13
2.3.5	<i>Applicable law – jurisdiction</i>	13
3	ASSESSMENT OF TENDERS	13
3.1	EXCLUSION CRITERIA	13
3.1.1	<i>EU Restrictive Measures</i>	14
3.2	SELECTION CRITERIA	14
3.2.1	<i>Legal and regulatory capacity</i>	14
3.2.2	<i>Economic and financial capacity</i>	15
3.2.3	<i>Technical and professional capacity criteria</i>	16
3.3	MINIMUM REQUIREMENTS.....	18

3.4	AWARD CRITERIA	18
3.4.1	<i>Qualitative Award Criteria</i>	19
3.4.2	<i>Financial Award Criteria</i>	20
3.4.3	<i>Final score and award of the Framework Contract</i>	21
4	CONDITIONS FOR SUBMISSION OF TENDERS	21
4.1	DISCLAIMER.....	21
4.2	VISITS TO EUSPA PREMISES OR BRIEFING	21
4.3	VARIANTS.....	21
4.4	PREPARATION COSTS OF TENDERS.....	21
4.5	LANGUAGE	21
4.6	FORM OF THE TENDER TO BE SUBMITTED	22
4.7	CONTENT OF THE TENDER TO BE SUBMITTED	22
4.7.1	<i>Administrative file</i>	22
4.7.2	<i>Technical Offer</i>	24
4.7.3	<i>Financial offer</i>	25
4.7.4	<i>Prices</i>	25
4.7.5	<i>VAT exemption</i>	25
4.7.6	<i>Currency</i>	25
4.7.7	<i>Unit prices</i>	25
4.7.8	<i>Presentation of the tender</i>	25
4.7.9	<i>Submission of the tender</i>	26
4.8	PUBLIC OPENING OF THE TENDERS	27
4.9	PERIOD OF VALIDITY OF THE TENDERS.....	28
4.10	FURTHER INFORMATION	28
4.10.1	<i>Submission phase (before the time-limit for receipt of tenders)</i>	28
4.10.2	<i>Opening of tenders</i>	29
4.10.3	<i>Evaluation phase (after the opening of tenders)</i>	30
4.10.4	<i>Award phase</i>	30
4.11	INFORMATION FOR TENDERERS.....	30
4.12	DATA PROTECTION	30
4.12.1	<i>Identity of the controller and Data Protection Officer</i>	30
4.12.2	<i>Purpose of the processing</i>	31

4.12.3	<i>Data concerned.....</i>	<i>31</i>
4.12.4	<i>Legal basis and lawfulness of the processing</i>	<i>32</i>
4.12.5	<i>Recipients of the data processed.....</i>	<i>32</i>
4.12.6	<i>Information on the retention period and storage locations of personal data.....</i>	<i>33</i>
4.12.7	<i>The data subjects' rights.....</i>	<i>33</i>
4.12.8	<i>Tenderer's consent to the use of information supplied in the tender.....</i>	<i>34</i>
5	ACRONYMS AND DEFINITIONS.....	34
6	LIST OF TENDER SPECIFICATIONS ANNEXES	35
6.1	END OF DOCUMENT.....	35

1 Overview

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

1.1 EUSPA

The European Union Agency for the Space Programme EUSPA (hereinafter referred to as 'EUSPA', 'the Agency' or 'the Contracting Authority') is the Agency formed by the European Union to accomplish specific tasks related to the European Union Space Programme as indicated in the 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/EU¹.

Further information can be found on the Agency's web site at <http://www.euspa.europa.eu/>.

This website contains also information about:

- European Space Programme (<https://www.euspa.europa.eu/european-space/eu-space-programme>)
- Legal framework applicable to EUSPA (<https://www.euspa.europa.eu/media-library/register-of-documents>)

1.2 Context and purpose of the Invitation to Tender

The purpose of the invitation to Tender is the provision of Express Courier and Mail Services for the premises of EUSPA in all its sites covering globally the Agency's needs for such services. At the moment, the EUSPA's premises are located in the following sites:

- EUSPA's Headquarters and Zelenec Data Centre: Prague, Czech Republic;
- Galileo Security Monitoring Centre (GSMC-FR): Saint-Germain-en-Laye, France;
- SAR/Galileo Data Service Provider (SGDSP): Toulouse, France
- Galileo Security Monitoring Centre (GSMC-ES): San Martin de la Vega, Madrid, Spain;
- European GNSS Service Centre (GSC): Torrejon de Ardoz, Madrid, Spain;
- Galileo Reference Centre (GRC): Noordwijk, the Netherlands;
- Galileo Control Centre (GCC): Fucino, Italy;
- Galileo Control Centre (GCC): Oberpfaffenhofen, Germany;
- Galileo Integrated Logistic Support Centre (GILSC): Brussels, Belgium.

¹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2021.170.01.0069.01.ENG

However, in the near future the EUSPA's premises are expected to be expanded in more locations across the Member States of the European Union.

1.3 Outline of the tender

Name: EUSPA/OP/06/23 - " Provision of Express Courier and Mail Services for EUSPA (all sites included)"

Procedure: Open procedure in accordance with Article 164(1)(a) of Regulation 2018/1046 on the financial rules applicable to the general budget of the Union (hereafter 'Financial Regulation'² or 'FR') for the signature of a single Framework Service Contract. The contract will be implemented via Order Forms.

The Contracting Authority reserves the right to launch an exceptional negotiated procedure for new and/or similar services with the same Contractor in case of need, as foreseen in Article 164(5)(f) in connection with point 11.1(e) of Annex 1 to FR. The maximum value of such services could be up to 50% of the initial value of the Contract.

1.4 Applicable legal acts and rules

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

Applicable legal acts and rules include the following:

- Financial Regulation (FR);
- EUSPA Financial Regulation³;
- EU Space Programme Regulation⁴;
- 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);

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.

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.

- 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) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information;
- Regulation on public access to documents⁵;
- 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;
- 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.

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

1.5 Procurement schedule

Timetable	Date	Comments
Launch of procurement process - submission of contract notice for publication to the supplement to the Official Journal by EUSPA	27/11/2023	All documents of the Invitation to Tender available at: https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/544603a7-6de2-46d5-96ba-0b525e4781e7-CN
Deadline for requests for clarifications	22/01/2024	Please, refer to section 4.10
Last date on which clarifications are issued by EUSPA	26/01/2024	Please, refer to section 4.10

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

Timetable	Date	Comments
		Tenderers are invited to check TED e-Tendering website on regular basis.
Deadline for submission of tenders	30/01/2024	According to conditions of submissions set out in Section 4.7.9 of these Tender Specifications.
Opening session and start of evaluation session	31/01/2024	11h00. Please, refer to Section 4.8 and to Contract Notice.
Completion of evaluation and award	Apr-24	Estimated
Signature of contract and kick-off	Apr-24	Estimated

1.6 Principles

- The tenderers will have to fulfil the conditions of submission set out in section 4.
- The contract shall not be awarded to tenderers who, during the procurement procedure:
 - are subject to a conflict of interest;
 - are guilty of misrepresentation in supplying the information required by EUSPA as a condition of participation in the contract award procedure or fail to supply this information;
 - attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or EUSPA during the process of examining, clarifying, evaluating and comparing tenders.

All the above-mentioned circumstances shall lead to the rejection of this tender and may result in administrative penalties.
- The tenderers are required to accept all the terms and conditions set out in the Invitation to Tender, Tender Specifications and Non-negotiable clauses. Tenderers might implement their own general or specific terms and conditions. However, the terms and conditions set out in the Invitation to Tender, Tender Specifications and Non-negotiable clauses shall be binding on the tenderer to whom the contract is awarded for the duration of the contract. Therefore, the Tenderers shall bear in mind these terms and conditions when drawing up their tenders.
- This document, its annexes and any subsequent document for this activity to be issued by EUSPA in the course of this procurement process are in no way binding on EUSPA. The contractual relationship with EUSPA commences only upon signature of the Contract with the successful Tenderer.
- EUSPA may decide either to abandon the procurement or to cancel the award procedure, without Tenderers being entitled to claim any compensation.

- EUSPA 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.

2 Terms of reference

2.1 Technical Terms of Reference

EUSPA is looking for a contractor who will be responsible for provision of global express and courier services (including all current and future EUSPA's sites), with exception of destinations not commonly operated by service providers (e.g. very remote places, war zones etc.).

The Contractor shall perform the following services under the Framework Contract (also constituting **minimum requirements** for the service provision):

- (1) Pick-up and delivery services of **mail** (< 0.5 kg) by the Contractor with free packaging included in the price from any EU Member State to any EU Member State or to any other European or global destination (i.e. United Kingdom, North America, South America, Africa, Asia, Asia Pacific – services only excluding very remote places to be indicated in the tender) with delivery at the destination within the **next 5 (five) business days**, trackable by the contracting authority via internet (Standard Mail).
- (2) Pick-up and delivery services of **mail** (< 0.5 kg) by the Contractor with free packaging included in the price from any EU Member State to any EU Member State (including between EUSPA sites of the same EU Member State) with delivery at the destination **within the next business day**, trackable by the contracting authority via internet (Priority Mail).
- (3) Pick-up and delivery services of **parcels** (from < 1 up to 30 kg) by the Contractor with free packaging included in the price from any EU Member State to any EU Member State (including between EUSPA sites of the same EU Member State) with delivery at the destination within the **next 5 (five) business days**, trackable by the contracting authority via internet (Standard Parcel).
- (4) Pick-up and delivery services of **parcels** (from < 1 up to 30 kg) by the Contractor with free packaging included in the price from any EU Member State to any EU Member State (including between EUSPA sites of the same EU Member State) with delivery at the destination **within the next business day**, trackable by the contracting authority via internet (Priority Parcel).
- (5) Pick-up and/or delivery, loading and/or unloading services of **oversized parcels (heavier than 30 kg)** by the Contractor with free packaging included in the price from any EU Member State to any EU Member State (including between EUSPA sites of the same EU Member State) with delivery at the destination **within the next 5 (five) business days**, trackable by the contracting authority via internet.

The aforementioned services regarding both mail and parcels shall include the packaging and shipment of documents, non-documents, non-dangerous goods, dangerous goods in limited quantities and dangerous goods in excepted quantities. Under dangerous goods lithium batteries are expected to be sent via the aforementioned services in the present document, which require specific packaging, according to international standards such as for example of the [IATA Lithium Battery Guidance](#) or [ADR](#) (Accord européen relatif au transport international des marchandises Dangereuses par Route, EN translation European agreement about international transport of hazardous goods by road). The list of dangerous substances and

objects shall be supplied by the service provider together with instructions on how to correctly send such substances and objects.

2.2 Contractual terms of reference

2.2.1 Form of contract and conditions

The aim of this procurement is to award a single Framework Contract for the provision of services, as they are described in the present Tender Specifications.

Signature of a Framework Contract imposes no obligation on EUSPA to purchase. Only implementation of the Framework Contract via specific Order Forms is binding for EUSPA.

When drawing up their tenders, tenderers should propose a draft Framework Contract considering the Tender Specifications and including the Non-Negotiable Clauses (Annex I.H of the present Tender Specifications) with all relevant annexes (e.g. order form template, tender specifications, their tender), which will be part of the Framework Contract. In case of conflict the following shall apply:

- The proposed Framework Contract shall prevail over its annexes;
- The present Tender Specifications shall prevail over the Contractor's tender;
- The Framework Contract and its annexes shall prevail over the specific Order Forms.

2.2.2 Volume of the contract

The maximum budget estimated for the maximum duration of the Framework Contract (including extension of the overall duration up to a total of 4 (four) years) is 450,000 EUR (four hundred and fifty thousand euro).

This budget is only indicative; it will be subject to budget allocations given to EUSPA.

2.2.3 Place of performance

The place of performance of the tasks shall correspond to the express courier and mail services of pick-up and delivery, within the scope of services to be provided under the Framework Contract, and to be defined, on a case by case basis, in the specific Order Forms.

2.2.1 Duration

The Framework Contract is intended to be signed for an initial period of 12 (twelve) months. It shall be automatically renewable up to 3 (three) times for a total maximum duration of 48 (forty-eight) months under the same conditions as further detailed in the Framework Contract.

2.2.2 Terms of payment

Payments shall be made into 30 (thirty) days upon the reception by the Contractor of a monthly electronic invoice in EUR, detailing all courier and mail services used by EUSPA at a regular monthly basis, respecting the provisions specified in the Non-negotiable clauses (Annex I.H). All services shall be included in one invoice and it should clearly indicate the details of each consignment including weight, single price, contact person and delivery address.

2.2.3 Liability

Applicable terms and conditions of liability are defined in the Non-negotiable clauses (Annex I.H).

2.2.4 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.

2.3 Legal terms of reference

2.3.1 Participation conditions

Participation in this procurement procedure is open on equal terms to all natural and legal persons under the conditions set out in Article 176 FR.

Economic operators referred to above are considered established in the above-mentioned countries when they are formed in accordance with the law of such country and have their central administration or registered office or principal place of business in this country (if legal persons), or they are nationals of one of this country (if natural persons).

Tenderers shall clearly indicate in Annex I.A their place of establishment and present supporting evidence normally acceptable under the law of that state.

2.3.2 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 3.1 and 3.2 of these Tender Specifications). Concerning the selection criteria “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.

2.3.3 Subcontracting

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

Particular attention will be paid to the approach proposed by the Contractors for the management of their subcontractors.

Each tenderer shall **indicate clearly in the Cover Letter** of its tender which parts of the **work will be subcontracted and to what extent (proportion in %)**. **Subcontractors must not subcontract further.**

Subcontractors must satisfy the eligibility criteria applicable to the award of the contract. In addition, when subcontracting, Tenderers shall ensure the subcontractors’ compliance with the exclusion criteria under Section 3.1. If the identity of the intended subcontractor(s) is already known at the time of submitting the tender, Tenderers shall provide the subcontractor’s Declaration of Honour, as provided in section 3.1.

IMPORTANT NOTE: In case the tenderer relies on a subcontractor to fulfil specific selection criteria, i.e. capacity requirements, it has to mention that subcontractor already clearly in the tender, accompanied with the Subcontractor Letter of Intent (Annex I.C).

If the identity of the intended subcontractor(s) is already known at the time of submitting the tender, the tenderer must furnish a statement guaranteeing the eligibility of the subcontractor. The subcontractor shall further submit a declaration of intent (ref. Annex I.C – Subcontractor Letter of Intent) ensuring its support and availability to the tenderer if awarded the respective contract.

If the identity of the subcontractor(s) is not known at the time of submitting the tender, the tenderer who is awarded the contract will have to seek EUSPA'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.

2.3.4 Access to EUSPA premises

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

2.3.5 Applicable law – jurisdiction

The procurement procedure and the subsequent Contract are governed by European Union law complemented, where necessary, by the law of Belgium. The parties shall endeavour to settle amicably any dispute or complaint relating to the interpretation, application or validity of the procurement procedure or Contract.

With regard to the procurement procedure, any dispute which cannot be settled amicably shall be submitted to the jurisdiction of the General Court or on appeal to the Court of Justice of the European Union.

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**.

EUSPA reserves the right to perform the evaluation in a different order.

The Framework Contract will be concluded with the best ranked tenderer in accordance with the results of the evaluation of the admissible tenders.

3.1 Exclusion criteria

Participation in this tender is only open to tenderers (all entities involved, including subcontractors) who will be able to sign the 'Template declaration of honour on exclusion and selection criteria' (Annex I.D). Failure to do so will lead to exclusion from the procurement process.

Supporting evidence requested as part of the declaration of honour shall be submitted as part of the tender.

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.

3.1.1 EU Restrictive Measures

The tenderer shall provide a statement in the Cover Letter of their tender (on its behalf and on behalf of all of its subcontractors) guaranteeing that the tenderer, its subcontractors and respective relevant persons (these are the natural and legal persons as indicated in section 4 of the Declaration of Honour in Annex I.D), are not Restricted Persons and do not fall under the scope of or are subject to EU Restrictive Measures as published in the Official Journal of the EU and in the list published at www.sanctionsmap.eu. In case of discrepancies between 'www.sanctionsmap.eu' and the restrictive measures published in the Official Journal of the EU, the latter prevails.

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

3.2 Selection criteria

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

The tenderer may rely on the capacities of other entities, but must indicate in its tender the proportion of the Contract that it intends to subcontract.

Tenderers must sign the Declaration of Honour on exclusion, selection criteria and minimum requirements (**Annex I.D** to this document).

In case of joint tender, each member of the group must provide a Declaration of Honour and submit documentary evidence.

3.2.1 Legal and regulatory capacity

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L1.	General requirement Tenderers must prove that they are authorised to perform the contract under the national law	Tenderers shall provide a duly filled in, dated and signed Legal Entity Form ⁶ (see section 4.7.1) and proof of inclusion in a trade or professional register , or a sworn declaration or certificate, membership of a specific organisation, authorisation or entry in the VAT register . When the Candidate has already provided the Legal Entity Form and the	Tenderer (individually, including all members of consortium and proposed subcontractors)

⁶ https://commission.europa.eu/publications/legal-entities_en

		supporting documents on a previous occasion during the last 12 months, it may provide only a reference to this submission instead.	
L2.	Place of establishment Tenderers must be established in an EU Member State (or Norway or Switzerland for subcontractors)	<ol style="list-style-type: none"> 1. Submission of a proof provided for under criterion L1; 2. Filled in dedicated section in the declaration of honour (Annex I.D); 3. Additional supporting documents may be requested from successful tenderer upon notification of award by EUSPA. 	Tenderer (individually, including all members of consortium and proposed subcontractors)
L3.	Absence of professional conflicting interest	Submission of a cover letter as per section 4.7.1 Ref#1 including a declaration of absence of professional conflicting interest or a declaration substantiating the potential, perceived or actual professional conflicting interest which may negatively affect the performance of the Framework Contract.	Tenderer (all members of consortium and proposed subcontractors) individually.

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 FWC as follows:

Ref #	Economic and financial capacity criteria	To be evidenced by:	Applicable to:
E1.	The tenderer shall have financial and economic capacity required for performance of the contract pertaining to the described tasks. The tenderer is considered to have these capacities if it has a minimum yearly turnover of 1,000,000 EUR (one million) in the last three years.	<ol style="list-style-type: none"> 1. Duly filled in, dated and signed Financial Statements relating to the Selection Stage in Annex I.G; and 2. Submission of a copy of the tenderer's annual accounts for the last 3 (three) years (balance sheet, profit and loss account, notes on the 	Tenderer (all members of consortium and proposed subcontractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria).

		accounts and auditors' remarks when applicable).	
E2.	<p>The tenderer is required to have a stable financial capacity to sustain its business.</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>	<p>1. Dully filled, dated and signed template Financial Statements – Annex I.G; and</p> <p>2. Submission of 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).</p>	Tenderer (all members of consortium and proposed subcontractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria).

3.2.3 Technical and professional capacity criteria

The tenderer (all members of consortium and proposed subcontractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria) shall demonstrate the technical and professional capacity required for performance of the FWC as follows:

Ref #	Technical and professional capacity criteria	To be evidenced by:	Applicable to:
T1.	The tenderer must have at least 3 (three) years recent experience gained in the past 5 (five) years providing similar services to those subject to the contract and described in these Tender Specifications.	Letters of satisfactory performance and completion of the services issued by tenderer's customers.	Tenderer (all members of consortium and proposed subcontractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and

		The list of performed contracts including the value of relevant services.	professional capacity criteria).
T2.	The tenderer must have a point of contact with the ability to fluently communicate with EUSPA in English in all matters which may be required within the scope of the Framework Contract.	Declaration of Honour (Annex I.D)	Tenderer (all members of consortium and proposed subcontractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria).
T3.	Tenderer has valid certification of ISO 9001.	A copy of certificate	Tenderer (all members of consortium and proposed subcontractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria).

Further documents may be requested at a later stage for the purpose of providing evidence of compliance with the Agency's requirements.

IMPORTANT NOTE: *An economic operator may rely on the capacities of other entities to fulfil the selection criteria, regardless of the legal nature of the links which it has with them. The tenderer must in that case prove to the Agency that it will have at its disposal the resources necessary for performance of the contract, by producing a **Subcontractor Letter of Intent** (in the form provided in Annex I.C) on the part of those entities to place those resources at its disposal. Ensure that task for which the support will be provided is clearly indicated in the Subcontractor Letter of Intent.*

3.3 Minimum requirements

The tenderer shall demonstrate, by signing the Declaration of Honour (Annex I.D), compliance with the minimum requirements, required for performance of the FWC, as follows:

- 1) The tenderer must be able to provide the requested services as per section 2.1 hereby.
- 2) The tenderer must make available to EUSPA an online system for shipments accessible via internet having at least following functionalities: list of orders, tracking of all submitted mail and parcels, and notifications. System back-up and user support must be also provided.
- 3) The tenderer must make available to EUSPA an online reporting tool that enables monthly invoicing support via shipment reports. EUSPA must be able to generate the reports at any time. The tenderers must be able to provide detailed reports upon request.
- 4) The tenderer must issue invoices including supporting shipment reports as attachment or included.
- 5) The tenderer must provide packaging material (i.e. envelopes and boxes) for its mail and parcel delivery services. The price of the packing material shall be included in the shipment costs or it shall be provided free of charge.
- 6) The tenderer must be able to provide **additional shipment insurance** above the general insurance and upon request.
- 7) The tenderer must provide in its tender a draft framework contract with its terms and conditions for the provision of the requested services. The proposed terms and conditions by the tenderer must be in line with the practice of the commercial sector of the courier and mail services, and shall comply with and include the Non-Negotiable Clauses annexed in the present Tender Specifications (Annex I.H).
- 8) The tenderer must be able to identify and quantify impact of his activity on the environment. As a minimum, by being able to calculate greenhouse emissions in relation to a specific process, for example sending a specific shipment. This requirement also applies to the packaging provided.
- 9) The tenders submitted must be compliant 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.

The failure to comply with minimum requirements will lead to exclusion of the tenderer from the tender procedure.

3.4 Award criteria

To be assessed in the award stage, the tenderer must have passed the exclusion and selection stage described above, i.e. the tenderer must have fulfilled the requirements of all capacity criteria listed above and fulfil the minimum requirements.

The assessment of the tenders in the award stage is carried out against the qualitative and the financial award criteria set out below.

3.4.1 Qualitative Award Criteria

Tenderers **shall fully comply with the description of tasks and the minimum requirements under section 3.3** when providing the express courier and mail pick-up and delivery services subject to this tender to EUSPA. Tenderers shall submit a respective statement of **compliance to the technical requirements (Annex I.F)** in their technical proposal.

In addition, tenderers shall comply with the Non-Negotiable Clauses (Annex I.H) when proposing a draft framework contract in their tender with their terms and conditions of service. Deviation from their usual terms and conditions of service to the benefit of EUSPA may be awarded with additional points. Deviations to the disadvantage of EUSPA may result in a reduction of points. The reduction or addition of points shall be administered equally for all tenders.

Ref #	Award Criteria as per section 2.1	Description of Criteria	Minimum Points	Maximum Points
Q.1	Quality and adequacy of organisation of the provision of courier and mail services	Describe the proposed organisation of courier and mail services (including insurance services). The criterion will be assessed under the following sub-criteria: <ul style="list-style-type: none"> a) Quality of the proposed pick-up and delivery services of mail within the next business day and the next five business days (depending on the destination), trackable via internet (3 points); b) Quality of the proposed pick-up and delivery services of parcels within the next business day and the next five business days (depending on the destination), trackable via internet (3 points); c) Quality of the proposed pick-up and delivery services of oversized parcels (heavier than 30 kg) within the next five business days, trackable via internet (3 points); d) Shipment of different categories of goods (e.g. document, non-documents, dangerous, non-dangerous etc.) according to international standards (3 points). 	6	12
Q2	Quality and adequacy of the proposed framework contract	Propose a draft framework contract with your terms and conditions for the provision of the requested services, including the Non-Negotiable clauses in Annex I.H. In the draft framework contract any	10	20

		relevant annexes shall be included (e.g. these Tender Specifications, Specific Order Form template etc.).		
Q.3	Quality and adequacy of paperless communication	Describe the nature of the different transactions that should be paperless to the extent possible or with use of eco-friendly / labelled paper and in particular (e.g. proof of delivery, invoicing, etc.).	4	8
Q.4	Quality and adequacy of Eco packing materials	Describe your packaging policies (e.g. at least two examples of specific shipment – such as envelopes and an oversized parcel -) in terms of: a) Materials used (5 points); b) Recycling initiatives (4 points); c) Differentiation of packaging per type of goods to be shipped (4 points).	13	26
Q.5	Environmental approach on zero emissions programme and carbon offsetting options	The tenderer (including its possible subcontractors) must be able to identify and quantify impact of its activity on the environment, being able to calculate greenhouse emissions in relation to a specific process, for example sending a specific shipment. Describe your environmental management system and how would you perform the services with least environmental impact including, but not limiting only to road transport delivery (categories of vehicles and type of courier services).	17	34
Total score			50	100

Tenders receiving a total technical score below 50 points or below individual minimum score may be excluded from the procurement process, applying equal treatment.

3.4.2 Financial Award Criteria

Following the fulfilment of the qualitative award criteria (i.e. the submission of the required statement) the tenders will be evaluated with regard to the Total Overall Price which shall be provided by completing and signing the Financial Table of Answers (**Annex I.E**).

The price quotes given in Annex I.E that constitute the ‘Total Price of the Tender’ (in the tab ‘FINAL’) and the scheme and prices for insurance of shipments described by the tenderer are binding for the tenderer and they will be considered as prices for the Framework Contract and for any services provided by the successful tenderer thereunder.

The price index will be calculated as follows: the least expensive Total Price of the Tender will receive 100 points. The other Total Price of the Tenders receive the points according to the ratio between the least expensive offer and their one, and then multiplied by 100, as shown in the formula below:

$$\text{Price Index} = (\text{Tender with the lowest Total Price} / \text{Total Price of Tender X}) * 100$$

IMPORTANT NOTE: No element is to be omitted or added to or changed in the Financial Table of Answers by the tenderer. Omissions, additions or changes result in an incomplete tender and may lead to the exclusion from the tender process.

3.4.3 Final score and award of the Framework Contract

The contract will be awarded to the tenderer whose tender obtained the highest final score, according to the formula shown below:

$$\text{Final Score of Tender X} = \text{Technical Score of Tender X} * 0.3 + \text{Financial Score of Tender X} * 0.7$$

Tenders receiving a final score below 50 points may be excluded from the procurement process, applying equal treatment.

A ranking list of all tenderers will be established based on the 'score for tender' formula above. The contract will be awarded to the tenderer which will be ranked the highest (the best price-quality ratio).

4 Conditions for submission of tenders

4.1 Disclaimer

This invitation to tender is in no way binding on EUSPA. The EUSPA'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.

4.2 Visits to EUSPA premises or briefing

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

4.3 Variants

Variants are not permitted under this procurement procedure, therefore tenders shall 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 shall not be reimbursed.

4.5 Language

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

4.6 Form of the tender to be submitted

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

Tenderers shall make sure they prepare and submit their tenders in eSubmission early enough to ensure it is received within the deadline indicated in section 1.5 hereby.

4.7 Content of the tender to be submitted

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;
- 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).

The documents which must be signed according to the tender specifications hereby (sections 4.7.1, 4.7.2, 4.7.3, 6) shall be dated and signed by an authorised representative of the signatory and preferably electronically with a qualified electronic signature (QES) of the Tenderer. 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 (LOTI) (available at <https://esignature.ec.europa.eu/efda/tl-browser/#/screen/home>). With regard to the Declaration of Honour, please refer to Section 1 of the Invitation to Tender.

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

4.7.1 Administrative file

Each tender shall include an administrative file in **machine readable format** (MS Office 2003 or later, or Adobe Reader Version 8.0 or later), containing:

Ref. #	ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and LEGAL, FINANCIAL/ECONOMIC AND TECHNICAL SELECTION CRITERIA
1	<p>A cover letter, dated and signed by duly authorised 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; • A list of all the documentation included/enclosed in the tender; • Tenderer's contact details; • A list of the legal entities involved, specifying each entity's role and qualifications. • A declaration of absence of professional conflicting interest or a declaration substantiating the potential, perceived or actual professional conflicting interest which may negatively affect the

	performance of the Contract.
2	<p>Information regarding the industrial organisation of the Tenderer:</p> <p>Tenderers are required to present their industrial organization. The latter shall be composed of prime Contractor, including, where relevant, consortium members, and subcontractors which are essential in order for the Tenderer to meet the selection criteria under section 3.2.</p> <p>The description shall include the role and responsibilities of the respective entities for the purpose of this procurement as well as a description of the group to which they belong.</p> <p>Tenderer shall prove that they will have at their disposal the resources necessary for performance of the Contract by providing:</p> <ul style="list-style-type: none"> • Power of attorney for consortium members (Annex I.B); • Letter of Intent (Annex I.C) on the part of every entity on whose resources it relies in order to fulfil the selection criteria, confirming the latter's irrevocable undertaking to make such resources available to the tender in case of being awarded the Contract.
3	The duly filled in, signed and dated identification sheet of the tenderer using the template in Annex I.A (one per tenderer including all the legal entities involved in the consortium and/or subcontractors and containing, where appropriate, as many sections as legal entities involved).
4	<p>The duly filled in, signed and dated legal entity form (one) per economic legal entity involved (i.e. tenderer, all consortium members, all subcontractors) using the template available at:</p> <p>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:</p> <p>http://ec.europa.eu/budget/library/contracts_grants/info_contracts/instructions_fich_le_en.pdf.</p>
5	<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 filledin financial identification form.</p>
6	A duly signed and dated statement containing the name and position of the tenderer's authorised representative/signatory and official documentary evidence proving the representative's legal authority to validly sign on behalf of the organisation.
7	In case of consortia, 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, including any amendment thereof, in the name and on behalf of other consortia members, using the template in Annex I.B – Power of Attorney
8	The duly filled in, signed, stamped and dated declaration(s) of honour relating to exclusion, selection criteria and minimum requirements using the template in Annex I.D - one per economic operator (i.e. tenderer, all consortium members, all subcontractor(s), if any).
9	In case of subcontractors, a signed, stamped and dated Letter of intent (Annex I.C)

10	The duly filled in, signed and dated Financial Statement relating to the selection stage using the template in Annex I.G, complemented by requested in section 3.2.2 of these Tender Specifications.
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4.7.2 Technical Offer

Each tender shall include a technical proposal demonstrating a good understanding of the tender requirements and the capability to satisfy them. The information in the technical offer must be consistent with the Tender Specifications. The technical offer should contain all necessary information to demonstrate full compliance with the technical and professional capacity criteria, as established in section 3.2.3.

Tenderers shall describe as part of their technical proposal all prior experience relevant for performance of the tasks requested.

Moreover, tenderers (whether being sole contractor or part of a consortium/grouping) are requested to demonstrate their organisation for the performance of the requested services.

In particular, the tenderers must include into the technical proposal description of proposed approach as regards award criteria (see section 3.4).

The technical offer shall contain the tenderer's declaration of full compliance with the description of tasks and with the minimum requirements under section 3.3 when providing the mail and parcel delivery services, subject to this tender, to EUSPA.

Each tender shall include a technical offer in machine readable format (MS Office 2003 or later, or Adobe Reader Version 8.0 or later).

Ref. #	TECHNICAL OFFER
1	A Duly signed and dated Executive Summary (2 pages maximum) on the Technical Offer.
2	Duly written, signed and dated Statement of Compliance (Annex I.F) in this document. The tenderer must fill-in Annex I.F and (i) confirm its full compliance and (ii) define its partial or non-compliance to the requirements and tasks described in this document. Any non-compliance or partial compliance must be explained and the level of compliance committed to be reached shall be indicated.
3	Technical Proposal, in accordance with the requirements of the present tender specifications. Technical Proposal shall include one section per each qualitative award criterion, subdivided into subsections per subcriteria . Each of these sections and subsections shall include the complete approach related to the respective award criteria and subcriteria. The EUSPA reserves the right to evaluate the award criterion and subcriteria only in respect of information provided in such sections and subsections and not to take into account information provided in other parts of the tender, unless clear references are made to them.
4	Draft framework contract (including any relevant annexes)

4.7.3 Financial offer

Each tender shall include a financial proposal in machine readable format (MS Office 2003 or later, or Adobe Reader Version 8.0 or later), containing:

	FINANCIAL OFFER
(1)	Duly signed and dated financial proposal using the templates in Annex I.E (<u>Financial Table of Answers</u>).

4.7.4 Prices

Unit prices quoted in Annex I.E, must be firm and fixed for the first 12 months and are subject to revision according to the provisions of the Contract. Therefore, all prices shall be offered without indexation. The unit prices must be quoted in Euro.

4.7.5 VAT exemption

As EUSPA is exempt from all taxes and dues, including 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.

4.7.6 Currency

The price tendered must be all-inclusive and expressed in **Euro**, including for countries which are not part of the Euro zone.

4.7.7 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.

4.7.8 Presentation of the tender

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

4.7.9 Submission of the tender

Tenders must be submitted exclusively via the electronic submission system (eSubmission) available from the above F&T Portal link³. Tenders submitted in any other way (e.g. e-mail or by letter) will be disregarded.

In order to submit a tender using eSubmission, economic operators (each member of the group in the case of a joint tender) will need to register in the European Commission's [Participant Register](#) an online register of organisations participating in EU calls for tenders or proposals. On registering each organisation obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found on this [page](#).

Economic operators already registered in the Participant Register shall reuse their existing PICs when preparing tenders in eSubmission.

The time-limit for receipt of tenders is indicated under Section 5.1.12 of the contract notice where the time zone indicated is the local time at EUSPA's location (as indicated in Section 8 of the contract notice). The time-limit is published also at the above F&T Portal link (subscribed users receive notifications when the call for tenders' data is modified).

A tender received after the time-limit for receipt of tenders will be rejected. The submission receipt provided by eSubmission with the official date and time of receipt of the submission (timestamp) constitutes proof of compliance with the time-limit for receipt of tenders⁴.

Please note that it is not possible to submit a tender through eSubmission after the time-limit for receipt of tenders indicated in the contract notice and/or the F&T Portal. To ensure tenders are submitted on time, tenderers are invited to get familiar with the system and the system requirements, in particular the accepted file formats⁵, well in advance.

EUSPA cannot be held responsible for any last-minute malfunctioning of the eSubmission tool due to heavy traffic on the website.

³ For detailed instructions on how to submit a tender please consult the eSubmission Quick Guide available at: https://wikis.ec.europa.eu/display/FTPportal/Open+procedures_EN.

The supported browsers, file types, size of attachments and other system requirements can be consulted at: <https://wikis.ec.europa.eu/x/JJihAg>. In case of technical problems, please contact the eSubmission Helpdesk (see contact details in the eSubmission Quick Guide) as soon as possible.

⁴ If no submission receipt is received in reasonable time after submission, please contact the eSubmission Helpdesk (see contact details in the above referred eSubmission Quick Guide) as soon as possible.

⁵ See note 3.

Tenderers must ensure that their submitted tenders contain all the information and documents required by EUSPA at the time of submission as set out in the procurement documents.

After submitting a tender, but before the deadline for receipt of tenders, a tenderer may definitively withdraw its tender⁶, or withdraw it and replace it with a new one⁷. A withdrawal receipt will be provided by eSubmission as proof of withdrawal.

No more than one tender can be considered per tenderer⁸. If the same tenderer submits more than one tender, neither of which has been withdrawn as described above, only the latest tender will be considered. The tenderer may not refer to earlier submitted tenders to complement, clarify or correct its latest tender.

All costs incurred for the preparation and submission of tenders as well as for attending the opening session are to be borne by the tenderers and will not be reimbursed.

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.

4.8 Public opening of the tenders

Tenders will be opened in a virtual opening session on the date and time indicated under Section 5.1.12 of the contract notice.

One representative per tender may attend the opening session. For organisational and security reasons the tenderer must specify its representative 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/06/23: 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 participation in the opening session if the above information or the submission receipt are not provided as required.

⁶ A submitted tender can be withdrawn directly in the "Procurement/My Submission(s)" area in the F&T Portal. For detailed instructions on how to withdraw a tender please consult the above referred eSubmission Quick Guide.

⁷ To submit a new version, the tenderer must create a new tender in eSubmission and include all the information and documents required in the procurement documents with the submission of a tender, even if some of them have already been included in the replaced tender.

⁸ Except where the tender specifications allow variants or multiple tenders per tenderer.

The representatives will receive an invitation by email with the meeting details and instructions how to 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 requirements 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;

The prices indicated in each tender received will not be communicated.

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, subject to the following:

- for the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the Contracting Authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the Contracting Authority or cooperating with it, including Contractors or Subcontractors and their staff provided that they are bound by an obligation of confidentiality.

4.9 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.

4.10 Further information

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

4.10.1 Submission phase (before the time-limit for receipt of tenders)

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only through the above F&T Portal link in the

"Questions & answers" section, by clicking "Create a question" (EU Login registration⁹ is required to be able to create and submit a question).

The contracting authority is not bound to reply to requests for additional information received less than six working¹⁰ days before the time-limit for receipt of tenders.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the procurement documents.

Any additional information including that referred to above will be posted at the above F&T Portal link. It is the economic operator's responsibility to check for updates and modifications during the submission period¹¹.

4.10.2 Opening of tenders

Tenders will be opened in a virtual opening session on the date and time indicated under Section 5.1.12 of the contract notice. A maximum of two representatives per tender may attend.

Tenderers may request to attend the opening by sending an email to tenders@euspa.europa.eu as soon as possible and not later than three hours before the scheduled start of the opening session. The request must include the full name(s) and email address(es) of the representative(s), the name of the represented tenderer and the submission receipt generated by e-Submission. The contracting authority reserves the right to refuse access to the virtual opening session if the above information is not provided as required.

The representatives will receive an invitation by email with the meeting details and instructions how to 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 requirements 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 become its property and shall be treated confidentially.

⁹ EU Login is the entry gate to sign in to different European Commission services and/or systems. Read more [here](#).

¹⁰ Working days counted based on the contracting authority's location indicated under Section 8 of the contract notice.

¹¹ See note 2.

4.10.3 Evaluation phase (after the opening of tenders)

Except in duly justified cases, tenderers who have failed to submit evidence or to make statements as required in the procurement documents, shall be contacted by the contracting authority to provide the missing information or clarify supporting documents.

The contracting authority may correct obvious clerical errors in the tender after confirmation of the correction by the tenderer.

Such information, clarification or confirmation shall not substantially change the tender.

4.10.4 Award phase

Tenderers will be notified of the outcome of this procurement procedure by e-mail.

The notification will be sent to the e-mail address provided by the tenderer (group leader in case of a joint tender) in the eSubmission application when the tender was submitted.

The same e-mail address will be used by the contracting authority for all other communications with the tenderer. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

4.11 Information for tenderers

EUSPA will inform by email 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.

4.12 Data protection

Any personal data that may be included in the tenders received during the present procedure will be processed in accordance with (1) the applicable rules on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies (currently Regulation (EU) 2018/1725) and (2) the modalities of the following privacy statement:

4.12.1 Identity of the controller and Data Protection Officer

1. For what concerns the processing purposes 1 and 2 below:

- **Controller:** European Union Agency for the Space Programme (EUSPA), Janovskeho 428/2 170 00 Prague 7, Czech Republic, Head of ITF Department, helpdesk@euspa.europa.eu

- **Data Protection Officer:** EUSPA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, dpo@euspa.europa.eu.

2. For what concerns the processing purpose 3 below:

a. **Joint Controllers:** (1) EUSPA, Head of ITF Department, Janovskeho 438/2 170 00 Prague 7, Czech Republic, helpdesk@euspa.europa.eu

(2) European Commission, Directorate-General for Budget of the European Commission ('DG Budget'), DG Budget's Data Controller BUDG-FICHIER-TIERS@ec.europa.eu

b. **Data Protection Officers:** (1) EUSPA Data Protection Officer, Janovskeho 438/2 170 00, Prague 7, Czech Republic, dpo@euspa.europa.eu; and (2) DG Budget Data Protection

Coordinator BUDG-DATA-PROTECTION-COORDINATOR@ec.europa.eu.

4.12.2 Purpose of the processing

1. the management and administration of the tender procedure;
2. the preparation of the contract, only with regard to the personal data of the awarded tenderer(s);
3. only with regard to the personal data of the awarded tenderer(s):
 - the registration of the necessary "legal entities" and "bank account" files in the Commission Financial System ABAC (Accrual Based Accounting) the execution of payments towards the registered entities; and
 - the registration of the related financial transactions.

4.12.3 Data concerned

- Contact information of tenderers, e.g. name and last name of authorised representatives, email address, postal address, telephone numbers, company/agency/body and department, country of establishment, position
- Financial information of tenderers if relating to a natural person, e.g. bank account number, IBAN and BIC codes, address of respective bank branch, name of bank account holder
- Information that may be included in CVs of experts proposed by tenderers: name and last name of proposed experts, educational background, professional experience including details on current and past employment, technical skills and languages etc.
- Data related to criminal convictions and offences of: (1) members of the administrative, management or supervisory body of tenderers, (2) natural persons who have powers of representation, decision or control of the Tenderer, (3) owners of the tenderers as defined in Article 3(6) of Directive (EU) 2015/849, (4) natural persons assuming unlimited liability for the debts of the tenderers, (5) natural persons who are essential for the award or the implementation of the contract; such data are collected through the submission of the declaration of honour.

It is specifically noted that:

- the abovementioned processing operations will not entail the processing of any special categories of personal data other than the data related to criminal convictions and offences mentioned above. If, however, a Tenderer submits such data at its own volition and without any specific request, it is implied that the data subject has given its consent to the processing of such data.
- the provision of personal data by the tenderers is a requirement necessary to enter into the FWC.

4.12.4 Legal basis and lawfulness of the processing

Legal bases: Article 5(1)(a), 5(1)(c), 10(2)(a) and 11 of Regulation (EU) 2018/1725.

Lawfulness of the processing:

- Article 5(1)(a): the processing is necessary for the performance of a task carried out in the public interest, specifically the management and functioning of EUSPA through the launching of tender procedures.
- Article 5(1)(c): the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; the EUSPA processes the personal data of the tenderers at their request (through the submission of their tenders) in order to take the necessary steps prior to enter into the contract with the awarded Tenderer(s).
- Article 11: the processing of personal data relating to criminal convictions and offences shall be carried out only when authorised by Union law; such processing, in the form of an extract from the judicial record or declaration of honour, is explicitly foreseen in the Financial Regulation (Articles 136-140)
- Article 10(2)(a): as explained above, in case any Tenderer submits special categories of data at its own volition and without any specific request, it is implied that the data subject has given its consent to their processing

4.12.5 Recipients of the data processed

- a limited number of staff of EUSPA managing this tender procedure;
- data processors:
 - a limited number of staff of EUSPA contractors assisting EUSPA staff in the management of this tender procedure
 - a limited number of staff of EUSPA contractors in charge of the provision of hosting services for the EUSPA's servers
 - a limited number of staff of the Directorate-General for Budget of the European Commission ('DG Budget');
- bodies charged with a monitoring or inspection task in application of Union law (e.g. internal audits, Financial Irregularities Panel, European Anti-fraud Office – OLAF);
- members of the public: the winning entities will be announced to the public, which may also entail the announcement of the personal data of the representatives of such entities (e.g.name, last name).

4.12.6 Information on the retention period and storage locations of personal data

- any information pertaining to this tender procedure shall be kept for up to 7 years following the end of the year when the contract(s) has been awarded as a result of the tender procedure; files may also have to be retained until the end of a possible audit if one started before the end of the above period;
- all collected data may be stored:
 - electronically on EUSPA servers with access control measures (i.e. one or two factor authentication) hosted by EUSPA contractors which are located in the EU and abiding by the necessary security provisions
 - physically in secure storage cupboards in the EUSPA HQ in Prague
 - electronically and physically on the servers/cupboards of the processors identified above (all of which are established in an EU Member State)

Transfer of personal data to third countries:

In case the awarded Tenderer(s) is/are established in countries outside the territory of the European Union or the European Economic Area ("third countries"), certain personal data which are necessary for the execution of payments related to the implementation of the awarded Contract (i.e. name of bank account holder, bank account number) may be transferred to the third countries where the concerned Tenderer(s) is/are established.

In case such transfer is made to third countries for which (1) no adequacy decision has been taken by the Commission in accordance with Article 47 of Regulation (EU) 2018/1725 and (2) no appropriate safeguards as foreseen under Article 48 of Regulation (EU) 2018/1725 exist, the legal basis for the transfer shall be considered to be Article 50(1)(b); specifically, the transfer is necessary for the performance of the Contract between the awarded Tenderer(s) and EUSPA.

4.12.7 The data subjects' rights

- Data subjects have the right of access, rectification and erasure of their personal data or restriction of processing at any time, provided that there are grounds for the exercise of this right, as per the applicable rules;
- Data subjects have the right to object, on grounds relating to his or her particular situation,
- at any time to the processing of personal data concerning him or her. Requests shall be addressed to EUSPA Security Authority at cso.dp@euspa.europa.eu by describing the request explicitly. It is noted that pursuant to such a request, the Controller shall no longer process the personal data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims
- Data subjects may obtain their personal data, submitted to EUSPA, in a structured, commonly used and machine-readable format and transmit them to another controller, provided that there are grounds for the exercise of this right, as per the applicable rules

- Data subjects are entitled to lodge a complaint at any time with the European Data Protection Supervisor (<http://www.edps.europa.eu>; EDPS@edps.europa.eu) if they consider that their rights under the applicable rules on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data have been infringed as a result of the processing of their personal data by EUSPA
- Only in cases where the data subjects' consent is used as the legal basis for the processing of personal data (i.e. in case they have submitted special categories of data at their own volition and without any specific request), they can withdraw their consent at any time, without affecting the lawfulness of the processing before the withdrawal

Any request for the exercise of any of the abovementioned rights shall be addressed to Head of ITF Department, helpdesk@euspa.europa.eu; data subjects are kindly requested to describe their requests explicitly.

4.12.8 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 Acronyms and Definitions

Acronym and Term	Definition
Contractor	The Tenderer to whom the Framework Contract will be awarded
Economic Operator	The Tenderer
Contracting Authority	The entity to award the Framework Contract, namely EUSPA
EUSPA	European Union Agency for the Space Programme
FWC	Framework Contract
FR	Financial Regulation (EU, Euratom) 2018/1046
GNSS	Global Navigation Satellite System
LEF	Legal Entity Form
OF	Order Form
SME	Small and medium enterprise

EC	European Commission
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6 List of tender specifications annexes

These Tender Specifications have the following annexes:

Annex	Title
Annex I.A	Template Identification Sheet of the Tenderer
Annex I.B	Power of Attorney
Annex I.C	Letter of Intent
Annex I.D	Template Declaration of Honour
Annex I.E	Template Financial Tables of Answers
Annex I.F	Statement of Compliance
Annex I.G	Financial Statements
Annex I.H	Non-negotiable clauses

6.1 End of Document

At the end of the document, there is the centred text “END OF DOCUMENT”, which should be added after all annexes have been attached.

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