

EMAS UNIT

CONDITIONS FOR SUBMITTING A TENDER

INVITATION TO TENDER

Open procedure

Green Public Procurement Helpdesk for EU-Institutions and -Bodies

EMAS-2020-003

1. GENERAL TERMS AND CONDITIONS FOR PARTICIPATING IN THE INVITATION TO TENDER

1. Submission of a tender implies acceptance by the tenderer of the terms and conditions laid down in the documents making up this invitation to tender: the specifications and the draft contract. The above documents lay down the terms and conditions governing this invitation to tender and complement each other. In the event of contradictions between them, each document shall take precedence over the others in the order indicated in the 'Final provisions' of the draft contract.
2. In submitting a tender, tenderers waive their own conditions of sale or work. Submission of a tender shall bind the tenderer during performance of the contract, should it be awarded to him.
3. Before submitting a tender, tenderers must take all the steps required to gain a proper understanding of the scale and nature of the subject of the invitation to tender and of any potential difficulties. In submitting a tender, tenderers acknowledge that they are aware of the risks and problems in connection with performance of the contract.
4. The period of validity of tenders, during which tenderers are required to maintain all the terms and conditions in their tenders, is 6 months from the closing date for submission of tenders.
5. The specifications relating to the contract and the draft contract are appended to this invitation. The specifications lay down all the documents to accompany the tender submission, including documents substantiating economic, financial, technical and professional capacity.
6. This invitation to tender does not entail any obligation on the part of the European Parliament; that will arise only when the contract is signed with the successful tenderer. Likewise, submission of a tender shall in no way entitle a tenderer to the award of the contract or a part thereof. Until the contract is signed, the European Parliament may cancel the procurement procedure, without candidates or tenderers being able to claim any compensation for any expenses incurred, including any travel costs. Where applicable, the reasons for that decision will be stated and communicated to all the tenderers.
7. Tenderers will be informed in writing of the decision taken on their tender.
8. Expenses incurred in connection with preparing and submitting tenders will be borne by tenderers and may not be reimbursed.
9. Tenders will remain the property of the European Parliament.
10. The follow-up to responses to the invitation to submit a tender will entail the registration and processing of personal data (e.g. name, address, CV). Such data will be processed in accordance with Regulation (EU) No 2018/1725 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. Unless otherwise indicated, the replies to questions and the personal data requested are necessary for the evaluation of tenders, in accordance with the specifications in the invitation to submit a tender, and will be processed solely by the EMAS Unit, a Central Service attached to the Secretary-General of the European Parliament for that purpose. Upon request, tenderers may obtain details of their personal data and they may rectify any personal data which are inaccurate or incomplete. They may contact the EMAS Unit, a Central Service attached to the Secretary-General of the European Parliament in respect of any matter relating to the processing of their personal data. Tenderers are entitled to have recourse at any

time to the European Data Protection Supervisor with regard to the processing of their personal data.

2. ADDITIONAL INFORMATION

Tenderers who wish to obtain additional information about the tender documents should submit their questions **in writing** by the deadline for receipt of questions referred to in point 3 below by e-mail to the following address:

emas.tenders@europarl.europa.eu

Requests for additional information must bear the following:

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The contracting authority will not respond to oral questions, questions submitted after the deadline or questions which are incorrectly worded or addressed.

Any questions received, together with the relevant replies, will be sent by the contracting authority to all candidates prior to the deadline for sending replies given in point 3 below.

3. PROBABLE TIMETABLE FOR THE INVITATION TO TENDER

Deadline for receiving questions:	10/11/2020
Deadline for sending replies:	13/11/2020
Deadline for submission of tenders:	16/11/2020 at 00:00 midnight
Date and time of opening of tenders:	26/11/2020 at 14:00pm
Probable date of award of the contract:	beginning of February 2021
Signature of the contract	mid February 2021

4. VISIT TO THE PREMISES - *Not applicable*

5. CONTENT AND PRESENTATION OF TENDERS

Tenders may only be submitted in writing and in one of the official languages of the European Union.

However, it is hereby specified that the working language will be English.

Your tender must comprise a **signed original**, with each page duly completed and perfectly legible so as to preclude any doubt whatsoever as to the wording and figures.

Tenders must:

- be drawn up on the tenderer's headed paper;
- be signed by the tenderer or by his duly authorised representative;
- be submitted for the contract in its entirety;

- be expressed in euros;
- be submitted in electronic copy on a USB stick. The electronic copy must be identical to the signed original tender submitted on paper.

The European Parliament's Administration will ask tenderers to complete any tender which is incomplete or illegible or which is not formatted as requested.

The first part of the tender must be entitled:

'I – Administrative Part'

and must be subdivided into the following sections:

The order and numbering of the sections must be followed without fail.

➤ **Section 1, entitled 'Memorandum and articles of association - Consortiums', must contain (if applicable):**

- the articles of association of the firm acting as representative, or of each firm in the case of a consortium of economic operators, together with details of its registered office, capital structure, shareholders, holdings and the composition of its board of directors, or any other document reflecting the legal status of the economic operator;
- the information sheet concerning consortiums of economic operators, in Annex V of the specifications, duly completed, dated and signed, if the tender is being submitted a consortium of economic operators.

➤ **Section 2, entitled 'Supporting documents relating to the exclusion criteria', must contain:**

The declaration on honour as described in Annex III of the specifications.

If the tenderer intends to make use of subcontracting, Annex III must be filled in by all subcontractors if the Parliament so requires. In case of a winning tender, all the documents referred to above must also be provided, if the Parliament so requires, for each subcontractor proposed. The tenderer must fill in Annex VI in respect of the subcontractors.

➤ **Section 3, entitled 'Supporting documents relating to the selection criteria', must contain:**

The declaration on honour as described in Annex III of the specifications. The winning tenderer will be required to provide documentary evidence for all selection criteria described in this Annex.

See point 15.1. Legal and regulatory capacity of the specifications:

Tenderer is required to fulfil at least one of the following conditions:

- (a) Be enrolled in a relevant professional or trade register, except for international organisations;
- (b) For service contracts, hold a particular authorisation proving that it is authorised to perform the contract in its country of establishment or be a member of a specific professional organisation.

See point 15.2 Financial and economic capacity of the specifications:

- Evidence of professional risk indemnity insurance;
- Financial statements (balance sheets, profit and loss accounts and any other related financial information) or their extracts for a period equal or less than the last three years for which accounts have been closed;
- A statement of overall turnover and turnover in the area covered by the contract during a period, which may be no more than the last three financial years available.

See point 15.3. Technical and professional capacity of the specifications

- A list of the principal services provided in the past three years, with the sums, dates and clients, public or private accompanied upon request by statements issued by the clients.
- Proof of establishment and/or certification of the respective environmental and quality management systems as described in point 15.3 of the specifications.

The second part of the tender must be entitled:

'II – Technical part'

and must be subdivided into the following sections:

The order and numbering of the sections must be followed without fail.

➤ **Section 1, entitled 'Technical documents', must contain:**

- all the documents relating to the technical aspects of the tender which the tenderer considers appropriate to produce.

The third part of the tender must be entitled:

'III – Financial part'

and must be made up of a single section containing all documents relating to the financial aspect of the tender, quoting the total amount thereof and any unit prices, together with the price schedules.

The order and numbering of the sections must be followed.

6. TIME LIMITS AND PROCEDURES FOR THE SUBMISSION OF TENDERS

1. The closing date and Brussels time for the submission of tenders are **16/11/2020, at 00:00 midnight.**
2. Tenders may be submitted:

- a) either by post registered mail or equivalent or by courier company, posted no later than the **closing date** indicated above, as evidenced by the postmark or the date of the deposit slip, to the following address:

EUROPEAN PARLIAMENT
Official Mail Unit
Altiero Spinelli Building
Office 00F256
Rue Wiertz 60
B-1047 Brussels
EMAS UNIT
Office PHS 06A058
B-1047 BRUSSELS

- b) or by handing them in to the Official Mail Unit, either directly or through their representatives, no later than the **closing date and Brussels time** laid down above. Delivery of the tender shall be confirmed by a receipt, dated and signed in duplicate, issued by the European Parliament's Official Mail Unit. The date and time indicated on the receipt shall serve as the reference date and time. The opening hours of the Official Mail Unit to which tenders must be handed in are:

open Monday to Thursday, 9.00 to 12.00 and 14.00 to 17.00

Fridays from 9.00 to 12.00;

closed on Saturdays and Sundays and on public holidays and office closing days for the European Parliament: 2 November

The European Parliament cannot guarantee receipt of tenders, regardless of how they are submitted, outside the Official Mail Unit's opening hours given above.

The European Parliament cannot be held liable for not having notified tenderers of any changes to the Official Mail Unit's opening hours, which have come into effect since the documents relating to the invitation to tender were dispatched. Before handing in a tender, tenderers must themselves establish that the stated opening hours still apply.

3. Tenders which do not comply with the time limits for submission given in points (a) and (b) above will be deemed inadmissible.
4. In order to maintain the confidentiality and integrity of tenders, they must be sent under double cover. The two envelopes shall be sealed. Tenderers should use the labels in Annex VIII to the specifications for submitting tenders to the relevant European Parliament department. Both envelopes, inner and outer, must be marked with:

- the name and address of the recipient department:

EUROPEAN PARLIAMENT
EMAS UNIT
Rue Wiertz 60
B-1047 Brussels
Belgium
Office PHS 06A058
B-1047 BRUSSELS

- the reference of the invitation to tender:

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- and the following:

NOT TO BE OPENED BY THE MAIL UNIT OR BY ANY UNAUTHORISED PERSON

Depending on the physical size of the tender, the term 'envelope' must be taken to cover - by extension - parcels, packages, boxes and other containers; the dimensions of containers should match as far as possible the files within them.

At all events, irrespective of the type of packaging used, tenderers should pay attention to the quality of the envelopes used for submitting their tenders in order to ensure that they do not arrive torn, thereby no longer ensuring the confidentiality or integrity of their contents.

If self-adhesive envelopes are used, they must be sealed with adhesive tape bearing the signature of the sender. The signature of the sender shall be deemed to comprise either the handwritten signature or the signature and the company stamp.

Any tender whose contents have not remained confidential until all tenders are opened will be rejected automatically.

The outer envelope shall also bear the tenderer's name or business name, together with the exact address at which he can be informed of the decision taken on his tender.

7. OPENING OF TENDERS

Tenders will be opened **at Brussels, on 26/11/2020 at 14:00pm.**

Tenderers wishing to attend the opening of the tenders are asked to notify the department responsible for managing this procurement procedure, no later than two working days before the tender opening date, by e-mail at emas.tenders@europarl.europa.eu

Only two representatives may attend. Tenderers failing to give notification will automatically be refused access to the opening. The names of the persons attending the opening of the tenders must be given in the notification. In the event that measures to counter the spread of COVID-19 should prevent access to the European Parliament, participation will be ensured by videoconference.

8. NOTIFICATION OF RESULTS

The European Parliament will inform all unsuccessful tenderers, simultaneously and individually, by electronic means, that their tender has not been accepted. In each case the European Parliament will indicate the reasons for the rejection of the tender, and possible means of appeal.

Simultaneously with the notifications of rejection, the European Parliament will communicate the award decision to the successful tenderer, stating that this does not constitute an obligation on the part of the institution. The contract may not be signed until

- a period of 15 calendar days, commencing the day after the date of simultaneous notification of the rejection and award decisions, has elapsed if post is used for the dispatch of the above referred notifications or

- a period of 10 calendar days if electronic means are used for the dispatch of the above referred notifications.

In any event, the award decision will not become final until the selected tenderer has submitted the requisite documentary evidence concerning the exclusion and selection criteria referred to in points 14 and 15 of the specifications and this has been accepted by the European Parliament. Acceptance will be communicated in writing, and will enable the selected tenderer to sign the contract if the period of 15 (or 10, respectively) calendar days has elapsed.

Upon written request by e-mail any unsuccessful tenderer who is not in an exclusion situation and whose tender is compliant with the procurement documents may obtain additional information about the grounds for the rejection of his tender. Only tenderers who have submitted an admissible tender may obtain information about the characteristics and relative advantages of the tender chosen, together with the name of the tenderer awarded the contract. However, some information will not be communicated if doing so would hinder application of the law, would be contrary to the public interest or would harm the legitimate business interests of public or private undertakings or could distort fair competition between them.

9. SUSPENSION OF THE PROCEDURE

If necessary, after the results have been notified and before the contract is signed, the European Parliament may suspend the signing of the contract for additional examination if this is justified by the requests or comments made by unsuccessful or aggrieved tenderers or by any other relevant information received. The requests, comments or information concerned must be received during the 15 calendar days commencing the day after the date of simultaneous notification of the rejection and award decisions or, where applicable, the publication of a contract award notice. All tenderers must be informed of any suspension decision within three working days thereof.

Following the additional examination arising from suspension of the procedure, the European Parliament may confirm its award decision, modify it or, if necessary, cancel the procedure. The reasons for any further decision must be stated and communicated in writing to all tenderers in contention.