



Dear Sir/Madam,

Title: Provision of IT consultancy services in the area of Java software development

Reference: Open call for tenders EEA/DIS/21/002

The European Environment Agency (EEA) is planning to award the public contract resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter, the draft contract and tender specifications with their respective annexes. All documents are available at the following TED e-Tendering website¹:

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=9642>

Economic operators interested in this contract are invited to submit a tender in one of the official languages of the European Union, preferably in English (supporting evidence does not need to be translated).

1. Submission of tenders

Tenders must be submitted exclusively via the electronic submission system (e-Submission) available from the above website² and accessible on the Funding and Tenders Opportunities portal (F&T portal)³. Tenders submitted in any other way (e.g. e-mail or by letter) will be disregarded.

In order to submit a tender using e-Submission, tenderers (each member of the group in the case of a joint tender submitted by a consortium) 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](#). Tenderers already registered in the Participant Register shall reuse their existing PICs when preparing tenders in e-Submission.

The time limit for receipt of tenders is indicated under Heading IV.2.2 of the contract notice where local time shall be understood as local time at the EEA's location (the location indicated under Heading I.1 of the contract notice). The time-limit is published also on the above TED eTendering website which sends notifications to subscribed users 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 e-Submission with the official date and time of receipt of the submission (timestamp) constitutes proof of compliance with the time limit for receipt of tenders⁴.

¹ Subscription to the call for tender at the above link allows interested economic operators to receive e-mail notifications when new information or documents are published. Subscription is free of charge and does not involve any commitment to submit a tender.

² For detailed instructions on how to submit a tender, please consult the e-Submission Quick Guide available at: https://webgate.ec.europa.eu/esubmission/assets/documents/manual/quickGuide_en.pdf. In case of technical problems, please contact the e-Submission Helpdesk (see contact details in the Quick Guide) as soon as possible.

³ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>.

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.

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 TED eTendering website. 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 formats, well in advance.

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

The Declaration(s) on Honour on exclusion and selection criteria (template available in the tender specifications) shall be dated and signed, either by hand or by applying an advanced electronic signature based on a qualified certificate, by an authorised representative of the signatory.

When the declaration(s) on honour is signed by hand, a scanned copy must be attached to the tender in e-Submission.

After submitting a tender, but before the deadline for receipt of tenders, a tenderer may definitively withdraw its tender⁵, or withdraw it and replace it with a new one⁶. A withdrawal receipt will be provided by eSubmission as proof of withdrawal.

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

2. Legal effects of the invitation to tender and submission of a tender

This invitation to tender is in no way binding on the contracting authority. The EEA' contractual obligation commences only when the contract with the successful tenderer is signed by both parties.

Up to the signature of the contract, the contracting authority may cancel the procurement procedure without tenderers being entitled to claim any compensation. Any such decision must be substantiated and tenderers notified.

The validity period of the tender, during which tenderers may not modify the terms of their tenders in any respect, is indicated under Heading IV.2.6 of the contract notice.

Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.

3. Contacts during the procurement procedure

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

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

Upon request, the EEA 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 TED e-Tendering website in the "Questions & answers" tab, by clicking "Create a question" (registration on TED e-Tendering is required to be able to create and submit a question).

The EEA is not bound to reply to requests for additional information received less than six working days before the time limit for receipt of tenders.

⁵ 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.

⁶ To submit a new version, the tenderer must create a new tender in e-Submission 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.

The EEA 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 will be published on the above TED e-Tendering website. The website will be updated regularly and it is the tenderer's responsibility to check for updates and modifications during the submission period.

3.2 Opening of tenders

Tenders will be opened in public at the time and place indicated under Heading IV.2.7 of the contract notice. A maximum of one representative per tender may attend the opening session. For organisational and security reasons, the tenderer is requested to inform the EEA as indicated under Heading IV.2.7 of the contract notice. The representatives will be required to present the submission receipt generated by e-Submission and to sign an attendance sheet if the opening takes place physically. The EEA reserves the right to refuse access to its premises if the above information or the submission receipt are not provided as required.

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 tender;
- announcement of the tenders received: the names of the tenderers (all members in the case of a joint tender submitted by a consortium) will be announced.

Tenderers not present at the opening session may be informed of the outcome of the process by visiting the EEA website.

Once the EEA has opened a tender, it shall become its property and will be treated confidentially.

3.3 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 EEA to provide the missing information or clarify supporting documents.

The EEA 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.

3.4 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 in the e-Submission application for the tenderer (leader of the consortium in case of a joint tender submitted by a consortium) under the section *Contact Person*. The same e-mail address will be used by the EEA 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. Data protection

Processing replies to this invitation to tender will involve the recording and processing of personal data (such as name, address and CV). Such data will be processed pursuant to Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies, and on the free movement of such data⁷ and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002. Unless indicated otherwise, tenderers' replies to the questions and any personal data requested are required to evaluate their tender in

⁷ OJ L 295 of 21.11.2018 page 39.

accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the EEA. Details concerning the processing of personal data are available in the privacy statement at <https://www.eea.europa.eu/about-us/tenders>.

Tenderers' personal data may be registered in the Early Detection and Exclusion System (EDES) if they are in one of the situations mentioned in Article 136 of the Financial Regulation⁸. For more information, see the Privacy Statement at: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

5. Means of redress

Tenderers may submit any observations concerning the procurement procedure to the EEA using the contact details under Heading I.1 of the contract notice. If tenderers believe that there is maladministration, they may lodge a complaint to the European Ombudsman within two years of the date from which they become aware of the facts which form the basis for the complaint (see <https://www.ombudsman.europa.eu>).

Within two months of notification of the outcome of the procedure (*award decision*), tenderers may launch an action for its annulment. Any request tenderers may make and any reply from the EEA, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time limit for launching an action for annulment nor open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated under Heading VI.4.1 of the contract notice.

Yours faithfully,

[eSigned]

Chris Steenmans

Head of Programme

Data and Information Services

⁸ 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