

Our ref: Frontex/OP/131/2016/AH  
Please quote when replying.

**Subject: Invitation to the Open Tender procedure No. Frontex/OP/131/2016/AH -  
Framework Contract for SharePoint Services**

Dear Sir/Madam,

1. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, hereinafter referred to as "Frontex", is planning to award the public contract referred above.
2. Please be informed that Frontex is an autonomous EU Agency and has therefore its own Financial Regulation - see the following websites:  
[http://www.frontex.europa.eu/assets/Legal\\_basis/frontex\\_amended\\_regulation\\_2011.pdf](http://www.frontex.europa.eu/assets/Legal_basis/frontex_amended_regulation_2011.pdf)  
[http://www.frontex.europa.eu/assets/About\\_Frontex/Frontex\\_Financial\\_Regulation.pdf](http://www.frontex.europa.eu/assets/About_Frontex/Frontex_Financial_Regulation.pdf)
3. If you are interested in bidding for this contract, please submit your **signed** tender, in one of the official languages of the European Union (preferably in English), in one (1) original and three (3) copies to the following address:

Frontex  
Procurement Sector  
Plac Europejski 6  
00-844 Warszawa, Poland

4. You may submit your tender:
  - a) Either by post or by courier, **posted not later than 6 June 2016**. The postmark or the date of the deposit slip shall be taken as proof of the date of dispatch. Frontex appreciates to be informed about the date of dispatch of the offer. You may do so to the following e-mail address: [procurement@frontex.europa.eu](mailto:procurement@frontex.europa.eu).
  - b) By delivery by hand (in person or by an authorized representative) to Frontex' Reception Desk at the ground floor at the address given above. Working hours are from 09:00 to 16:00, **not later than 6 June 2016, 16:00 hrs Warsaw local time**. If this delivery option is chosen, **a receipt, signed and dated by Frontex' Reception Desk, must be obtained as proof of submission**.
5. Your offer must be submitted as follows:

Tenders must be placed inside two sealed envelopes. Both envelopes, addressed to the department indicated in point 3, should be marked as follows:

<p><b>FRONTEX/OP/131/2016/AH - FRAMEWORK CONTRACT FOR SHAREPOINT SERVICES</b> <b>NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT</b> <b>SUBMITTED BY ..... (OFFICIAL DESIGNATION OF THE TENDERER)</b></p>
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If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

The inner envelope must also contain **three separate, sealed envelopes**. Each of these envelopes must clearly indicate the content ("Technical" and "Financial" and "Supporting").

a) Envelope A should contain:

- (i) One original version of the Technical Offer (unbound and signed and clearly marked "Original").
- (ii) Three copies of the Technical Offer (bound and each marked as "Copy") plus electronic version of the Technical Offer in scanned, signed and searchable form.

b) Envelope B should contain:

- (i) One original version of the Financial Offer (unbound and signed and clearly marked "Original").
- (ii) Three copies of the Financial Offer (bound and each marked as "Copy") plus electronic version of the Financial Offer in scanned, signed and searchable form.

c) Envelope C should contain:

- (i) Signed Declaration of Honour (Annex IV).
- (ii) Signed Tenderer's Submission Form (Annex III).
- (iii) The evidence documents related to the selection criteria.

6. The tender specifications, listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial, technical and professional capacity and the draft contract are attached.
7. Tenders must:
  - a) Be signed by the Tenderer or his duly authorized representative;
  - b) Be perfectly legible in order to leave no doubts as to the terms and figures stated;
  - c) Be drawn up using the model reply forms indicated.
8. The period of validity of the tender during which the Tenderer may not modify the terms of his tender in any respect is 3 months from the deadline stipulated in point 4 above.
9. The submission of a tender implies the acceptance of the terms and conditions set out in this invitation to tender, in the specification and in the draft contract and, where appropriate, waiver of the Tenderer's own general or specific terms and conditions. It is binding on the Tenderer to whom the contract is awarded for the duration of the contract.
10. Contacts between the contracting authority and Tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the date for submission of tenders:

- a) At the request of the Tenderer, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the contract. Any requests for additional information must be made via TED e-Tendering platform.
- b) Requests for additional information received less than six working days before the closing date for submission of tenders will not be processed (for practical reasons).
- c) Frontex may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of this invitation discovered after the documents were dispatched.
- d) All additional information referred to above in both cases will be placed on the TED website (see provisions of the relevant Contract Notice) under the reference number of this tender, therefore you're encouraged to visit that website regularly while preparing the tender.

After the opening of tenders:

- e) If any clarification is required or if obvious clerical error(s) in the tender need(s) to be corrected, the contracting authority may contact the Tenderer provided that the terms of the tender are not modified as a result.

11. This invitation to tender is in no way binding on Frontex. Frontex' contractual obligations commence only upon signature of the contract with the successful Tenderer.  
  
Up to the point of signature, Frontex may either abandon the procurement or cancel the award procedure, without the candidates or Tenderers being entitled to claim any compensation. The decision must be substantiated and the Tenderers notified.
12. A public opening session will take place on 13 June 2016, 11:00 at Frontex' premises. Tenderers' representatives are welcome (max. 1 person per Tenderer). Please inform Frontex via e-mail: [procurement@frontex.europa.eu](mailto:procurement@frontex.europa.eu) about your participation.
13. Once Frontex has opened the tender, the document shall become the property of Frontex and it shall be treated confidentially.
14. You will be notified whether or not your tender has been accepted.
15. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
16. Processing your reply to the invitation to tender will involve the recording and processing of personal data. Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies and on the free movement of such data<sup>1</sup>. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose. You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete.
17. You are informed that for the purposes of safeguarding the financial interest of the Union, your personal data may be processed by the internal audit service or transferred to Internal Audit Service of the European Commission, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF). You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to the Finance and Procurement Unit of Frontex. You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data.
18. Data of economic operators which are in one of the situations referred to in Articles 106, 109(1)(b) and 109(2)(a) of the EU general Financial Regulation<sup>2</sup> may be registered in the Early Warning System (EWS) only or in the EWS and in Central Exclusion Database and communicated to the designated persons of the Commission, other institutions, agencies, authorities and bodies mentioned in Article 108 of this Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, up on request to the accounting officer of the Commission<sup>3</sup>.

Yours faithfully,

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<sup>1</sup> OJ L 8, 12.01.2001, p.1.

<sup>2</sup> Regulation (EC, Euratom) No 966/2012 of 25 October 2012

<sup>3</sup> For further details on EWS see the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System for the use of authorizing officers of the Commission and the executive agencies (OJ L 344, 20.12.2008, p. 125). See also [http://ec.europa.eu/budget/library/execution/legal\\_entities/idlegent\\_pris\\_en.pdf](http://ec.europa.eu/budget/library/execution/legal_entities/idlegent_pris_en.pdf). For further details on Central Exclusion Database see the Commission Regulation (EC, Euratom) No 1302/2008 of 17 December 2008 on the central exclusion database (OJ L 344, 20.12.2008, p.12). See also the Privacy Statement on [http://ec.europa.eu/budget/library/sound\\_fin\\_mgt/privacy\\_statement\\_ced\\_en.pdf](http://ec.europa.eu/budget/library/sound_fin_mgt/privacy_statement_ced_en.pdf)

[signed]

Berndt Körner  
Deputy Executive Director

Annexes:

Annex I	Tender Specifications
Annex II	Terms of Reference
Annex III	Tender Submission Form
Annex IV	Tenderer's Declaration of Honour
Annex V	Draft Framework Service Contract