

Invitation to the Open Tender procedure No. Frontex/OP/809/2016/JL - Mobile telecommunication services and equipment

Your ref:
Our ref: Frontex/OP/809/2016/JL
Please quote when replying.

Dear Sir/Madam,

1. The European Border and Coast Guard Agency, hereinafter referred to as "Frontex", is planning to award the public contract referred to above. The tender documentation consists in referred to above this invitation letter, the tender specifications with other annexes and the draft contract. The documentation is made in two language versions: English and Polish. In case of discrepancy, provisions of the English version prevail.
2. Please be informed that Frontex is an autonomous EU Agency and has therefore its own Financial Regulation - see following website:

<http://frontex.europa.eu/about-frontex/legal-basis/> .

If you are interested in bidding for this contract, please submit your signed tender (exclusively on paper), 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 Team
Plac Europejski 6
00-844 Warszawa, Poland

3. You must submit your tender:
 - a) Either by post or by courier, **posted not later than 27 January 2017**, to the address given above. 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 using the following e-mail address: procurement@frontex.europa.eu.
 - b) By hand-delivery (in person or by an authorized representative) to Frontex' Reception Desk at the address given above. Hand-delivery is possible within the working hours from 09:00 to 16:00 (Monday-Friday), **not later than 27 January 2017, 16:00 Warsaw local time**. If this delivery option is chosen, **a receipt must be obtained as proof of submission, signed and dated by Frontex' Reception Desk**.
4. Your offer must be submitted as follows:

Tenders must be placed inside two sealed envelopes. The outer envelope should be addressed to the department indicated in point 3. The inner envelope should be marked as follows:

FRONTEx/OP/809/2016/JL MOBILE TELECOMMUNICATION SERVICES AND EQUIPMENT NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT SUBMITTED BY (OFFICIAL DESIGNATION OF THE TENDERER)
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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”, “Financial” and “Supporting”).

a. Envelope A should contain:

- i) One original version of the technical offer (bound and signed and clearly marked “Original”).
- ii) Three copies of the technical offer (bound and each marked as “Copy”), plus one electronic version of the technical offer.

b. Envelope B should contain:

- i) One original version of the financial offer (bound and signed and clearly marked “Original”).
- ii) Three copies of the financial offer (bound and each marked as “Copy”), plus one electronic version of the financial offer.

c. Envelope C should contain:

- i) Signed declaration of honour (Annex IV).
- ii) Signed tenderer’s submission form (Annex V).
- iii) The evidence documents related to the selection criteria.

5. 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, where applicable.

6. 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 3 above.

7. The submission of a tender implies the 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. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

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

9. 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 procurement documents. Any requests for additional information must be made **in writing and only to:**

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2062>

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). Please also take into consideration, when preparing questions to the tender documentation, that Frontex is closed from 24 December 2016 to 2 January 2017.

c. Frontex may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the procurement documents.

d. Any additional information referred to above in both cases will be posted on the eTendering website indicated above. The website will be updated regularly and it is your responsibility to check for updates and modifications during the submission period.

After the opening of tenders:

e. If obvious clerical errors in the tender need to be corrected or confirmation of a specific or technical element is necessary, the contracting authority will contact the tenderer provided this does not lead to substantial changes to the terms of the submitted tender.

10. This invitation to tender is in no way binding on Frontex. Frontex's contractual obligations commence only upon signature of the contract with the successful tenderer.
11. Up to the point of signature, Frontex may either abandon the procurement procedure or cancel the procurement procedure, without the 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 **3 February 2017, 11:00 Warsaw local time** at Frontex' premises. Tenderers' representatives are welcome (max. 1 person per tenderer). Please inform Frontex in advance via e-mail addressed to: 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 informed of the outcome of this procurement procedure (award decision) by e-mail. It is your responsibility to provide a valid e-mail address together with your contact details in your tender submission form and to check this e-mail address regularly.
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 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 data¹. 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 Financial and Corporate Services 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. Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation². For more information, see

¹ OJ L 8, 12.01.2001, p. 1.

² Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 of 26.10.2012, p. 1) as amended.

the Privacy Statement on
http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)

Yours faithfully,

[signed]

Berndt Koerner
Deputy Executive Director

Annexes:

Annex I	Tender Specifications
Annex II	Technical Specifications
Annex III	Scenario
Annex IV	Tenderer's declaration of honour
Annex V	Tender submission form
Annex VI	Draft service framework contract