



The European Foundation for the Improvement of Living and Working Conditions (Eurofound)

Dublin, 1st August 2019

SUBJECT: Provision of Facilities Management and Engineering Services
Part 1: Scheduled Services – preventative maintenance (Direct Services Contract)
Part 2: Additional (ad-hoc) Services and responsive maintenance (Framework Contract)

REFERENCE: 171902/5068

Dear Madam/Sir,

Eurofound is planning to award the contract resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter (Part A), Tender Specifications (PART B), the Standard Reply Form (PART C) and draft framework contracts (Part D1 & D2) with their respective annexes and Technical Specification Sheets (Part E). All documents are available at the following TED e-tendering website¹:

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=5122>

1. Submission of tenders

Economic operators interested in this contract are invited to submit a tender in one of the official languages of the European Union.

Tenders must be submitted exclusively via the electronic submission system (e-Submission) available from the above website². 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 but not subcontractors) 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 in the PIC-management [Quick Guide for Economic Operators](#). Tenderers already

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.

registered in the Participant Register shall reuse their existing PICs when preparing tenders in e-Submission.

The time limit for the receipt of tenders is **23:59 Brussels time** on **26.08.2019** as indicated under Heading IV.2.2 of the contract notice.

A tender received after the time-limit for receipt of tenders will be rejected. The tender reception confirmation will be provided by e-submission with the official date and time of receipt of the tender.

The following documents 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:

- Declaration(s) on honour (template available in the tender specifications).
- The tender report (a document generated by e-Submission and listing all the documents included in the tender, to be signed by the tenderer or the group leader in case of a joint tender).

When the declaration(s) on honour and the tender report are signed by hand, a scanned copy must be attached to the tender in e-Submission. The hand-signed originals must be sent by letter at the latest on the first working day following the electronic submission of tender. Only the originals of the declaration on honour and the tender report are to be sent by letter, not other documents.

After submitting a tender, but before the deadline for receipt of tenders, a tenderer may withdraw its tender, or withdraw it and replace it with a new one³. In these cases the tenderer must send a withdrawal/replacement notification, clearly specifying the call for tender's reference and the e-Submission ID of the tender⁴ being withdrawn/replaced. The notification must be dated, signed by the tenderer or the group leader in case of a joint tender and sent as follows:

- if signed using an advanced electronic signature based on a qualified certificate: by e-mail sent before the deadline for receipt of tenders to the contracting authority's e-mail address indicated under Heading I.1 of the contract notice;
- if signed by hand: a hard copy to be provided by post plus scanned copy by email. It shall be sent before the deadline for receipt of tenders to the contracting authority's postal address indicated under Heading I.1 of the contract notice.

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 request to tender

This invitation to tender is in no way binding on Eurofound. Eurofound's contractual obligation commences only upon signature of the contract with the successful tenderer.

³ 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.

⁴ The e-Submission ID of the tender can be found on the left-hand side of the screen of the tender in e-Submission as well as in the tender reception confirmation.

Up to the point of signature, Eurofound may cancel the award procedure without the tenderers being entitled to claim any compensation. This decision must be substantiated and the tenderers notified.

The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, as indicated in Heading IV.2.6 of the contract notice is **5 months** from the deadline for the submission of tenders.

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 Eurofound 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, Eurofound may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made through the eTendering website at <https://etendering.ted.europa.eu/general/page.html?name=home> in the "questions and answers" tab, by clicking "create a question" (registration on TED e-Tendering is required to be able to create and submit a question).

Any questions and answers or any additional information as that referred to above will be found in the Question & Answers Section which is updated and posted on <https://etendering.ted.europa.eu/general/page.html?name=home> under the specific call for tender. The website will be updated regularly and it is your responsibility to check for updates and modifications during the submission period.

Eurofound is not bound to reply to requests for additional information received after the **16.08.2019**.

Eurofound 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.

An **on-site visit** is planned to take place on **02/08/2019 at 10:00 Dublin Time** at the following address:

European Foundation for the Improvement of Living and Working Conditions
Wyattville Road
Loughlinstown
Co. Dublin D18 KP65
IRELAND

In order to attend the site visit, potential tenderers must communicate the full name, date of birth, nationality and ID or passport number of their representatives at least two working days in advance to cbr@eurofound.europa.eu.

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 two representatives per tender can attend the opening of tenders as provided in Section IV.2.7 of the contract notice. For organisational and security reasons, the tenderer must provide the full name and ID or passport number of the representatives⁵ at least two working days in advance to: OSUTenders@eurofound.europa.eu. The representatives will be required to present the tender reception confirmation and to sign an attendance sheet. Eurofound reserves the right to refuse access to its premises if the above information or the tender reception confirmation is 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) will be announced;

Tenderers not present at the opening session may send an information request OSUTenders@eurofound.europa.eu if they wish to be provided with the information announced during the public opening.

Once Eurofound has opened the tender, it becomes its property and it shall 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 Eurofound to provide the missing information or clarify supporting documents.

Eurofound 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 (group leader in case of a joint tender) under the section Tender Contact Info. The same e-mail address will be used by Eurofound 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

If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725 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. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the

⁵ This data is necessary to ensure access to Eurofound buildings.

call for tenders by Mattanja.deBoer@eurofound.europa.eu. Details concerning the processing of your personal data are available in the privacy statement at: <https://www.eurofound.europa.eu/about-eurofound/who-we-are/legal-and-data-protection-notice>

5. Means of redress.

Tenderers may submit any observations concerning the procurement procedure to Eurofound 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 Eurofound, 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.

6. Brexit note

A note for interested parties based in the United Kingdom:

Since the United Kingdom notified on 29 March 2017 its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the Treaties will cease to apply to the United Kingdom from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification, unless the European Council, in agreement with the United Kingdom, decides to extend that period. Therefore, from 30 March 2019 or, as explained above, a date as agreed by the Council and the UK, it is likely that the United Kingdom will become a 'third country'.

This procurement procedure requires that the contracting party is established in an EU Member State. The United Kingdom remains, for the time being, a Member State with all rights and obligations. Therefore Eurofound will gladly accept tender proposals from interested parties in the UK. There are no limitations for subcontracting with parties in the UK as rules for access to the market do not apply to subcontractors.

However, as Eurofound is currently unsure as to the outcome of this process, we would like to advise potential contractors that there might eventually be legal repercussions for a contract to be concluded and consequences for the continuation of the contract beyond the date that the United Kingdom will leave the Union.

Yours faithfully,

Lidia Jankowska

Lidia Jankowska
OSU Workflow Officer (e-signed)

Annexes to the invitation to tender - PART A:

- PART B - Tender Specifications
- PART C - Standard Reply Form
- PART D1 & D2 - Draft contracts and annexes
- PART E – Technical Specifications Sheets