

Invitation to tender

F-SE-19-T01

Provision of web services for the European Union Agency for Fundamental Rights (FRA)

Vienna, 24/07/2019

Ref: 2019-outgoing 001046

Subject: Open call for tenders – Provision of web services for FRA

Dear Madam/Sir,

The European Union Agency for Fundamental Rights (referred to below as the contracting authority or the Agency) is planning to award the contract(s) resulting from the above procurement procedure, divided into two (2) lots:

- Lot 1: Provision of intranet web services
- Lot 2: Provision of internet web services

Tenderers can apply for one or more lots. However, a separate tender must be submitted for each lot, and each tender must cover all the tasks in the lot to which it refers. Submission of a tender for only some of the tasks to be performed under the contract will lead to the rejection of the tender.

The procurement documents consist of the contract notice, this invitation letter, Annex A- Tender Specifications, Annex A.1 – Technical Specifications, Annex B – Draft contract and Annex C – Standard Submission Form. All documents are available at the following TED e-Tendering website¹:

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=51811>.

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.



Michael O'Flaherty, Director

European Union Agency for Fundamental Rights | Agentur der Europäischen Union für Grundrechte | Agence des droits fondamentaux de l'Union Européenne

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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, but preferably in English.

Economic operators must submit tenders exclusively on paper, in one original and two (2) copies.

The tender must be placed inside two closed envelopes addressed as indicated below. The inner envelope should be marked as follows: "CALL FOR TENDERS ref.no F-SE-19-T01 [Lot 1] [Lot 2]² – (NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT)". A separate tender must be submitted for each lot.

The inner envelope must also contain three closed envelopes, containing the administrative documentation, the technical tender and the financial tender. Each of these envelopes must clearly indicate the content ("Administrative Documents", "Technical tender" and "Financial tender").

Please also add a text-searchable digital version of the offer in data storage devices such as USB flash drives (i.e. memory sticks). In case of discrepancies, the paper version takes precedence over the digital one.

The digital versions of the tenders must be placed together with the paper versions inside the corresponding sealed envelopes.

The time limit for receipt of the tender is indicated under Heading IV.2.2 of the contract notice where local time shall be understood as local time at the contracting authority's location (the location indicated under Heading I.1 of the contract notice). Economic operators must use one of the means of submission listed below. Receipt is understood as the time at which the tenderer hands over the tender to the post office or courier service or central mail department.

A tender received after the time-limit for receipt of tenders will be rejected. The tender reception confirmation with the official date and time of receipt of the tender constitutes proof of compliance with the time-limit for receipt of tenders.

² As applicable. Tenderers must indicate for which lot they are submitting a tender.

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Means of submission	Time limit	Evidence	Address for delivery
Post	24:00 CET	Postmark	CALL FOR TENDERS F-SE-19-T01 Provision of web services [Lot 1] [Lot 2] European Union Agency for Fundamental Rights For the attention of Procurement Section Schwarzenbergplatz 11 Vienna 1040 Austria
Courier	24:00 CET	Deposit slip of courier service	CALL FOR TENDERS F-SE-19-T01 Provision of web services [Lot 1] [Lot 2]
In person (hand delivery)	17:00 CET	Proof of receipt, signed and dated by the official in the central mail department who takes delivery	European Union Agency for Fundamental Rights For the attention of Procurement Section Schwarzenbergplatz 11 Vienna 1040 Austria

Mail can be received from 09.00 to 17.00 Monday to Thursday and from 09.00 to 15.00 on Friday. The contracting authority is closed on Saturdays, Sundays and during its holidays.

Tenders must be:

- perfectly legible so that there can be no doubt as to words and figures;
- signed by the tenderer or a duly authorised representative
- drawn up using the Standard Submission Form (Annex C of the Invitation to Tender).

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

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



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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 contracting authority's contractual obligation commences only upon signature of the contract with the successful tenderer.

Up to the point of signature, the contracting authority may cancel the procurement procedure without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.

The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is indicated in 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 contracting authority and candidates or 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 contracting authority 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 eTendering website at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=51811> 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).

The answers to the questions received from tenderers will be published as from 21/08/2019. The contracting authority is not bound to reply to requests for additional information received less than six working³ days before the time-limit for receipt of tenders.

The contracting authority 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.

³ Working days at the contracting authority's location indicated under Heading I.1 of the contract notice.

Any additional information including that referred to above will be posted on the TED e-Tendering website indicated above. 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 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 representatives⁴ at least two working days in advance to: procurement@fra.europa.eu. The representatives will be required to present the tender reception confirmation and to sign an attendance sheet. The contracting authority reserves the right to refuse access to its premises if the above information or the tender reception confirmation 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) will be announced;

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

Once the contracting authority 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 the contracting authority to provide the missing information or clarify supporting documents.

⁴ This data is necessary to ensure access to the premises of the contracting authority. Details concerning the processing of personal data for visitors to the European Union Agency for Fundamental Rights are available in the privacy statement at: https://fra.europa.eu/sites/default/files/fra_uploads/privacy-notice-building-access-data.pdf



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The contracting authority 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 tender for the tenderer (group leader in case of a joint tender). The same e-mail address will be used by the contracting authority 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) 2018/1725⁵ 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 call for tenders by the Agency, as data controller, represented by its Director. Details concerning the processing of your personal data are available in the privacy statement at: https://ec.europa.eu/info/data-protection-public-procurement-procedures_en.

The tenderer's personal data may be registered in the Early Detection and Exclusion System (EDES) if the tenderer is in one of the situations mentioned in Article 136 FR. For more information, see the Privacy Statement on 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 contracting authority 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 when they become aware of the facts which form the basis for the complaint (see <http://www.ombudsman.europa.eu>).

Within two months of notice 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 contracting authority, 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

⁵ OJ L 295, 21.11.2018, p. 39



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responsible for hearing annulment procedures is indicated in Section VI.4.1 of the contract notice.

Yours faithfully,


Michael O'Flaherty
Director

Annexes to the invitation to tender:

- Annex A – Tender Specifications
- Annex A.1 - Technical Specifications
- Annex B – Draft contract
- Annex C – Standard Submission Form



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