

Warsaw, 18 December 2019
Our ref: Frontex/OP/1123/2019/DT
Please quote when replying.

Subject: Invitation to the Open Tender procedure No. Frontex/OP/1123/2019/DT

Dear Sir/Madam,

1. The European Border and Coast Guard Agency, hereinafter referred to as “Frontex”, being contracting authority is planning to award the public contract referred above.
2. Please be informed that Frontex is an autonomous EU Agency with own legal personality and has therefore its own Financial Regulation - see following Website:

https://frontex.europa.eu/assets/Key_Documents/MB_Decision/2019/MB_Decision_19_2019_ad_opting_the_Frontex_Financial_Regulation_002.pdf

In accordance with Article 85 of this Regulation the relevant provisions of the EU general Financial Regulation (2018/1046) shall apply, subject to exceptions provided for in Article 86 of the Frontex Financial regulation. For further details please see the following Website:

<https://publications.europa.eu/en/publication-detail/-/publication/e9488da5-d66f-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-86606884>

3. Please find enclosed the related tender specifications and the draft contract. All documents are available at the following TED e-Tendering website¹:

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=5835>

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).

4. Your offer must be submitted as follows:

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 rejected.

In order to submit a tender using e-Submission, Tenderers (each member of the group in the case of a joint tender) 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 economic operator 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-

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.

management [Quick Guide for Economic Operators](#). Tenderers already registered in the Participant Register shall reuse their existing PICs when preparing tenders in e-Submission.

The deadline for receipt of tenders is 10/02/2020, at 11:00 hrs, as indicated under Heading IV.2.2 of the contract notice where local time shall be understood as a Warsaw, Poland local time.

A tender received after the deadline for receipt of tenders will be rejected. The tender reception confirmation provided by e-Submission with the official date and time of receipt of the tender (timestamp) constitutes proof of compliance with the deadline for receipt of tenders.

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

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 (Annex III).
- Tenderer's submission form (Annex V).
- 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/or Tenderer's submission form and/or the tender report are signed by hand, a scanned copy must be attached to the tender in e-Submission. Please keep the hand-signed originals of all forms as they may be required from the Tenderer which will be selected for the award preceding the signature of the contract.

After submitting a tender, but before the deadline for receipt of tenders, a Tenderer may definitively 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 Frontex's e-mail address procurement@frontex.europa.eu, indicated under Heading I.1 of the contract notice;
- if signed by hand: by letter, with a scanned copy sent in advance by e-mail, both sent before the the deadline for receipt of tendersto the Frontex's postal/e-mail address indicated under Heading I.1 of the contract notice.

5. The tender specifications, listing all the documents that must be produced in order to submit a tender, including supporting evidence of economic, financial, technical and professional capacity and the draft contract, are attached.

6. Tenders must:

- a) Be signed by the Tenderer or his duly authorised representative.

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.

- b) Be perfectly legible in order to leave no doubts as to the terms, words and figures stated.
- c) Be drawn up using the model reply forms indicated in the tender dossier.
- 7. The period of validity of the tender during which the Tenderer may not modify the terms of his tender in any respect is 4 months after the the deadline for receipt of tenders, as indicated under Heading IV.2.6 of the contract notice.
- 8. The submission of a tender implies the acceptance of all the terms and conditions set out in this invitation to tender including all attachments (in particular in the tender specifications, Terms of Reference, draft contract etc.) and, where appropriate, waiver of the Tenderer's own general or specific terms and conditions. Tenders containing any reservations or constraints or assumptions will not be evaluated. In case of doubts, please make use of the possibility defined below in point 9a).
- 9. Contacts between the Frontex and Tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the deadline for receipt of tenders:

- a) At the request of the Tenderer, Frontex may provide additional information solely for the purpose of clarifying the nature of the contract. Any requests for such additional information must be made **electronically only** via TED e-Tendering platform using the link mentioned in point 3 of this invitation, in the questions and answers tab by clicking on "create a question".
- b) Requests for additional information received less than six working days before the deadline for receipt 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 or its attachments.
- d) All additional information including that referred to above will be published in the same way the procedure has been published via TED e-Tendering platform (see provisions of the relevant Contract Notice above).

The website will be updated regularly therefore please visit TED e-Tendering platform regularly while preparing the tender; it is Tenderer's responsibility to check for updates and modifications during the submission period.

After the opening of tenders:

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

- 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.
Up to the point of signature of the contract, Frontex may decide to cancel the procurement procedure, without the Candidates or Tenderers being entitled to claim any compensation. The decision will be substantiated and the Candidates or Tenderers notified.
- 11. A public opening session will take place on **12/02/2020, at 11:00 hrs** at Frontex premises at Plac Europejski 6 in Warsaw, Poland. Tenderer's representatives are welcome. Please inform Frontex via e-mail: procurement@frontex.europa.eu about your planned participation.
- 12. Once Frontex has opened the tender, the document shall become the property of Frontex and it shall be treated confidentially.
- 13. You will be notified whether or not your tender has been accepted. 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 Frontex 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.

14. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
15. If processing your reply to the invitation to tender will involve the recording and processing of personal data (for instance - your name, address or CV), such data will be processed pursuant to Regulation (EC) 2018/1725 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/EC⁵. 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 by Frontex Procurement Sector. You are informed that for the purposes of safeguarding the financial interests 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 during the procurement procedure, you may address them to the Frontex Procurement Sector. 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.
16. 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 136 of the Financial Regulation (2018/1046).
17. All costs incurred during the preparation and submission of tenders are to be borne by the Tenderers and will not be reimbursed.

Yours faithfully,

Authorising Officer

[signature]

Annexes:

Annex I - Tender Specifications

Annex II - Technical specification

Annex III - Declaration of Honour concerning exclusion criteria

Annex IV - Financial Proposal template

Annex V - Tender submission form

Annex VI - Contract draft

Annex VII - List of seasonal products

⁵ OJ L 295, 21.11.2018