

**EUROPEAN UNION**

Delegation to the Republic of Sierra Leone

Freetown,

Subject: EEAS/DELSLEF/2020/CPN/0066 – Security Services for the Delegation of the European Union to Sierra Leone

Dear Madam/Sir,

The European Union, represented by the European Union Delegation to Sierra Leone, referred to below as *the contracting authority*, is planning to award the contract(s) resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter, the draft contract(s) and tender specifications with their respective annexes. All documents are available at the following TED eTendering website¹:

Link: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=7656>

This contract will be awarded in two steps. As a first step, if economic operators are interested in this contract, they are invited to submit a request to participate in one of the official languages of the European Union. In a second step, only selected candidates will be invited to submit a tender. Any tender received from a legal or natural person not invited to tender will be rejected.

1. Submission of requests to participate and tenders.

Economic operators must submit requests to participate and tenders exclusively by letter, the content being on paper in one original, one paper copy and one electronic copy on USB.

The request to participate must be placed in a closed envelope addressed as indicated below. The envelope should be marked as follows: "CALL FOR TENDERS – NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT".

The time-limit for receipt of requests to participate is indicated under Heading IV.2.2 of the contract notice where local time shall be understood as local time in Brussels, Belgium. The time-limit for receipt of tenders will be indicated in the above TED eTendering website when the selected candidates are invited to submit a tender.

Economic operators must use one of the means of submission listed below. Receipt is understood as the time at which the candidate/tenderer hands over the request to participate/tender to the post office or courier service or central mail department.

¹ Subscription to the call for tenders 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.

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

Means of submission	Time limit	Evidence	Address for delivery
Post	24:00 (midnight)	Postmark	<i>Post:</i> CALL FOR TENDERS EEAS/DELSLEF/2020/CPN/0066
Courier	24:00 (midnight)	Deposit slip of courier service	European External Action Service (EEAS) BA.BS2 (PPCF), 05/P249 For the attention of Ms Salustri Rond Point Schuman 9A, B-1046 Brussels, Belgium
In person (hand delivery)	15:00 CET	Proof of receipt, signed and dated by the official in the central mail department who takes delivery	<i>Courier and hand delivery:</i> CALL FOR TENDERS EEAS/DELSLEF/2020/CPN/0066 European External Action Service (EEAS) BA.BS2 (PPCF), 05/P249 For the attention of Ms Salustri Avenue du Bourget 1 B-1140 Brussels (Evere)

Mail can be received from 07.30 to 17.00 Monday to Fridays. The service is closed on Saturdays, Sundays and official holidays of the contracting authority.

Candidates or tenderers must ensure that their submitted requests to participate or 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 requests to participate or tenders are to be borne by the candidates or tenderers and will not be reimbursed.

2. Legal effects of the invitation to tender and submission of a request to participate/tender.

This invitation is in no way binding on the contracting authority. The contracting authority's contractual obligation commences only when the contract with the successful tenderer is signed by both parties.

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

The validity period of the tender, during which tenderers may not unilaterally modify the terms of their tenders in any respect, is indicated under Heading IV.2.6 of the contract notice.

Submission of a request to participate/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 of requests to participate phase

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 above TED eTendering website¹ in the "Questions & answers" tab, by clicking "Create a question" (registration on TED eTendering is required to be able to create and submit a question).

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.

Any additional information will be published on the above TED eTendering website. The website will be updated regularly and it is the economic operator's responsibility to check for updates and modifications during the submission period.

3.2 Opening of requests to participate

The opening of the received requests to participate is not public.

Once the contracting authority has opened the requests to participate, they shall become its property and will be treated confidentially.

3.3 Evaluation of requests to participate

Except in duly justified cases, candidates 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.

The contracting authority may correct obvious clerical errors in the request to participate after confirmation of the correction by the candidate.

Such information, clarification or confirmation shall not substantially change the request to participate.

3.4 Selection phase

Candidates will be notified of the outcome of the first step (evaluation of requests to participate) by e-mail. The notification will be sent to the e-mail address provided in the request to participate for the candidate (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 candidate during the procedure.

It is the candidate's responsibility to provide a valid e-mail address and to check it regularly.

3.5 Submission of tenders phase

See sections 1 and 3.1 above.

Please note that only selected candidates may request additional information at this stage. Similarly, any documentation uploaded on the TED eTendering website at this step of the procedure will be available to all selected candidates and only to them.

The contracting authority is not bound to reply to requests for additional information received less than six working² days before the time-limit for receipt of tenders.

3.6 Opening of tenders

The opening of the received tenders is not public.

Once the contracting authority has opened the tenders, they shall become its property and will be treated confidentially.

3.7 Evaluation of tenders

The contracting authority may negotiate with tenderers the tenders they have submitted, in order to adapt them to the procurement documents and in order to find the most economically advantageous tender. The minimum requirements and the criteria defined in the procurement documents are not subject to negotiation. During negotiations equal treatment of all tenderers will be ensured. The contracting authority reserves the right not to negotiate and to award the contract on the basis of the tenders initially received.

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.

The contracting authority may correct obvious clerical errors in the tender after confirmation of the correction by the tenderer.

3.8 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 during the procedure. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

² Working days at the contracting authority's location indicated under Heading I.1 of the contract notice.

4. Data protection.

If processing a reply to the invitation involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725³ 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 Head of EU Delegation to Sierra Leone acting as data controller. Details concerning the processing of personal data are available in the privacy statement at:

https://eeas.europa.eu/sites/eeas/files/procurement_-_privacy_statement.pdf.

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, you can contact the data controller at EEAS-tenders@eeas.europa.eu by explicitly specifying your request.

The candidate's or 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 of the Financial Regulation⁴. For more information, see the privacy statement: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

5. Means of redress.

Candidates or 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 they 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 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 responsible for hearing annulment procedures is indicated under Heading VI.4.1 of the contract notice.

Yours faithfully,

Tom VENS

³ OJ L 295, 21.11.2018, p. 39

⁴ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

Head of Delegation

Authorising Officer by sub-Delegation

(e-signed)

Annexes to the invitation to submit requests to participate:

- Tender specifications – Part I
- Draft framework contract
- Request to participate form (incl. Declaration on Honour)