

Warsaw, /12/ 2017
Our ref: Frontex/OP/677/2017/AG
Please quote when replying.

**Subject: Invitation to the Open Tender procedure No: Frontex/OP/677/2017/AG
Maintenance Contract for HP/Cisco Equipment**

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:

http://frontex.europa.eu/assets/About_Frontex/Frontex_Financial_Regulation.pdf

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

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:EN:PDF>

3. Please find enclosed the related tender specifications and the draft contract. In the tender specifications all the documents are listed which must be produced in order to submit a tender. If you are interested in bidding for this contract, please submit your **signed** tender, 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 Warsaw, Poland

4. You may submit your tender:
 - a) Either by post or by courier, **posted not later than 7 January 2018**. 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 to the following e-mail address: procurement@frontex.europa.eu .
 - b) Or, by delivery by hand (in person or by an authorised representative) to Frontex Reception Desk at the address given above. Working hours are from 09:00 to 17:00, (Saturdays, Sundays and Frontex holidays excluding) **not later than 7 January 2018, 17:00**. If this delivery option is

chosen, a receipt must be obtained as proof of submission, signed and dated by Frontex Reception Desk.

5. Your offer must be submitted as follows:

Tenders must be placed inside two sealed envelopes. Both envelopes, addressed to the department indicated in point 3, should be marked as follows:

FRONTEX/OP/677/2017/AG
(Subject): Maintenance Contract for HP/Cisco Equipment

NOT TO BE OPENED BY RECEPTION
SUBMITTED BY(OFFICIAL DESIGNATION OF THE TENDERER)

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 (A - "Technical Offer", B - "Financial Offer" and C - "Supporting Documentation").

a) Envelope A should contain:

- (i) One original version of the Technical Offer (signed and clearly marked "Original").
- (ii) Three copies of the Technical Offer (each marked as "Copy").
- (iii) Electronic version of the Technical Offer.

b) Envelope B should contain:

- (i) One original version of the Financial Offer (signed and clearly marked "Original").
- (ii) Three copies of the Financial Offer (each marked as "Copy").
- (iii) Electronic version of the Financial Offer.

c) Envelope C should contain:

- (i) Signed Declaration of Honour (Annex IV).
- (ii) Tender Submission Form (Annex V).
- (iii) The evidence documents related to the selection criteria.
- (iv) Electronic version of the Supporting Documentation.

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

7. Tenders must:

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

8. 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 4 above.

9. The submission of a tender implies the acceptance of all the terms and conditions set out in this invitation to tender, in the specification and in the draft contract 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.

10. 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 nature of the contract. Any requests for additional information must be made via TED e-Tendering platform.
- 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).
- 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 placed on TED e-Tendering platform (see provisions of the relevant Contract Notice), so please visit TED e-Tendering platform regularly while preparing the tender; it is the tenderer's responsibility to check for updates and modifications during the tendering period.

After the opening of tenders:

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

11. 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, Frontex may either decide to abandon the procurement or cancel the award procedure, without the candidates or Tenderers being entitled to claim any compensation. The decision will be substantiated and the candidates or tenderers notified.

13. A public opening session will take place on **9 January 2018, at 11:00** at Frontex premises at Plac Europejski 6, Warsaw, Poland. Tenderers' representatives are welcome (maximum one per tenderer). Please inform Frontex via e-mail: procurement@frontex.europa.eu about your planned participation and specify which tenderer will be represented.
14. Once Frontex has opened the tender, the document shall become the property of Frontex and it shall be treated confidentially.
15. You will be notified whether or not your tender has been accepted.
16. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
17. 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) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community 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 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, you may address them to the Finance and Procurement 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.

¹ OJ L 8, 12.01.2001, p.1.

18. Data of economic operators which are in one of the situations referred to in
- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the Privacy Statement on http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or
 - the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE)
- may be registered in the Early Detection and Exclusion System and communicated to the designated persons of the European Commission, other institutions, agencies, authorities and bodies mentioned in Article 108 of the general Financial Regulation mentioned in point 2 of this Invitation. The registration refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, up on request to the accounting officer of the Commission².
19. All costs incurred during the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.

Yours faithfully,

[signed]

Sakari Vuorensola
Director of Corporate Governance

Annexes:

Annex I	Tender Specifications
Annex II	Terms of Reference
Annex III	Financial offer template
Annex IV	Declaration of honour
Annex V	Tender submission form
Annex VI	Draft contract

² For further details on EWS see the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System for the use of authorizing officers of the Commission and the executive agencies (OJ L 344, 20.12.2008, p. 125). See also http://ec.europa.eu/budget/biblio/documents/management/management_en.cfm#sap. For further details on Central Exclusion Database see the Commission Regulation (EC, Euratom) No 1302/2008 of 17 December 2008 on the central exclusion database (OJ L 344 20.12.2008, p.12). See also the Privacy Statement on http://ec.europa.eu/budget/biblio/documents/management/management_en.cfm#bdce.