



EUROJUST

The European Union's Judicial Cooperation Unit
P.O. Box 16183 - 2500 BD The Hague • The Netherlands

Instructions and Conditions for participation (I&C)

Procurement Sector

Version: e-Submission



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These Instructions and Conditions for participation (I&C) shall form an inseparable part of the procurement documents.

1. foreword

1.1. Eurojust procurement

Procurement covers public contracts as well as procurement procedures. Public contracts are defined as purchases by a public authority of services, goods or works. A procurement procedure is the structured way that leads to the conclusion of a public contract.

The purpose is:

- (i) to guarantee the widest possible participation of economic operators (referred to as “tenderers”),
- (ii) to ensure the transparency of operations, and
- (iii) to ensure the purchase is made at the best value for money.

Eurojust complies with the the 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 (referred to as “Regulation 2018/1046”).

1.2. procedures and terminology

The procurement procedures described in this document follow the **open procedure** (which is a **one-phase procedure**).

Alternatively, procurement procedures may be based on **two-phase procedures** (such as the **restricted procedure**). This variation has a certain number of implications which are outlined very briefly below:

- Phase I - Selection of candidates: candidates submit applications containing only the documentation required for eligibility to tender (**point 3**) and selection criteria (**point 4**). These applications are then evaluated to select the candidates who will be entitled to submit a tender, hence becoming tenderers.
- Phase II – tender: selected candidates (tenderers) submit tenders. The contract is awarded once these tenders have been assessed.

‘Invitation’ shall refer to, depending on the type of procedure, either the ‘Invitation to tender & tender specifications’ or ‘Invitation to Apply’.

‘Candidates’ shall mean those economic operators who applied to take part in a two-phase procedure. ‘Tenderers’ shall mean those economic operators who have submitted tenders (whether in a one-phase procedure or in Phase II of a two-phase procedure).

‘Tenders’ submitted in the context of a procurement procedure are also designated ‘offers’.

‘Application’ shall mean a ‘request to participate’ in Phase I of a two-phase procedure.

'Contracting authority' shall mean Eurojust.

1.3. access to the market

Participation in procurement procedures is open on equal terms to all natural and legal persons falling within the scope of the Treaties. This includes all legal entities registered in the EU and all natural persons having their domicile in the EU. Participation is also open to all natural and legal persons registered or having their domicile in a non-EU country which has an agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. The rules of access to the market do not apply to subcontractors.

2. contact between Eurojust and tenderers

Contact between Eurojust and the candidate/tenderer may only take place in exceptional circumstances, under the following conditions:

2.1. requests for additional information

Should the candidate/tenderer discover any discrepancies in the procurement documents or be in any doubt as to their meaning, the candidate/tenderer should notify Eurojust.

The candidate/tenderer may also request additional information and/or clarifications on the procurement procedure or the nature of the contract.

N.B. Such requests shall be made through the 'Questions & answers' section of the relevant procurement procedure in <https://etendering.ted.europa.eu>.

Tenderers shall note that Eurojust is not bound to reply to requests for additional information made less than 6 working days before the deadline for receipt of tenders.

2.2. amendments to the procurement documents

Eurojust may modify the procurement documents by amendment.

In order to allow candidates/tenderers reasonable time in which to take the amendment into account in preparing their applications/tenders, Eurojust, at its discretion, may extend the deadline for dispatching applications/tenders.

N.B. The information concerning requests for clarifications and/or amendments of the procurement documents will be made available electronically on the section of the relevant procurement procedure in <https://etendering.ted.europa.eu> no later than 6 days before the deadline for dispatching tenders.

It is the candidate's/tenderer's responsibility to check for updates and modifications of the procurement documents.

Clarifications and/or amendments will be regarded as an integral part of the procurement documents.

2.3. clarification following dispatch of tenders

If, after the deadline for dispatching applications/tenders, a clarification is needed by Eurojust or if obvious clerical errors in the tender need to be corrected, Eurojust may contact the candidate/tenderer, although such contacts may not lead to any alterations of the terms of the submitted tender.

Only in the case of a negotiated procedure, Eurojust may negotiate with tenderers the tenders they have submitted, in order to adapt them to the requirements set out in the procurement documents, in order to find the tender offering best value for money. During negotiations equal treatment of all tenderers will be ensured.

3. eligibility to tender - exclusion criteria and conflict of interest

Candidates/tenderers must not be in any of the situations listed in articles 136 and 141 of the Regulation 2018/1046.

The documents required in relation to this are indicated in the procurement documents.

4. selection criteria

Documentation concerning selection criteria must specifically relate to the candidate/tenderer and any consortium members or subcontractors. The selection criteria remain applicable throughout the whole performance of the contract, i.e. the contractor must comply with these criteria at all times.

In order to meet the selection criteria related to economic and financial capacity or technical and professional capacity, an economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

If a third party provides the whole or a large part of the financial capacity, the contracting authority may demand that that entity signs the contract. If the entity refuses to sign the contract, it must commit to execute the contract jointly and severally with the contractor by providing a letter of intent to that effect. If the third party chooses to sign the contract, then they must meet the exclusion criteria indicated in **point 3** and have access to the market as defined in **point 1**.

In case of a joint application/tender submitted by a consortium or in the case of subcontracting, the candidate/tenderer shall provide the information and documentation listed below in **point 14**.

5. selection criteria documentation

If so requested by Eurojust, the successful candidate/tenderer shall submit the original certificates / documents to Eurojust for conformity check prior to the signature of the contract.

In such case, the signature of the contract between Eurojust and the successful tenderer will be conditional upon provision of the original certificates / documents from the successful candidate/tenderer.

6. language of the application/tender

Applications/tenders must be submitted in one of the official languages of the European Union. Since Eurojust's working language is English, Eurojust would highly appreciate to receive applications/tenders written in English.

7. submitting the application/tender

Applications/tenders must be submitted exclusively via the electronic submission system (e-Submission) no later than the 'Deadline for receipt of applications/tenders' date indicated in Point 2.1 of the Invitation. Applications/tenders submitted in any other way (e.g. e-mail or by letter) will be disregarded and applications/tenders received after the time-limit 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 time-limit for receipt of tenders.

E-Submission is available via the corresponding call for tenders in the TED eTendering application.

To access e-Submission all candidates/tenderers need to be registered in in the European Commission's user authentication service (EU Login) and the EU eProcurement platform TED eTendering. Candidates/tenderers who do not have an EU Login must create an account. For more information regarding EU Login , please refer to [Introduction to EU Login](#).

In order to submit a tender using e-Submission candidates/tenders 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-management Quick guide](#). Candidates/tenderers already registered in the Participant Register shall reuse their existing PICs when preparing applications/tenders in e-Submission.

For detailed instructions on how to submit an application/tender please consult the [e-Submission Quick Guide](#). In case of technical problems, please contact the e-Submission Helpdesk (contact details in the [e-Submission Quick Guide](#)) as soon as possible.

Candidates/tenderers must ensure that their submitted applications/tenders contain all the information and documents required by Eurojust 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:

- (i) Declaration on honour;
- (ii) 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).

8. withdrawal and replacement of application/tender

After submitting an application/tender but before the deadline for receipt of applications/tenders, a candidate/tenderer may definitively withdraw its application/tender, or withdraw it and replace it with a new one.

To submit a new version, the candidate/tenderer must create a new application/tender in e-Submission and include all the information and documents required in the procurement documents, even if they have already been included in the initial application/tender.

In these cases the candidate/tenderer must send a withdrawal/replacement notification, clearly specifying the call for tender's reference and the e-Submission ID of the application/tender¹ being withdrawn/replaced. The notification must be dated and signed by the candidate/tenderer as follows:

- (i) if signed by an advanced electronic signature based on a qualified certificate:
 - by e-mail sent before the deadline for receipt of applications/tenders to the following e-mail address: procurement@eurojust.europa.eu;
- (ii) if signed by hand:
 - by post and by email (with scanned copy of withdrawal/replacement letter attached), both sent before the deadline for receipt of tenders to the contracting authority's e-mail address/postal address respectively: procurement@eurojust.europa.eu and:

Eurojust - Procurement Office
PO Box 16183
2500 BD The Hague
Netherlands

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

9. public opening session

Tenders are opened by an opening board, whose members are appointed by Eurojust under guarantee of impartiality and confidentiality. If so stated in the Invitation or Contract Notice, the opening session is public.

¹ 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.

10. formal opening requirements

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;
 - announcement of the total price of each tender – only in case the award shall be based on the lowest price or lowest cost method.

11. attending the opening session

The opening session will take place at Eurojust's premises on the date and time indicated in the procurement documents. If the opening session is public, one representative per tenderer is allowed to attend the opening session as an observer.

Should a tenderer wish to be present, it shall inform Eurojust of the name of its representative by email (procurement@eurojust.europa.eu) not later than the date and time indicated in the procurement documents. The tenderer shall attach to the email a copy of the tender reception confirmation (generated by e-Submission). 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.

For security reasons, tenderers who do not register within the given deadline will not be allowed to attend the opening session.

Following the opening session, and if so requested in writing, **all tenderers can receive the record of the opening session** including the names of the entities who have submitted an offer.

12. application / tender evaluation session

Applications/tenders complying with the formal opening requirements checked during the opening session are evaluated by an evaluation committee, whose members are appointed by Eurojust on a personal basis under guarantee of impartiality and confidentiality.

The evaluation committee will, in no particular order:

- check the eligibility of the candidate/tenderer to participate in the procurement procedure.
- check the capacity of the candidate/tenderer to perform the contract against the selection criteria.
- evaluate the technical and financial tenders and awards a score against the pre-defined award criteria.

In case of joint applications/tenders submitted by consortia and in case of subcontracting, the exclusion, selection and award criteria are assessed in compliance with the terms and conditions specified in **point 13** below.

N.B. The evaluation procedure is confidential. The deliberations of the evaluation committee are held in closed session and its recommendations are collective. The members of the evaluation committee are bound to secrecy.

13. conditions regarding joint applications / tenders submitted by consortia and subcontracting

If so indicated in the technical specifications, certain tasks must be performed directly by the tenderer itself or, where a tender is submitted by a consortium of economic operators, a participant in the consortium.

13.1. consortia general

Groups of economic operators (consortia) are authorised to submit applications/tenders (joint applications/tenders). In this case, each member of the consortium shall fulfil the requirements and accept the terms and conditions set out in the procurement documents.

The members of the consortium shall designate one member as Consortium Leader with full authority to bind the consortium and each of its members. The Consortium Leader shall act as a single point of contact with Eurojust in connection with the present procurement procedure.

Eurojust may not demand that consortia must have a given legal form in order to be allowed to submit an application/tender. However, the consortium selected may be required to adopt a given legal form after it has been awarded the contract and before the contract is signed, if this change is necessary to the proper performance of the contract.

Any change in the composition of the consortium during the procurement procedure may lead to the rejection of the corresponding application/tender. Any change in the composition of the consortium after the signature of the contract may lead to the termination of the contract.

13.2. documentation and information to be provided

In the relevant section of the application/tender the role and tasks of each member of the consortium will be clearly identified.

In general, each member of the consortium must provide the same administrative documentation as the Consortium Leader.

The documentation that must be provided is indicated in **point 2.6.1** of the Invitation.

13.3. assessment of consortia

Joint tenders submitted by consortia will be assessed as follows:

The exclusion criteria and the selection criteria for the legal and regulatory capacity will be assessed in relation to each member of the consortium individually;

The selection criteria for the economic and financial capacity will be assessed as follows:

- For criteria set as minimum viability standards on financial and economic standing (e.g. by means of appropriate statements from banks or balance sheets), an individual evaluation will be made;

- For criteria that are deemed to be achieved above a certain level (e.g. overall turnover or turnover with respect to the area covered by the contract), a consolidated assessment – all members of the consortium together – will be made;

The selection criteria for the technical and professional capacity will be assessed in relation to the combined capacities of all members of the consortium, as a whole;

The award criteria will be assessed in relation to the tender.

Since all members of the consortium are jointly and severally liable towards Eurojust for the performance of the contract, statements included in the joint offer saying, for instance:

- that each member of the consortium will be responsible only for a specific part of the contract, or
- that a separate contract should be signed with each member of the consortium if the joint offer is successful,

are incompatible with the principle of joint and several liability.

Eurojust will disregard any such statement contained in a joint offer, and it reserves the right to reject such tenders without further evaluation, on the grounds that they do not comply with the procurement documents.

N.B. If a member of the consortium does not fulfil one of the exclusion or selection criteria, the whole consortium may be excluded.

13.4. consortia contract implementation

Once the Contract has entered into force, all members of the consortium shall be jointly and severally liable towards Eurojust for the performance of the Contract, they shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the services.

The Consortium Leader – duly authorised by the other members of the consortium – will be entitled to sign any contractual documents; it shall act as a single point of contact with Eurojust in connection with the services to be provided under the Contract; it shall co-ordinate the provision of the services by the consortium members to Eurojust; it shall guarantee a proper administration of the Contract.

The composition of the consortium and the allocation of tasks among the members of the consortium shall not be altered without prior written information to Eurojust.

13.5. subcontracting general

The candidate/tenderer may subcontract the tasks specified in the procurement documents to other economic operators, as long as the supplies and/or services are provided in accordance with the specified requirements and have no impact on the prices proposed in its financial tender.

In case of subcontracting the candidate/tenderer shall clearly state in the section of the application/tender related to the eligibility and capacity:

- which tasks it intends to subcontract and clearly indicate the roles, activities and responsibilities of the subcontractor(s),
- the volume or proportion of the activities likely to be subcontracted.

Any change in subcontracting during the procurement procedure may lead to the rejection of the corresponding application/tender. Any change in subcontracting after the signature of the contract may lead to the termination of the contract.

13.6. documentation and information to be provided

In the Invitation, **point 2.6** the contracting authority has set thresholds for the volume or proportion of activities that may be subcontracted. Depending on these thresholds the extent of documentation and information to be provided by subcontractors may vary.

13.7. assessment of subcontractors

In case of subcontracting, the application/tender will be assessed as follows:

the exclusion criteria and the selection criteria for the legal and regulatory capacity (will be assessed in relation to each proposed subcontractor individually);

the selection criteria for the economic and financial capacity will be assessed as follows:

For criteria set as minimum viability standards on financial and economic standing (e.g. by means of appropriate statements from banks or balance sheets), an individual evaluation will be made;

For criteria that are deemed to be achieved above a certain level (e.g. overall turnover or turnover with respect to the area covered by the contract), a consolidated assessment – candidate/tenderer plus subcontractor(s) – will be made, depending on the extent to which the subcontractor(s) will put their resources at the disposal of the candidate/tenderer for the performance of the contract;

the selection criteria for the technical and professional capacity will be assessed in relation to the combined capacities of the candidate/tenderer and the subcontractor(s), as a whole, depending on the extent to which the subcontractor(s) will put their resources at the disposal of the candidate/tenderer for the performance of the contract;

The award criteria will be assessed in relation to the tender.

N.B. If a subcontractor does not fulfil one of the exclusion or selection criteria, the candidate/tenderer may be excluded.

13.8. subcontracting contract implementation

Once the contract has entered into force, the successful tenderer shall retain full liability towards Eurojust for the performance of the contract as a whole. Eurojust will not have any direct legal commitment with the subcontractor(s).

During the execution of the contract, the contractor will need Eurojust's express authorisation to replace a subcontractor with another subcontractor and/or to subcontract tasks for which subcontracting was not envisaged in the original tender, in compliance with the provisions on subcontracting foreseen in the contract.

14. signature of the contract with the successful tenderer

14.1. eligibility documentation (exclusion criteria)

In relation to **point 3** above and in particular articles 136 and 141 of the Regulation 2018/1046, the candidate/tenderer (including each consortium member) shall provide, the evidence specified in the 'Declaration on honour' regarding the person (legal or natural) and members of the administrative, management or supervisory body, as well as the following evidence concerning the person or the natural or legal persons which assume unlimited liability for the debt of the candidate/tenderer:

For situations described in 'Declaration on honour', section I, points (a), (c), (d) or (f), section II, situation (c), (d) and (f) and section III, situation (a) a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied. For instance, for tenderers located in the Netherlands in respect to point (a) - the extract from the trade register of the Chamber of Commerce, in respect to points (c),(d),(f) (g) (h)- 'Gedragsverklaring aabesteden' (<https://www.justis.nl/producten/gva/index.aspx>).

For the situation described in 'Declaration on honour', section I, points (a) or (b) and section III, situation (a) or (b), recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

More information regarding the type of documentation that should be provided can be found at the following address: <https://ec.europa.eu/growth/tools-databases/ecertis/>.

For tenderers located in the Netherlands in respect to point (b) of section I - a certificate issued by 'Belastingdienst' proving payment of all tax and social security contributions should be provided. For more information please refer to the website: <http://www.belastingdienst.nl>

If the person already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

Please note that the signature of the contract between Eurojust and the successful tenderer will be conditional upon provision of the documentary evidence from the successful tenderer.

IMPORTANT NOTICE: As the time limit for submitting the above-mentioned documentation is in general 15 calendar days from the notification of the contract award, we strongly recommend that the tenderer starts gathering the requested documents (especially in case of joint venture/subcontracting, including the relevant documents for consortium partners/subcontractors as soon as possible in order to have the documents ready to be sent to Eurojust in case it is awarded the contract. This will allow reducing the time line to sign the awarded contract with Eurojust. However, Eurojust shall not sign the Contract with the successful tenderer until a standstill period of 10 calendar days has elapsed, running from the day after the simultaneous dispatch by email of the notification to tenderers (those rejected and the successful tenderer).

14.2. selection criteria

The successful tenderer shall provide the documentation identified in **point 2.4.3** of the invitation.

14.3. additional administrative documentation

On Eurojust's request and within the time limit defined by Eurojust, the successful tenderer shall provide additional administrative documentation (e.g. legal entity form, financial identification form, VAT registration, etc.). Please note that the provision of the additional administrative documentation is necessary in order to prepare the contract and to authorise payments.

15. electronic exchange of documents

It is intended that the both - ordering and invoicing documents will have to be exchanged between the contracting parties via electronic means. Currently only invoicing documents are exchanged electronically and the use of e-PRIOR is mandatory.

At the request of Eurojust, the use of e-PRIOR may become mandatory during the performance of the contract also for ordering procedure

The ordering procedure may cover the steps going from the request for tenders to the signature of specific contracts or order forms.

The electronic documents are exchanged using the e-PRIOR platform, either via a system-to-system connection (web services) or through a web application (the Supplier Portal).

The related documentation can be found at:

<https://webgate.ec.europa.eu/fpfis/wikis/display/ePRIOR/The+e-Procurement+suite>

Tenderers should be aware of the fact that other applications currently under development may be implemented on a voluntary basis during the contract execution.

16. protection of personal data

Personal data are processed in accordance with the requirements of the rules of procedure on the processing and protection of personal data at Eurojust, as published in OJ No C 68 of 19.3.2005, p. 1. (available on Eurojust website, at the address <http://www.eurojust.europa.eu>).

The information you provide will be only processed for the purpose of this specific procurement procedure and will only be accessed by those who need to do so for this purpose. For the purposes of safeguarding the financial interests of the Union, your personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office. Your personal data will be processed by the Budget, Finance & Procurement Unit of Eurojust (BFP) (the data controller).

In case you wish to exercise your rights as a data subject to access, correct, block or delete your personal data as defined in the Data Protection Rules of Eurojust, please contact the BFP Unit. You also have the right to put forward requests for information, enquiries or claims for an alleged breach of the Data Protection Rules of Eurojust to the Data Protection Officer.

17. Early Detection and Exclusion System (EDES)

The candidates/tenderers should be aware that the Early Detection and Exclusion System (EDES) will be consulted. The legal basis of which can be found in Article 135 of the Regulation 2018/1046.

The purpose of EDES is the protection of the Union's financial interests against unreliable economic operators. In particular the EDES ensures:

- the early detection of an economic operator representing risks threatening the Union's financial interests;
- the exclusion of an economic operator from receiving Union's funds;
- the imposition of a financial penalty on an economic operator;
- the publication, in the most severe cases, on the Commission's internet site of information related to the exclusion and where applicable the financial penalty, in order to reinforce their deterrent effect.

The information on early detection/exclusion/financial penalty may stem from:

- final judgment or final administrative decisions;
- facts and findings from the Anti-fraud office of the Commission (OLAF), Court of Auditors, audits or any other check, audit or control performed under the responsibility of the competent authorising officer
- non-final judgments or administrative decisions;
- decisions of the European Central Bank (ECB), the European Investment Bank (EIB), the European Investment Fund or international organisations;
- cases of fraud and/or irregularity by national managing authorities under shared management;
- cases of fraud and/or irregularity by delegated entities under indirect management.

The grounds for exclusion are listed under article 136 of the Regulation 2018/1046.

They concern:

- bankruptcy and insolvency situations;
- non-payment of taxes or social security contributions;
- grave professional misconduct;
- fraud, corruption, participation in a criminal organisation etc.;
- serious breach of contract (significant deficiencies in complying with the main obligation in the performance of the contract);
- irregularity etc.

18. disclaimer

Eurojust reserves the right to accept or reject any application/tender and to annul the process and reject all applications/tenders at any time prior to the contract signature, without thereby incurring any liability to the affected economic operators.

Eurojust will not be responsible for, or pay for, expenses or losses that may be incurred by the candidate/tenderer in the preparation of its application/tender and/or during the evaluation period.

Where the procurement documents refer to 'tenderer'/'candidate' it shall be considered as 'contractor' after signature of the contract(s).

Product names and trademarks: whenever the procurement documents mention a specific product name or trademark and a sufficiently precise and fully intelligible description is not possible, such mention should be understood as referring to that product or its equivalent.

Once the contract has entered into force, the prices indicated in the financial tender of the successful tenderer may be revised under the conditions laid down in the contract.

19. implications of submitting an application/tender

All documents submitted by the tenderer shall automatically become the property of Eurojust and are deemed confidential.

Applications/tenders shall be submitted strictly in accordance with the conditions set out in the procurement documents. If any other conditions are attached to or referred to in the application/tender, the candidate/tenderer should declare that such conditions are entirely withdrawn.

The period of validity of the tender, during which the tenderer may not modify the terms of the tender in any respect, must be at least five months following the deadline for dispatching tenders. The **successful tenderer** must maintain its offer for a further four months from the date of the written notification of Eurojust's intention to award it the contract.

Eurojust reserves the right to decline without further comment any tender that does not accept its draft contract

The very fact of submitting an application/tender in response to this call for tenders implies that you:

- Accept all terms and conditions as stipulated in the procurement documents;
- Waive your own terms of business;
- Accept the draft contract;
- Accept to receive notification of the outcome of the procedure by electronic means

Eurojust reserves the right to decline without further comment any tender that does not accept its draft contract.

In case candidates/tenderers would like to raise objections or ask questions about the procurement documents they should comply with the procedure indicated in **point 2** above.



20. complaints

If you require further information on calls for tenders or related matters, please contact us at:

Eurojust
Procurement Office
PO Box 16183
2500 BD The Hague
Netherlands
Fax: +31 70 412 5585
E-mail: procurement@eurojust.europa.eu

The court responsible for hearing appeal procedures is the General Court of the European Union (<http://curia.europa.eu>).

The European Ombudsman investigates complaints about maladministration in the institutions and bodies of the European Union (<http://www.ombudsman.europa.eu>).