

ANNEX A

TENDER SPECIFICATIONS

F-SE-19-T05

PROVISION OF EDITORIAL SERVICES IN ENGLISH,
FRENCH AND GERMAN

1. Description of the tender

The subject of the multiple framework contract is to provide the Contracting Authority with editorial services.

2. Division into lots

This tender is divided into three (3) lots, as follows:

Lot 1: Provision of editorial services in English

Lot 2: Provision of editorial services in French

Lot 3: Provision of editorial services in German

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.

3. Purpose of the tender

The contracting authority intends to award a maximum of three (3) framework contracts per lot, in cascading and descending order for the provision of the services as specified in Annex A.1 Technical Specifications, provided that there is a sufficient number of economic operators that satisfy the selection criteria or a sufficient number of admissible tenders which meet the award criteria. The multiple framework contracts will take the form of contracts which are separate but concluded on identical terms with each of the successful tenderers.

4. Place of delivery or performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in Annex A.1 Technical Specifications.

5. Duration

The framework contract(s) resulting from the present call for tenders shall enter into force the date on which they are signed by the last contracting party.

The period of performance of the contract may be extended only with the express written agreement of the parties before the expiration of such period.

The framework contract(s) will have an initial duration of one (1) year from the date of signature and may be renewed up to three (3) times for an additional period of one (1) year each time. The contract shall be renewed automatically under the same conditions, unless written notification to the contrary is sent by one of the contracting parties and received by the other before expiry of the period indicated in the Draft Framework Contract (Annex B). Renewal does not imply any modification or deferment of existing obligations.

6. Volume

The estimated contract amount is 1,100,000.00 EUR excluding VAT divided in lots as follows:

In particular, the volume per lot, excluding VAT, is:

- Lot 1: Provision of editorial services in English: 700,000 EUR
- Lot 2: Provision of editorial services in French: 200,000 EUR
- Lot 3: Provision of editorial services in German: 200,000 EUR

The contracting authority may exercise the option to increase the estimated contract amount via negotiated procedure for the provision of new services consisting in the repetition of similar services with the economic operator to whom the contract is awarded, provided these are in conformity with the basic project as per Point 11.1 (e) of Annex 1 of the Financial Regulation¹.

7. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, retention money guarantee, confidentiality, and checks and audits.

8. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU².

9. Terms of payment

The payment arrangements governing the contract(s) resulting from the present call for tenders are detailed in the relevant articles of Annex B – draft framework contract. Tenderers are strongly advised to carefully read those articles before submitting their tenders.

10. Financial guarantees

Guarantees are not applicable to this contract.

¹ Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012.

² Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

11. Participation in the tendering procedure

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement³.

For British tenderers:

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by the legal provisions in force, tenderers from the UK could be rejected from the procurement procedure.

12. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group. Changes in the composition of the consortium or group of companies must be expressly authorised by the contracting authority.

In case of joint tender, all members of the group assume joint and several liability towards the contracting authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the contracting authority for administrative and financial aspects as well as operational management of the contract.

All members of the consortium or group of companies must provide a declaration on honour on exclusion and selection criteria duly dated and signed by an authorised representative.

After the award, the contracting authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

Joint tenders will be assessed as follows as regards the exclusion and selection criteria:

- The exclusion criteria will be assessed in relation to each economic operator individually.
- The selection criteria for economic and financial capacity will be assessed in relation to the consortium or group of companies as a whole.

³ Please note that the European Union Agency for Fundamental Rights is not part of the Agreement on Government Procurement (GPA) concluded within the World Trade Organisation. Therefore, the Agency's procurement procedures are not open to tenderers from GPA countries.

- The selection criteria for technical and professional capacity will be assessed in relation to the consortium or group of companies as a whole.

13. Subcontracting

Subcontracting is permitted but the contractor will retain full liability towards the contracting authority for performance of the contract as a whole. During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the contracting authority.

Any intention to subcontract part of the contract must be clearly stated by the tenderer in Annex C. Tenderers must indicate the maximum percentage of the contract they intend to subcontract and the identity of those subcontractors they intend to work with. They should fill-in the subcontracting statement even in the case they do not intend to subcontract part of the contract.

For each subcontractor identified in the tender, tenderers must provide a Letter of Intent signed by the subcontractor stating their unambiguous undertaking to collaborate with the tenderer.

Offers involving subcontracting will be assessed as follows:

- The exclusion criteria of all identified subcontractors whose intended share of the contract is above 10% will be assessed. The declaration on honour on exclusion criteria and selection criteria included in Annex C, duly signed and dated, stating that the subcontractor is not in one of the exclusion situations, must be provided by each identified subcontractor.
- Where the tenderer relies on the economic, financial, technical and professional capacity of the identified subcontractor(s) to meet the selection criteria, subcontractors shall be treated as if they were partners in a consortium or a group of companies for the purposes of the evaluation of the selection criteria, and therefore, they shall provide proof of economic, financial, technical and professional capacity as well.
- Subcontractor(s) should select the 'N/A' option in their individual declaration when the tenderer does not rely on their economic, financial, technical and professional capacity.

Tenderers must inform the subcontractor(s) and include in their Letter of Intent that the provisions referring to checks and audits included in the draft contract (Annex B) may be applied to them.

Once the contract has been signed, the provisions regarding subcontracting included in the draft contract will apply. The contracting authority retains the right to approve or reject the proposed subcontractors.

If the tender includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after the deadline for submission. Withdrawals must be unconditional and will end all participation in the tender procedure.

Any such notification of alteration or withdrawal must be prepared and submitted in accordance with the instructions on how to submit tenders included in the Invitation to tender, and the envelope must also be marked with "alteration" or "withdrawal" as appropriate.

14. Variants

Variant solutions are not allowed and will not be taken into consideration.

15. Evaluation and award

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- phase I: verification of non-exclusion of tenderers on the basis of the declaration on honour on exclusion criteria
- phase II: selection of tenderers on the basis of compliance with the selection criteria
- phase III: verification of compliance with the minimum requirements set out in Annex A.1 Technical Specification and evaluation of tenders on the basis of the award criteria
- phase IV: contract award on the basis of the award method

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

15.1 Verification of non-exclusion (Phase I)

All tenderers must provide a declaration on their honour as per the model included in see Annex C, signed and dated by duly authorised legal representative, stating that they are not in one of the situations of exclusion listed in that declaration of honour⁴.

The successful tenderer will be asked to provide evidence as defined in the declaration on honour (including exclusion and selection criteria) before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to all subcontractors whose share of the contract is above 10% and whose capacity is necessary to fulfil the selection criteria.

⁴ Articles 136 and 137 of Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012

The obligation to submit supporting evidence does not apply to international organisations.

The successful tenderer (or a member of the group in case of joint tender, or a subcontractor) will not be required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the successful tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure⁵, indicate the reference of the procedure and confirm that there has been no change in its situation.

If a specific document can be accessed by the contracting authority on a national database free of charge, the successful tenderer (or a member of the group in case of joint tender, or a subcontractor) will need to include the link to the source and will not be required to submit the document.

If the tenderer is unable to provide the documents requested within the period specified by the contracting authority and cannot therefore prove that it is not in one of the situations of exclusion, the tender may be rejected and the contracting authority reserves the right to sign the contract with another tenderer.

15.2 Selection of tenders on the basis of compliance with selection criteria – Phase II

The aim of this phase is to assess whether tenderers have sufficient economic and financial capacity and sufficient technical and professional capacity to perform the contract.

Offers from tenderers not meeting the selection criteria will not be taken into account for the award criteria.

15.2.1 Legal and regulatory capacity

The tenderer (including each member of the group or consortium in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form (available in Annex C):

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

⁵ This has to be understood as limited to those procurement procedures awarded by the contracting authority.

15.2.2 Economic and financial capacity

The tenderer must have the necessary economic and financial capacity to perform this contract until the end. In order to prove their capacity, the tenderer must demonstrate to have a minimum annual average turnover for the last two (2) financial years of at least for

Lot 1: Provision of editorial services in English: 70,000 EUR;

Lot 2: Provision of editorial services in French: 20,000 EUR;

Lot 3: Provision of editorial services in German: 20,000 EUR.

This criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of the group or consortium [and identified subcontractors] in case of a joint tender.

The tenderer shall provide the following evidence:

- (a) A statement of the annual average turnover of the tenderer (or the consortium or members of the group in case of a joint tender) for the last two (2) financial years, as per the template provided in Annex C. In case of a joint tender, the annual average turnover for each of the partners shall be presented but the sum of the annual turnovers of each partner will be taken into account to reach the minimum above.
- (b) Copy of the financial statements (balance sheets, and profit and loss accounts) for the last two (2) financial years for which accounts have been closed, to demonstrate that the above minimum annual average turnover is met by the tenderer (or by the consortium or group of tenderers as a whole in case of joint tender).

If, for some exceptional reason which the contracting authority considers justified, a tenderer is unable to provide the above documents, it may prove its economic and financial capacity by any other document which the contracting authority considers appropriate. In any case, the contracting authority must at least be notified of the exceptional reason and its justification. The contracting authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

An economic operator may, where appropriate and for a particular contract, rely on the economic and financial capacities of other entities, regardless of the legal nature of the links 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 the performance of the contract, for example by producing a commitment by those entities to that effect. In that case, the contracting authority may require that the economic operator and the entities referred to above are jointly liable for the performance of the contract.]

15.2.3 Technical and professional capacity

Tenderers (in case of a joint tender the combined capacity of all members of the group (and identified subcontractors) must comply with the criteria listed below:

(a) The educational and professional qualifications, skills, experience and expertise of the team delivering the services [the persons responsible for the performance of the contract].

Evidence must consist in CVs in Europass format and signed selection grids as per the template provided in Annex C of at least the profiles described in Annex A.1 Technical Specifications.

The proposed CVs must possess the minimum educational and professional requirements stated in the relevant section Annex A.1 - Technical Specifications.

(b) Tenderers are required to prove that they have performed at least three (3) projects performed in the last three (3) years similar in amount, nature, scope to the services to be carried out under this contract.

Evidence must consist in project references with the sums, dates and clients, public or private in the form included in Annex C, to demonstrate compliance with the minimum requirement above. Successful tenderers will be required, before contract signature, to provide the corresponding statements issued by the clients or contracting authorities or any other relevant documentary evidence acceptable to the contracting authority.

An economic operator may, where appropriate and for a particular contract, rely on the technical and professional capacities of other entities, regardless of the legal nature of the links 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 the performance of the contract, for example by producing a commitment by those entities to that effect.

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.

A contracting authority may conclude that an economic operator does not possess the required professional capacity to perform the contract to an appropriate quality standard where the contracting authority has established that the economic operator has conflicting interests which may affect negatively its performance.

16 Assessment of tenders – Phase III

The aim of this phase is to verify the compliance of the tenders with the minimum requirements set out in Annex A.1 Technical Specifications and to evaluate, from the technical and the financial points of view the offers submitted by the tenderers.

16.1 Verification of compliance with the minimum requirements set out in Annex A.1 Technical Specifications and compliance with the applicable law.

In their technical offers, tenderers must show compliance with the minimum requirements set out in Annex A.1 Technical Specifications. Compliance with these minimum requirements will be assessed. Offers deviating from the minimum requirements or not covering all the minimum requirements may be rejected on the basis of non-compliance and will not be evaluated further.

Tenderers must declare compliance with the minimum requirements of the technical specifications and with the applicable law (as per section 8 above) in the form provided in Annex C.

16.2 Technical evaluation

The quality of the tender will be evaluated based on the following criteria and their corresponding weightings. In their technical proposals, tenders must include all the information required by the contracting authority to evaluate their tenders, as described below:

Technical Award criteria/sub-criteria	Weighting in %
<p>1. Technical approach and methodology</p> <p>Tenders will be evaluated in terms of quality and relevance of their proposed methodology, for each of the tasks described in Annex A.1 technical specifications, to provide the required services in an efficient and timely manner.</p> <p>This will indicate the steps involved in a typical editing job, the turnaround time from receipt of a file (based on the time it takes to edit a one-page document in word) to the delivery of the final edited document and the tools, software and applications to be employed when performing the services</p>	<p>40</p>
<p>2. Management approach in terms of organisation, flexibility and service orientation</p> <p>Tenderers shall provide a short description (max. 5 A4 pages) of the way in which the provision of the services will be organised. This will include contract management, availability and adequacy of the resources for the timely completion of the contractual tasks to a high level of quality, responsiveness and interaction with the FRA, adaptability to specific editing needs, proposed approach to ensuring continuous customisation of the services to meet the FRA's requests and ability to deal with bottlenecks.</p>	<p>40</p>
<p>3. Quality assurance and control</p> <p>Tenderers shall provide a short description (max. 5 A4 pages) of the measures employed to ensure the quality of the services, indicating the quality checks carried out on each transcript before it is sent back to the FRA.</p>	<p>20</p>

TOTAL	100

For each criterion (and sub-criterion) a number of points in a range between 0 to 100 points will be given. A tender can reach a maximum of 100 points per criterion and a maximum of 100 points in total. After the application of the corresponding weightings per criterion and sub-criterion as per the grid above, tenders scoring less than 60% in the total overall points or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure.]

16.3 Financial evaluation

After the verification of the conformity of the Financial Offer Form and the correction of potential arithmetical errors, the financial evaluation will be based on the application of the formulas below.

Tenderers financial offers will be evaluated on the basis of the following financial award criteria and their corresponding weighting:

Financial award criteria/sub-criteria	Weighting in %
Deliverables	
1. Price per page ⁶ for Editing text	85
2. Price per page ⁷ for creating easy-to-read documents	10
Participation in meeting(s) at FRA (one-single price, which applies to both profiles)	
3a) 1st day:	2.5
3b) Subsequent day	2.5
TOTAL	100

Firstly, the tender with the lowest price per item (item i) will receive 100 points for that item. The remaining tenders will receive their financial points per item in accordance with the following formula:

$$FP_{ix} \text{ (Financial points for item } I \text{ of tender } X) = (\text{lowest price for item } i / \text{price for item } I \text{ of tender } X) * 100$$

⁶ One page is defined as 1,500 characters without spaces.

⁷ One page is defined as 1,500 characters without spaces.

Secondly, the financial points for each item will be weighted and finally, the result for tender X (FRx) will be calculated by summing the weighted financial points according to the formula below:

$$\sum_{i=1}^3 (w_i * FP_{ix})$$

17 Information about prices

Tenderers must include their prices in the Financial Offer Form included in Annex C. When filling in the Financial Offer Form, tenderers must take into consideration that prices shall be:

- expressed in euro. For tenders in countries which do not belong to the euro zone, tenderers shall quote their prices in euro and the price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an exchange rate and assume the risks or benefits deriving from any variation.
- inclusive of all costs and expenses, directly and indirectly connected with the goods and/or services to be supplied/provided and including all the charges (travel and subsistence), unless otherwise stated in the tender documents.
- free of all duties and taxes (in particular VAT). According to Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the European Union Agency for Fundamental Rights is exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted; the VAT amount must be indicated separately.

Prices shall be fixed and not subject to revision during the first year of performance of the contract. From the beginning of the second year of performance of the contract, each price may be revised upwards or downwards each year in accordance with the provisions of the draft contract in Annex B.

The services the financial offer refers to are intended to provide a fair, non-discriminatory basis for evaluation purposes. Consequently, cannot under any circumstances be considered to constitute a commitment on the part of the contracting authority to conclude specific contracts for the related services and quantities, and cannot give rise to any right of legitimate expectation on the part of the contractor.

However, the prices quoted by the tenderer in their financial offer are binding and will be applicable to the requested services/supplies by means of specific contracts or orders. If the tenderer is requested to quote unit prices in the Financial Offer Form included in Annex C, these unit prices are binding as well, and will be applicable to the services requested by means of specific contracts and orders.

18 Contract award – Phase IV

The contract(s), for all lots, will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below quality-price ratio:

*Score for tender X = (financial score of tender X * 40 %) + (total quality score (out of 100) for all award criteria of tender X * 60 %)]*

The tender ranked first after applying the formula will be awarded the contract.

19 Information to tenderers on the outcome of the tender and means of redress

The contracting authority will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to recommence the procedure.

The contracting authority will inform as soon as possible all tenderers whose tenders are rejected of the reasons for their rejection. If a written request is received by the unsuccessful tenderers who are not in an exclusion situation, who are not rejected from the procurement procedure for misrepresentation of information or distortion of competition, and whose tender is compliant with the procurement documents, the contracting authority will inform, as soon as possible and in any case within not more than 15 calendar days from the date on which the written request is received, about the characteristics and relative advantages of the successful tender(s) and the name of the tenderer(s) to whom the contract(s) is awarded.

However, certain information may be withheld where its release would impede law enforcement, would be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them.

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 from which they become aware of the facts which form the basis for the complaint (see <http://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.

20 No obligation to award the contract

The tender procedure shall not involve the contracting authority in any obligation to award the contract. No compensation may be claimed by tenderers whose tender has not been accepted, including when the contracting authority decides not to award the contract.

21 Cancellation of the tender procedure

In the event of cancellation of the tender procedure, tenderers will be notified of the cancellation by the contracting authority. If the tender procedure is cancelled before the outer envelope of any tender has been opened, the unopened and sealed envelopes will be returned to the tenderers.

In no event shall the contracting authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure even if the contracting authority has been advised of the possibility of damages.

22 How to submit the tender

All tenders must be presented in three parts:

Part 1 – Administrative Proposal

In the Administrative Proposal, tenderers must include all the information and documents required by the contracting authority for the assessment of tenderers on the basis of the exclusion and selection criteria described above. For that purpose, tenderers must fill and sign the following documents using the forms included in Annex C:

Section A: Tenderers Identification

- Tenderers identification form (administrative details). If the tenderer is a consortium or a group of companies, only the leader must fill in the form.
- Legal Entities Form, to be signed by a representative of the tenderer authorised to sign contracts with third parties. There is one form for individuals, one for private entities and one for public entities. If the tenderer is submitting a joint offer, a Legal Entities Form must be submitted by each consortium or group member. It also has to be submitted by each identified subcontractor whose intended share of the contract is above 10% of the total contract value.
- Bank Identification Form filled in and signed by an authorised representative of the tenderer and its banker. In case of a joint offer, only one of the members of the consortium or group of companies, usually the leader, must complete the Bank Identification Form.
- Power of Attorney (in case of joint offers). In case of a joint offer, the power of attorney has to be signed by the leader and all consortium partners, preferably in a single document.
- Statement on Subcontracting, indicating the intention of the tenderer to subcontract part of the contract and the percentage of subcontracting per identified subcontractor.
- Letter of Intent of identified subcontractors, only if the tenderer intends to subcontract part of the contract.

Section B: Exclusion Criteria information

- Declaration on honour on exclusion and selection criteria. To be submitted by each consortium or group member in case of joint tenders and by each identified subcontractor whose intended share of the contract is above 10% of the total contract value.

Section C: Selection criteria

Besides the signed declaration on exclusion and selection criteria, tenderers should include in their tenders:

Section C.1: Legal and Regulatory capacity

- Not applicable

Selection C.2: Economic and Financial capacity

- Statement on the annual average turnover for the last 2 financial years
- Copy of the financial statements (balance sheets, and profit and loss accounts) for the last two (2) financial years

Section C.3: Technical and Professional Capacity

- Educational and professional qualifications of the profiles requested in Annex A.1 Technical Specifications (CVs and selection grids)
- List of principal services performed in the last 3 years

Section D: Compliance with minimum requirements and applicable law

- Compliance with minimum requirements form

Part 2 – Technical proposal

In the Technical Proposal, tenderers must include all the information required by the contracting authority for the evaluation of tenders on the basis of the technical award criteria described in the corresponding sections of these Tender Specifications. Tenderers should elaborate on all points addressed in Annex A.1 Technical Specifications in order to obtain as many points as possible. The mere repetition of mandatory requirements set out in Annex A.1, without going into details or without giving any added value, will only result in a low number of points. In addition, if certain essential points of Annex A.1 are not expressly covered by the tender, the contracting authority may decide to give a zero mark for the relevant qualitative award criteria.

The technical offer must be written with a lay person in mind. The style and presentation must, as far as is possible, be simple and clear, and free of jargon that obscures rather than promotes meaning to readers unfamiliar with it.

The technical proposal must be included in a separate envelope clearly marked as "Technical Offer". Please note that there is no specific form to present your Technical Offer. However, it should be drawn up following the instructions above.

Part 3 – Financial Proposal

In the Financial Proposal tenderers must indicate their financial offers by completing the Financial Offer Form included in Annex C (Section F). Prices must be included in accordance with the instructions given in the corresponding sections of these Tender Specifications. The Financial Proposal must be included inside a separate envelope clearly marked as "Financial offer".

23 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 (EC) No 2018/1725 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. 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 Financial Regulation. For more information, see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm).

24 Intellectual Property Rights (IPR)

The tenderer is strongly advised to carefully read the IPR clauses included in Annex B draft contract regarding modes of exploitation of the results and ownership and transfer of pre-existing rights.

In the tender, all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including the date and place, creator, number, full title, etc.) in a way allowing easy identification.