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DYNAMIC PURCHASING SYSTEM (DPS) FOR COMMUNICATIONS SERVICES

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DPS SPECIFICATIONS

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË

Version of the DPS Specifications

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2	Date: [28/09/2021]	32 days following the publication date	See Section 2.1.5.2 (Criterion T1 for Category 7)
3	Date: [13/06/2022]	02/07/2022	See Section 1.6 (Increase in estimated amount for Category 1)

PREAMBLE

This document presents the Dynamic Purchasing System (DPS), which is a completely electronic process chosen by the European Commission (the contracting authority) for the procurement of communication and associated services. The procedure is divided in seven separate and independent DPSs as follows (globally referred to as "DPS" or "DPS for communication services"):

Category 1 Media planning and buying

Category 2 Media planning consultancy and benchmarking

Category 3 Creative services and products

Category 4 Editorial services and products and translation/linguistic adaptation

Category 5 Events and conferences

Category 6 Gadgets

Category 7 Strategy and research

The DPS is a completely electronic process whose characteristics, governance and processes are described in chapters 1 to 5 of this document. The DPS is a procurement system, which is established by following the rules of the restricted procedure and therefore occurs in two stages.

Stage 1: Participation in the DPS

Any economic operator (natural or legal person) can request to participate in the DPS by filling in an application on the Negometrix platform. The number of candidates is not limited. Economic operators can request to participate at any time throughout the duration of the DPS.

The contracting authority will assess the submitted applications. The contracting authority admits all candidates that satisfy the selection criteria, that are not in an exclusion situation and that comply with the requirements of the present DPS specifications, to become participants in the DPS.

The conditions for candidates to request participation in the DPS are detailed in section 2 of this document.

Stage 2: Tendering in mini-competitions

When the contracting authority wishes to use the DPS, it sets up a mini-competition in the relevant category in which participants can submit tenders for specific communication and associated services. Only participants previously admitted in the DPS are invited to join a mini-competition and submit a tender. The contracting authority subsequently evaluates the submitted tenders. The present DPS specifications describe the general set-up for mini-competitions in the DPS. The precise scope and rules

applicable to each mini-competition are specified in the tender specifications of the respective mini-competition.

At the conclusion of a mini-competition, the contracting authority may award a direct contract or a framework contract to the most economically advantageous tender on the basis of the award criteria set in the Tender Specifications of the respective mini-competition.

The conditions for participants to join and submit tenders in mini-competitions within the DPS are detailed in section 3 of this document.

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1 PRESENTATION OF THE DPS

1.1 Legal basis

This procedure is governed by the provisions of 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 (the Financial Regulation, "FR")[1].

The contracting authority has chosen to award the contracts (direct contracts or framework contracts) resulting from this call for tenders through a dynamic purchasing system (DPS) pursuant to Article 164(1)(b) of the Financial Regulation following the rules of the restricted procedure and point 9 Annex I to the Financial Regulation. The DPS shall be open throughout its duration to any economic operator who satisfies the selection criteria and is not in an exclusion situation.

1.2 Contracting authority

The contracting authority in the present procurement procedure is the European Commission, assisted by its Directorate General for Communication (hereinafter *participating entity*). The list of *participating entities* may be extended to include any other institution, agency or body created on the basis of the Treaties or secondary European Union law after the launch of this procedure.

The DPS for communication services can be used by the European Commission to organise mini competitions for services that are to be provided in each Member State of the European Union and which are needed by the European Commission Representations.

In case any other participating entity will be added, the lead contracting authority will be the European Commission, assisted by its Directorate General for Communication. The European Commission, acting as an agent for the future participating entities for the purposes of this procurement procedure and the resulting DPS, publishes the call for tenders, organises the evaluation, signs and manages the DPS (including any amendments thereto) on behalf of all participating entities.

References to the *Contracting authority* in these Tender specifications and their annexes shall be understood, depending on the context, as referring to one of the following:

– the European Commission acting in its capacity as lead contracting authority;

– all the participating entities, in relation to their collective rights and obligations with the contractor(s), as one of the parties to the DPS.

[1] 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).

– any of the participating entities acting in its own capacity, in particular for matters related to the conclusion, execution or termination of contracts with the contractor(s).

1.3 Definitions

For the purpose of this procedure, the following definitions apply:

TERM	DEFINITION
Candidate	An economic operator that has applied to take part in a DPS.
Participant	A successful candidate who was admitted by the contracting authority to access mini-competitions in a DPS.
Contractor	A participant who is awarded a contract at the conclusion of a mini-competition.
Consultant	The external service provider designated by the contractor providing a service to the contracting authority under a contract resulting from a mini-competition. A consultant can be either in-house service provider or extramuros service provider.
Customer	The contracting authority's department that issues a mini-competition (e.g. DG COMM).
Mini-competition	Call for tenders launched by the contracting authority open to all the participants in a DPS.
DPS Specifications	Set of documents describing the general set-up for the Dynamic Purchasing System.
Tender Specifications of the mini-competition	Set of documents giving full details of the subject matter, conditions and organisation of a mini-competition including the technical specifications and award criteria.
Involved entity	Depending on the specific circumstances, this can be the sole candidate, a group member, the group leader, an identified subcontractor or an entity on whose capacities the candidate relies to fulfil the selection criteria.
Days	All periods specified in the procurement documents are calculated in calendar days, unless otherwise specified.
Contract	Direct contract, framework contract or specific contract, as the case may be.

Direct contract	Contract containing all the details and annexes necessary to implement it, also referred to as 'direct service contract' or 'direct contract'.
Framework contract	A public contract concluded between one or more DPS participants and one or more Customers, the purpose of which is to establish the terms governing specific contracts under it to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

1.4 Scope

This section establishes what the contracting authority intends to buy through mini-competitions.

1.4.1 Background

The objective of this procurement procedure is to provide the participating entity or entities with a DPS for communication services for the provision of a range of communication and associated services split into seven categories which should be viewed as separate and independent DPSs. To this end, the Directorate-General for Communication (DG COMM) will set up a DPS for communication services in which any economic operator can submit a request to participate and become a participant of the relevant category in the DPS.

The participating entity or entities routinely carry out communication activities in all 27 Member States of the European Union, and sometimes in third countries as well. Local intervention and adaptation are crucial elements of a successful communication campaign. For some projects, interested contractors will need to prove access to local partners and be able to translate and adapt communication products to fit local target audiences.

This DPS for communication services is intended to cover seven categories of communication and associated services, fully aligned with the Commission main priorities announced in [2].

In line with Europe's efforts to become the first climate neutral continent, Contractors must use solutions based on Green Public Procurement[3] principles. This obligation applies to all services, products and infrastructures and will be further outlined in the Tender Specifications for the mini-competitions.

[2] https://ec.europa.eu/info/strategy/priorities-2019-2024_en

[3] https://ec.europa.eu/environment/gpp/index_en.htm

All proposed solutions must demonstrate a consistent and significant concern to provide solutions for people with disabilities. They will be adapted to each type of activity (examples include access ramps for trailers or tents; high visibility schemes and audio aids for digital resources; Braille signs for exhibitions; subtitles or sign language translation for video resources). Further or more detailed requests will be made as part of Tender Specifications to each mini-competition.

1.4.2 Nature of the purchase

The general scope of the DPS for communication services is the procurement of a wide array of communication and associated services split into seven categories each forming separate and independent DPSs as follows:

Category 1 Media planning and buying

Category 2 Media planning consultancy and benchmarking

Category 3 Creative services and products

Category 4 Editorial services and products and translation/linguistic adaptation

Category 5 Events and conferences

Category 6 Gadgets

Category 7 Strategy and research

The subject matter of the requested services or products under each mini-competition will cover the European Union policies, programmes, actions and activities under the responsibility of the participating institutions and bodies, with particular emphasis on its political priorities. In what concerns the European Commission, communication will mainly focus on the strategic priorities. In the context of Europe's green drive and recovery from the COVID-19 pandemic, topics pertaining to environmental sustainability, digital solutions and health and safety of European citizens are likely to receive special attention. Communication actions should be presented in an objective, fair and accessible manner and be designed to meet their objectives.

1.4.3 Scope of the mini-competitions

The scope of the contracts resulting from the mini-competition under this DPS for communication services is split into seven categories each forming separate and independent DPSs as follows:

1. **Media planning and buying**

Under this category, participating institutions and bodies will request services related to media planning and buying:

- providing media planning.

- purchase of advertising services and related activities for diffusion of existing ready-made content, previously obtained services, as well as securing media partnerships and sponsorship and activation.
- joining and coordinating with communication agencies working on a creative strategy for ongoing campaigns conducted by the Commission or other EU institutions, bodies or agencies, in order to come up with a coherent and comprehensive media plan, adapted to the set objectives, geographical scope, target audience and other relevant criteria.
- adapting existing material to fit the needs of the various media chosen for distribution, in particular from a technical perspective.
- other auxiliary services needed to provide services in this category

The Contracting Authority reserves the right to remove services related to media planning and leave this category for media buying services. This change will be announced via publication of a new version of this DPS specifications in the Negometrix platform and the publication of a corrigendum contract notice on the Tenders Electronic Daily (TED) at https://ted.europa.eu.

2. Media planning consultancy and benchmarking

Under this category contractors will be required to support and advice customers when devising, assessing and accepting media plans, produced either in-house or provided by other contractors and/or partners. Contractors will assess any media plan from two perspectives:

- adequacy with the stated parameters and objectives, such as target audience, messaging, values compatibility, etc.
- cost effectiveness, especially by benchmarking proposed media plans against available information, such as rate cards and industry standards parameters, such as cost per mille (CPM), cost per point (CPP), etc.

3. Creative services and products

This category will be used to provide services and products of a particularly creative nature. Usually, they will be individualised, although series or thematic categories of services and/or products can be requested as well:

- Audiovisual original products, such as still images (including photoshoots), videoclips, soundtracks, including multimedia or virtual reality products or deliverables.
- Visual identities, style manuals, templates, etc.
- Other communication products or services with emphasis on creativity and originality.

4. Editorial services and products and translation/linguistic adaptation

This category will be used to provide consistent editorial support and linguistic adaptation:

- Publications, brochures, newsletters, banners, etc. including online products;
- Managing content of thematic websites: producing stories; redrafting policy and technical documents into wider audience editorial products; managing comments sections.
- Conference proceedings and synthesis of stakeholders contributions, including conference harvesting.
- Other editorially-centered products and services.

5. Events and conferences

This category will be used to provide the necessary services and associated products for organisation of events and conferences, including virtual and hybrid events:

- Advice and consultancy (including thematic consultancy);
- Venue, equipment and catering: identifying the suitable venues, renting, decoration and signage, cleaning, catering, including special dietary requirements, recording and streaming (including multichannel streaming) security, etc.
- Digital platform for virtual or mixed events: providing the use of the platform, creating the immersive content, ensuring assistance and troubleshooting;
- Participants: managing registrations and participants' lists, participants' kit, ensuring badging, group hotel booking, reimbursement of travel and accommodation expenses (where applicable), etc.
- Assistance in identifying valuable speakers and moderators and securing their participation.
- Events / conferences materials and content: visual identity, programme, proceedings, proposing and organising associated performances, etc.
- Managing VIP participants and media presence.
- Creating stands, designing and decorating pavilions.
- Interpretation
- Any other services and products needed to deliver on requests for events or conferences.

6. Gadgets

Under this category, contractors will be required to propose possible gadgets suitable for the various needs of the customer. The requests will either identify one or more category of objects, or will define the objectives of the customer, and allow tenderers to propose their solution. Particular emphasis will be placed on green, sustainable and ethically-sourced products.

7. **Strategy and research**

This category will be used for strategic and consultancy services, as well as for the necessary research in support of strategic decisions:

- Overall strategic consultancy, communication concepts, including messaging, partnership approaches, media balance, calls to action, etc.
- Market research
- Audience research, including focus groups and persona creation
- Any other research or similar flanking measure.

Each mini-competition organised under each separate category shall determine the exact scope and requirements of the resulting contract. For the purpose of the proper performance of the contract resulting from the mini-competition under each category, the contracting authority may define, profiles based on the nature of tasks and knowledge and skills required. This will be specified at the level of the mini-competition.

Mini-competitions shall have as subject matter only the services under the relevant category of the DPS for communication services.

1.5 Timeline

This section defines how long the contracting authority plans to use this procedure.

1.5.1 Timeline of DPS

The DPS is launched and shall become valid 32 days following the dispatch of the contract notice to Tenders Electronic Daily (TED) at https://ted.europa.eu.

During the period of validity of the DPS, economic operators may apply to participate in the DPS at any time in order to be able to tender in the mini-competitions. The contracting authority completes its assessment of the requests to participate within the timeline established in section 2.2.1 (Timeline for application). The contracting authority informs the candidates as soon as possible whether or not they have been admitted to become participants in the DPS.

When the contracting authority wishes to use the DPS, it launches a mini-competition for the award of a contract and invites all participants admitted to the system to submit a tender for this mini-competition within a reasonable amount of time. As each of the seven categories in this DPS for communication services is independent of the others, only participants admitted under a particular category shall be invited to a mini-competition of the respective category.

The time limit for receipt of tenders to be fixed by the contracting authority is at least 10 days following the date on which the invitation to tender is dispatched.

In order to allow interested economic operators a sufficient amount of time to apply for participation in the DPS, the first mini-competition is to be published at least 32 days from the day following the dispatch of the contract notice to TED.

1.5.2 Duration of the DPS

The validity of the DPS starts 32 days from the day following the dispatch of the contract notice to Tenders Electronic Daily (TED) at https://ted.europa.eu and ends four years from this date. During the first 32 days from the day following the dispatch of the contract notice, applications for participation can be submitted validly, please see section 2.2.1 below.

1.5.3 Duration of the contracts

Direct contracts have a duration appropriate with the subject matter. Direct contracts concluded during year 4 of the DPS may have a duration that goes beyond the four-year duration of the DPS for a maximum period of one year.

Each mini-competition determines the duration of its resulting direct contract and the possible renewal(s) of said direct contract.

Framework contracts shall have a duration appropriate with the subject matter. Specific contracts concluded during year 4 of the DPS may have a duration that goes beyond the four-year duration of the DPS for a maximum period of one year.

1.5.4 Termination

The contracting authority may terminate or modify the DPS at any time and for any reason. The termination or modification of the DPS does not affect the implementation or duration of contracts previously awarded through the DPS unless the DPS itself or the procedure in the DPS through which these contracts were awarded is invalidated.

Participants that are in the DPS can withdraw at any time in accordance with section 2.4.3 of the present specifications.

1.6 Volume – How much do we plan to buy?

An indicative estimate of the volumes to be ordered over the whole duration of the DPS for communication services is the following for each category:

Category 1 Media planning and buying - EUR 85 000 000[4].

Category 2 Media planning consultancy and benchmarking - EUR 1 000 000.

Category 3 Creative services and products - EUR 3 000 000.

Category 4 Editorial services and products and translation/linguistic adaptation - EUR 3 000 000.

[4] The estimated amount for this Category was increased from 25 000 000 EUR to 85 000 000 EUR. See corrigendum contract notice here: https://ted.europa.eu/udl?uri=TED:NOTICE:294709-2022:TEXT:EN:HTML

Category 5 Events and conferences - EUR 5 000 000.

Category 6 Gadgets - EUR 500 000.

Category 7 Strategy and research - EUR 1 000 000.

These amounts are estimates only and they should not be interpreted as a binding commitment as to the exact quantities to be subject to mini-competition. It constitutes neither a commitment from the contracting authority nor a ceiling for the procedure.

1.7 Service provision modes

During contract execution, services shall be provided either at a fixed price, on a time-and-means or proximity time-and-means basis, or on a quoted time-and-means basis.

1.7.1 Fixed Price (FP)

In a Fixed Price service provision mode, the contracting authority specifies the deliverables corresponding to a work to be delivered with expected deadlines. Fixed Price contracts are generally executed outside the contracting authority's premises (i.e. off-site or extramuros). Nevertheless, technical interventions can be foreseen at the contracting authority's premises for specific tasks like installations, configurations, acceptance tests, technical analysis or maintenance tasks. Meetings at the contracting authority's premises with members of the team can be required without any additional cost by the contracting authority.

1.7.2 Quoted Time & Means (QTM)

In a Quoted Time & Means service provision mode, the contracting authority will notify the contractor of a detailed description of each deliverable. The contractor will then notify the contracting authority of an estimate of the number of days needed to achieve the deliverable and the expected delivery date.

Quoted Time & Means contracts are generally executed outside the contracting authority's premises (i.e. off-site or extramuros). Nevertheless, technical interventions can be foreseen at the contracting authority's premises for specific tasks like installations, configurations, acceptance tests, technical analysis or maintenance tasks. Meetings at the contracting authority's premises with the contractor's team can be required without any additional cost by the contracting authority.

1.7.3 Time & Means (TM) and Proximity Time & Means (PTM)

In Time and Means (TM) or Proximity Time and Means (PTM) service provision modes, the services will be performed at the contracting authority's (TM, in-house service providers) premises or the contractor's premises (PTM, off-site or extramuros). The contracting authority specifies the workload (e.g. person-days) and its specific needs for the requested profile(s).

Exceptionally, the contracting authority may request delivering services outside the usual locations of delivery, e.g. in the contracting authority's delegations or representations offices abroad.

The contracting authority may occasionally ask contractors delivering in-house services on its premises in Brussels, Belgium to carry out services in Luxembourg (or vice versa).

1.8 Places of delivery

The services will be performed mainly in one or several member states of the European Union but might occasionally be needed in any other country.

Additional requirements on the place of delivery may be further defined at the level of the mini-competition.

1.9 Consultant's declaration

The contracting authority may ask the contractor to provide the consultant's declaration, duly signed and dated by the consultant, before starting a new assignment for the customer under a contract. A template will be provided as part of the procurement documents to the mini-competition. The contracting authority may require a new declaration at any time during the execution of the contract.

1.10 Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractor during the implementation of the contract, the contracting authority may use an electronic exchange system meeting the requirements of Article 148 of 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.

More specifically, the submission of invoices may be automated by the use of the e-Invoicing application in e-Prior (or any other applications that may replace or complement this application, e.g. Peppol: https://peppol.eu/what-is-peppol).

More documentation detailing technical and functional characteristics for the electronic submission of invoices can be found under the eInvoicing section at:

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

The successful tenderers, who cannot provide a VAT number, may be required to acquire a Global Location Number (GLN), at no additional cost for the requesting contracting authority.

The GLN is designed to improve the efficiency of communication with trading partners. GLNs are used to identify the organisation such as whole companies or subsidiaries.

For more information please consult GS1's paper:

https://www.gs1.org/docs/idkeys/GS1_Global_Location_Numbers.pdf

At the request of the contracting authority, the use of the above applications shall become mandatory for the contractor during the performance of the contract, at no additional cost for the contracting authority.

1.11 Confidentiality of application/tender

Once an economic operator applies to the DPS/submits a tender in a mini-competition, its application/tender becomes the property of the contracting authority and shall be treated confidentially, subject to the following points:

For the purposes of assessing the application/evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the application/tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.

After the signature of the award decision, the unsuccessful tenderers who are so entitled pursuant to Article 170(3) of the Financial Regulation may be provided with the name of the tenderer(s) to whom the contract(s) is/are awarded, as well as with the characteristics and relative advantages of its/their tender(s). The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets[5].

The contracting authority may disclose the submitted application/tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure, the contracting authority may refuse to provide full access to the submitted application/tender, redacting, where applicable, parts that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the candidate, including intellectual property.

The contracting authority will disregard general statements that the whole application/tender or substantial parts of it contain confidential information. Candidates need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the application/tender.

[5] For the definition of trade secrets, please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

1.12 Professional conflicting interests

Economic operators must not be subject to conflicting interests which may negatively affect the contract performance.

At the award of the contract, the risk that professional conflicting interests will in fact arise can be considered only where there are material circumstances placing the tenderer in a position where it is unable to avoid the risk of bias in the performance of the majority of the tasks under the contract.

Each economic operator shall declare on its honour (Model in Annex 1.3 to this document) that it is not subject to conflicting interests which may negatively affect the contract performance.

If during the implementation of the contract a contractor falls into a situation that could give rise to professional conflicting interests, it must notify the contracting authority in writing as soon as possible, as provided in Article II.7.2 of the draft direct contract.

1.13 Security

Tenderers are informed of the obligations laid down in the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission, its subsequent versions, its implementing rules (as adapted from time to time) and the corresponding security standards and guidelines, as well as the Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on the security in the Commission, and the Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information, its implementing rules and the corresponding security notices. These documents (as adapted from time to time) are available for consultation at the following address: https://ec.europa.eu/info/files/security-standards-information-systems_en.

The Commission draws the tenderers' attention to the contractual provisions on security and on confidentiality of the draft direct contract.

Should the tenderer, during the performance of the tasks which are the subject of the contract, need remote access to any communication and information system of Commission or data sets processed therein, he shall be requested to comply with security rules referred to in Article 6(5) of the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017. This entails prior authorisation which shall be granted on the basis of a formal request for network access service "Remote Access for Companies" and approval process which takes in average 4-6 weeks. The outcome of the approval, i.e. the security convention, shall be valid for a specified duration linked to the contract and shall be obtained before the connection is activated. The formal request is initiated by the concerned DG or service of the Commission and based on the risk assessment with the focus on nature and sensitivity of the tasks to be performed remotely and the security needs of each accessed communication and information system.

During the authorisation process the tenderer is asked to describe relevant organisational, physical, logical and network security measures in order to provide reasonable assurance

that the risks are adequately and systematically covered at a level equivalent to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017, its implementing rules and corresponding security standards. The authorisation process may impose additional security requirements as a prerequisite for approval, in order to protect the Commission's communication and information system and networks from the risks of unauthorised access or other security breaches.

The Commission draws the tenderers' attention to the security measure requiring all personnel of external contractors who need to physically enter Belgian premises to undergo a security background check. On the basis of an individual consent Belgian national security authorities will provide a security advice enabling the Commission to decide on granting access rights. Further details are provided in the draft direct contract.

In exceptional cases, when required for security reasons, the Commission may ask the contractors to provide security vetted staff for the provision of certain services. This will be considered as a specific requirement for a specific project, without influencing the other conditions.

The Commission reserves the right to require any person involved in the provision of the services under a given project to attend security briefings or training given by the Commission, and/or to sign a security statement or to proceed with a security vetting procedure. A positive outcome of the national vetting process leads to the status "security clearance".

Any financial burden for complying with the security measures (e.g. security background checks, etc.) will be at charge of the contractor and *not* of the contracting authority.

1.14 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.

2 STAGE ONE – PARTICIPATION IN THE DPS

Any economic operator with access to procurement, as explained in section 2.1.1, can become a candidate by submitting a request to participate (the "application") in the DPS, after having registered in the Negometrix platform as detailed in section 4.2 (Electronic access to documents). Registration is simple and free of charge.

Economic operators can combine their efforts and organise themselves as foreseen in section 2.1.3 (Groups of economic operators: how can economic operators organise themselves?) to apply for participation in the DPS.

A candidate requesting participation in the DPS needs to declare that it is not in one of the situations of exclusion detailed in section 2.1.4 and that it satisfies the selection

criteria described in section 2.1.5. If selected, the candidate becomes a participant in the DPS and has the possibility to tender in mini-competitions.

Each of the seven categories in this DPS communication services is separate from and independent of the others. Candidates must submit a separate request to participate (application) for each category they wish to participate in. An economic operator may participate in one, two or all categories of the DPS.

The contracting authority will accept a candidate's inclusion in the DPS in Stage 1 based solely on the candidate's declaration on honour, financial and technical selection templates and the commitment letters. The documents in support of the declaration on honour and templates (regarding exclusion and selection criteria) will be checked by the contracting authority only for the best-ranked tenderer of a mini-competition, after the completion of the evaluation process and before awarding the direct contract. If the supporting documents do not confirm the statements made by the participant in the declaration on honour or templates, this shall lead to the elimination of the candidate from the DPS, the rejection of their offer submitted at the relevant mini-competition, and the award of the direct contract in question to the next best-ranked tenderer.

2.1 Content of the application

2.1.1 Access to procurement: who may apply to the DPS?

Application to the DPS is open throughout the duration of the DPS on equal terms to all natural and legal persons coming within the geographical scope of the Treaties, as well as to international organisations[6].

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

Where the Agreement on Government Procurement[7] (the "GPA") concluded within the World Trade Organisation applies, the participation to this DPS is open to all natural and legal persons established in the countries that have ratified the GPA, on the conditions laid down therein.

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

To enable the contracting authority to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of

[6] If this involves the transfer of personal data outside the European Economic Area (EEA), such transfer needs to comply with the requirement of Regulation 2016/679 ("GDPR") and with Regulation (EU) 2018/1725.

[7] https://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm.

each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the delegation(s) of the authorisation to sign as described in **section 4.6**.

2.1.2 Identification of the candidate

The candidate to this DPS must be registered in the Participant Register – an online register of organisations and natural persons participating in European Commission's calls for tenders or proposals. In the case of a joint application, all members of the group must be registered.

Upon registering, each candidate obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the Participant Register. This registration is required only once – the information provided can be further updated or re-used in other European Commission's calls for tenders or calls for proposals.

At any moment during the procurement procedure, the Research Executive Agency Validation Services (the "EU Validation Services") may contact the candidate and ask for supporting documents on legal existence and status. The requests will be made through the register's messaging system to the e-mail address of the candidate indicated in the register. It is the responsibility of the candidate to provide a valid e-mail address and to check it regularly.

The documents that may be requested by the EU Validation Services are listed in the EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment[8].

Please note that a request for supporting documents by the EU Validation Services in no way implies that the application has been successful.

2.1.3 Groups of economic operators: how can economic operators organise themselves?

Economic operators can submit an application in the DPS either as a sole candidate or as a group in a joint application. In either case, subcontracting is permitted.

Whether applying solely or within a group, an economic operator is allowed to be present only once in the DPS. If an economic operator already admitted in the DPS submits another application either on its own or within a group, the latter application will be rejected.

In order to fulfil the selection criteria set out in section 2.1.5 the candidate can rely on the capacities of subcontractors or other entities.

[8] https://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/lev/h2020-rules-lev-lear-fvc_en.pdf.

The role of each entity involved in an application ("involved entity") must be clearly specified in Negometrix: sole candidate, group member or group leader, subcontractor or entity on whose capacities the candidate relies to fulfil the selection criteria.

2.1.3.1 Joint application

A joint application is the situation where an application is submitted by a group (with or without legal form) of economic operators, regardless of the link they have between them. The group as a whole is considered a candidate or a participant.

All members of the group assume joint and several liability towards the contracting authority for the performance of the whole contract.

Application

The joint application must clearly indicate the role and tasks of each member and designate one of them as a group leader to act on their behalf – as the contracting authority's contact point – in connection with the submission of the application and/or tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature, as well as for the contract's administrative or financial aspects and operational management. A cover letter to the joint application should be drawn up in the model attached in the Negometrix platform (document reference: Annex 1.2.1 to this DPS specifications "Application cover letter - group") and signed by the authorised representatives of each group member. The group leader will have full authority to bind legally the group and each of its members during contract execution.

☝ Note

In case a joint application takes a separate legal status (i.e. a separate company number, for example as an European Economic Interest Group), the Group should be registered in Negometrix as a different company than any of the companies participating in the Group. It is strongly recommended that you contact Negometrix support for more information on how to properly create an account to submit a joint application on the Negometrix platform.

In a joint application, each member of the group must obtain a Participant Identification Code as described in section 2.1.2. The list of members and their PIC is requested in the Negometrix platform.

In a joint application, the exclusion criteria apply to each member of the group, the selection criteria apply to the group as a whole (i.e. the combined capacity of all members will be taken into account). As evidence of non-exclusion each member needs to submit a completed declaration on honour as provided in the Negometrix platform (see section 2.1.4).

If the joint application is successful, and if the group wins a mini-competition within the DPS, the contracting authority will sign the resulting contract(/s) with the group leader. The group leader must be authorised by the other members to sign the contract on their behalf via a power of attorney drawn up in the model application cover letter (see Annex 1.2.2 to this DPS specifications).

Changes

Changes in the composition of the group during the procurement procedure, after the application in the DPS and until the submission of a tender, must be notified by the group leader to the contracting authority as soon as possible. Upon notification, the contracting authority will review the changes. Where it determines that the group no longer meets the selection criteria, is in an exclusion situation, the contracting authority will reject the group's application or potential participation in the DPS.

Changes in the composition of the group during the procurement procedure – mini-competition (after the tender submission deadline and before contract signature) shall lead to rejection of the tender except in case of a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see Section 2.1.1) and is not in an exclusion situation (see Section 2.1.4) and still meets the selection criteria.

Once the contract is signed on behalf of all members of the group, as a principle there should be no change, except in the cases of universal succession (merger / takeover of one of the members of the group) provided that the new entity has access to procurement (see Section 2.1.1 and award criteria) and is not in an exclusion situation (see Section 2.1.4) and still meets the selection criteria. In any case the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the former entity must be taken over by the new entity member of the group, the change must not make the original tender non-compliant with the Tender specifications to the mini-competition, and the evaluation of award criteria of the originally submitted tender may not be modified.

2.1.3.2 Subcontracting

Subcontracting is the situation where the participant enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole. The contracting authority has no direct legal commitment with the subcontractor(s).

The following shall **not** be considered subcontracting:

a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer) .

d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract. These can be either individuals (self-employed natural persons who do not employ other IT service providers), or service providers in one of the following situations: i) sole proprietorships in which only one person (employee or not) is active in providing IT services; ii) companies in which only one person (employee or not) is active in providing IT services and iii) companies in which maximum two persons (employees or not) with family ties are active in providing IT services.

e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this procurement procedure.

f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as "personnel" of the contractor.

All contractual tasks may be subcontracted unless the Tender Specifications of the mini-competition expressly reserve the execution of certain critical tasks to the sole candidate itself, or in case of a joint application, to a member of the group.

Subcontracting by subcontractors (2nd level of subcontracting) is the situation where a subcontractor enters into legal commitments with other entities (2nd level subcontractors) for performing part of the contract. Subcontracting by subcontractors is not authorised. Further levels of subcontracting are not authorised.

Application

Candidates are requested to identify subcontractors as defined above and subcontractors on whose capacities they rely to fulfil the selection criteria described in section 2.1.5 (hereafter referred to as "identified subcontractors") in their application in the Negometrix platform, as well as describe their envisaged contractual roles or tasks.

For each identified subcontractor, the candidate must upload in the Negometrix platform:

- a commitment letter drawn up in the model attached in the Negometrix platform (document reference: Annex 1.4.1 to this DPS specifications "Commitment letter

by identified subcontractor"), duly signed and dated by an authorised representative of the identified subcontractor,

- a declaration on honour drawn up in the model attached in the Negometrix platform (document reference: Annex 1.3 to this DPS specifications "Declaration on honour"), duly signed and dated by an authorised representative of the identified subcontractor (see section 2.1.4).

Subcontracting to subcontractors identified in an application that was accepted by the contracting authority is considered authorised.

Changes

Changes such as withdrawal, replacement, or addition of an identified subcontractor during the procurement procedure (after the application and before the potential signature of a contract) must be notified by the participant to the contracting authority as soon as possible. Upon notification, the contracting authority will review the request within a reasonable amount of time.

The request will be approved if the following conditions are fulfilled:

- the new subcontractor is not in an exclusion situation;
- the candidate still fulfils the selection criteria;
- the new subcontractor is not involved also as a participant under the same mini-competition;
- the terms of the tender are not altered substantially, i.e. in case of replacement, all the tasks assigned to the former subcontractor are taken over by another entity (participant or subcontractor). In case the tender is already submitted, the change in subcontracting cannot make the tender non-compliant with the tender specifications and the change in subcontracting cannot modify the evaluation of award criteria of the tender as originally submitted.

Subcontractors that need to be added for a specific mini-competition can be notified to the contracting authority through the submission of the tender. Subcontracting to subcontractors identified in a tender that was accepted by the contracting authority and resulted in a signed contract, is considered authorised.

Changes in subcontracting after the award of a contract are dealt with according the relevant articles of the contract. In case of additional subcontracting, the contractor must provide to the customer a request for authorisation, along with an explanation for the involvement and type of services the subcontractor/s will perform. The customer may ask for clarifications and reject an offer that does not satisfy the subcontracting conditions. A decision by the contracting authority to refuse subcontracting is final.

In all cases, the contractor retains full liability towards the contracting authority for performance of the contract as a whole.

2.1.3.3 Reliance on third party entities to fulfil the selection criteria

In order to fulfil the selection criteria a candidate may rely on the capacities of other entities regardless of the legal nature of the links it has with them.

In this case, the candidate must prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in the Negometrix platform (document reference: Annex 1.4.2 to this DPS specifications "Commitment letter by entity for reliance"), signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources. The signed commitment letter and its supporting evidence must be uploaded in the Negometrix platform and submitted with the candidate's application. As evidence of non-exclusion the entity also needs to submit a completed declaration on honour (document reference: Annex 1.3 to this DPS specifications "Declaration on honour") as provided in the Negometrix platform (see section 2.1.4).

If a contract is awarded to a participant intending to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a candidate may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. In such cases section 2.1.3.2 shall be applicable.

Relying on the capacity of other entities is only necessary when the capacity of the candidate is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the candidate will be disregarded.

2.1.4 Exclusion criteria: who is eligible to participate?

The objective of the exclusion criteria is to assess whether the candidate is in any of the exclusion situations listed in article 136(1) of the Financial Regulation.

As evidence of non-exclusion, each candidate needs to submit with their application a completed declaration on honour (document reference: Annex 1.3 to this DPS specifications "Declaration on honour") as provided in the Negometrix platform (see section 4.2 - Electronic access to documents). The declaration must be signed by an authorised representative of the entity providing the declaration.

The initial verification of non-exclusion of candidates will be done on the basis of the submitted declarations and consultation of the European Union's Early Detection and Exclusion System. The documents mentioned as supporting evidence in the declaration on honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the contracting authority.

The checklist detailed in Annex 1.1 specifies which of the entities participating in the DPS need to provide the declaration on honour and, when requested by the contracting authority, the supporting evidence.

Please note that a request for evidence in no way implies that the candidate has been successful.

Involved entities established to be in an exclusion situation in accordance with Article 136 or any other situation referred to in Article 141 of the Financial Regulation, will be rejected.

2.1.5 Selection criteria: who is capable to participate?

The objective of the selection criteria is to assess whether the candidate has the legal, regulatory, economic, financial, technical and professional capacity to perform the contracts resulting from the mini-competitions.

The selection criteria for this DPS are specified below. For each criterion, the minimum level of capacity, the basis for assessment and the requested evidence is specified.

Applications submitted by applicants not meeting the minimum levels of capacity will be rejected. A candidate's application must pass all selection criteria in order to be admitted in the DPS. Selection criteria are neither scored nor weighed.

When applying, each candidate shall declare on honour that it fulfils the selection criteria for this DPS. The model declaration on honour to be completed is available in the Negometrix platform.

The subsections below specify which selection criteria evidence must be provided with the application or may be requested later, at any time during the procurement procedure. In any case, to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the contracting authority.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

2.1.5.1 Economic and financial capacity criteria and evidence

For each category (please see point 1.5), candidates must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F	
Average yearly turnover of the last two financial years	
Minimum level of capacity	**Category 1: Media planning and buying** Average yearly turnover of the last 2 financial years above €10.000.000 (ten million euro) **Category 2: Media planning consultancy and benchmarking** Average yearly turnover of the last 2 financial years above €500.000 (five hundred thousand euro). **Category 3: Creative services and products** Average yearly turnover of the last 2 financial years above € 500.000 (five hundred thousand euro). **Category 4: Editorial services and products and translation/linguistic adaptation** Average yearly turnover of the last 2 financial years above € 1.000.000 (one million euro) **Category 5: Events and conferences** Average yearly turnover of the last 2 financial years above € 3.000.000 (three million euro) **Category 6: Gadgets** Average yearly turnover of the last 2 financial years above € 300.000 (three hundred thousand euro) **Category 7: Strategy and research**

	Average yearly turnover of the last 2 financial years above € 1.000.000 (one million euro) For natural persons, turnover should be understood as income from professional activities.
Basis for assessment	This criteria applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Candidates must provide a statement of turnover using the template provided in Annex 1.5.1 to this Specifications. Candidates must provide the financial statements or a similar document for the last two financial years for which accounts have been closed. The contracting authority reserves the right to request any other document enabling it to verify the economic operator's economic and financial capacity. The contracting authority may request in particular one or more of the following documents: a) appropriate statements from banks; b) tax returns certificate, where appropriate.

The evidence must be provided at the moment of submission of the application in the DPS.

2.1.5.2 Technical and professional capacity criteria and evidence

Candidates must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Criterion T1	
The candidate must prove relevant experience for each category in which they would like to participate.	
Minimum level of capacity	**Category 1: Media planning and buying** In the last three years, the candidate must have managed media planning and buying projects for at least three clients. At least two projects must have had a budget of at least €3.000.000 (three million euro), with the third one of at least €2.000.000 (two million euro). At least two of the projects must have been in at least three countries, and the third in at least two countries. At least one of the projects should have been aimed at three (or more) EU Member States. **Category 2: Media planning consultancy and benchmarking** In the last three years, the candidate should have delivered at least one relevant media planning consultancy project, covering at least three EU Member States and showing concern for both the customer's objectives (such as match of the media to the target audience) and cost optimisation (level of rebates compared to the regular rate cards, bulk purchase rebate, etc). **Category 3: Creative services and products** In the last three years the candidate should have delivered on at least five complete projects relevant for this category (such as video productions, visual identities, etc.) each project with a minimum value of EUR 10000. In addition, a candidate must have a

	portfolio of 25 other relevant deliverables, submitted together with the application without supplementary details. **Category 4: Editorial services and products and translation/linguistic adaptation** In the last three years the candidate must have delivered on at least three complete projects relevant for this category (such as brochures, websites, etc.). At least one project must have been in three different languages or more. At least two projects must have been over 10.000 words. The projects must be presented in detail, including the relevant elements of the client brief, source material, etc. **Category 5: Events and conferences** In the last three years, the candidate must have organised at least five events or conferences. At least three must have had more than 100 participants, and one at least 250. At least one should have been a hybrid or digital event. Only events or conferences where the candidate subcontracted a maximum of 20% will be taken into consideration. For each event and conference, the candidate will provide all the details required in the Technical Selection Templates (Annex 1.5.2.5). **Category 6: Gadgets** The candidate must present one or more catalogues of relevant products of at least 100 different items in total (e.g.: different colours of the same object do not count as different entries). The catalogue must contain as a minimum the following information: price, country of origin, supply schedule, relevant environmental details

	such as source of materials or carbon offsetting. **Category 7: Strategy and research** The candidate must present at least two relevant projects, highlighting the strategic and data-driven approach. The projects must concern complex communication actions or campaigns, deployed by the candidate or other actors, but where the candidate delivered the main strategic approach. The project must encompass one or more EU countries.. At least one project needs to showcase the use of focus groups. The candidate must provide all the details required in the Technical Selection Templates (Annex 1.5.2.7).
Basis for assessment	These criteria apply to the candidate as a whole, i.e. the combined capacities of all *involved entities*.
Evidence	Evidence must be provided in the form of a duly filled in contract reference per project. For each contract reference, the use of the template provided in Annex 1.5.2 to this document is mandatory. Only contract references submitted on these templates will be considered. The candidate must have executed the project under the capacity of sole contractor, consortium member, employee of the contractor or subcontractor. In the latter case, the proportion of the project executed by the candidate must have a value equal or higher than the minimum project's value, whenever stated (the minimum capacity requirement regarding the project's contract value for the relevant category). In case of projects still on-going only the portion completed during the reference period will be taken into consideration. Under each category the following Annexes shall be filled in and submitted as evidence for contract reference: Category 1 Media planning and buying – Annex 1.5.2.1; Category 2 Media planning consultancy and benchmarking – Annex 1.5.2.2;

	Category 3 Creative services and products - – Annex 1.5.2.3; Category 4 Editorial services and products and translation/linguistic adaptation - – Annex 1.5.2.4; Category 5 Events and conferences - – Annex 1.5.2.5; Category 7 Strategy and research - – Annex 1.5.2.7; As supporting documents for each project reference the Contracting authority may request statements issued by the clients and take contact with them. Candidates applying for Category 3 shall submit together with their application a portfolio of 25 other relevant deliverables, without supplementary details as mentioned in the minimum level of capacity section. Candidates applying for Category 6 shall submit together with their application a relevant catalogue(s) in accordance with minimum level of capacity section.

The evidence must be provided at the moment of submission of the application in the DPS.

Criterion T2	
The candidate needs to provide evidence of his capacity to uphold the principles of the General Data Protection Regulation (GDPR) by employing the appropriate technical and organisational safeguards that ensure the security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technology, as per Regulation (EU) 2016/679, and in particular Article 32 thereof.	
Minimum level of capacity	The candidate must possess a digital system of data processing ensuring the integrity and confidentiality of personal data in all the stages of the process such as ingesting, lawful processing, transferring and removing (including automatic removal). The system must demonstrate state-of-the-art digital protection (including encryption) and perfect traceability of the data use, including full details of accesses and transfer of said data. The system must offer industry-accepted levels of availability and resilience; it must have the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident. The candidate also has to have in place a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing. All the elements of the system must be located and/or hosted on the territory of the European Union or on the territory of a country or territory for which the European Commission issued decisions that they provide an adequate level of protection, as per article 45 of Regulation (EU) 2016/679[9] .
Basis for assessment	This criterion applies to the candidate as a whole, i.e. the combined capacities of all involved entities.
Evidence	As evidence, the candidate will provide a description of the system with all the required elements esp. covering the seven principles of the GDPR, including the major underlying technologies and the full picture of the geographical distribution of the system elements. The

[9] https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

	description of the system should follow the checklist for compliance with the GDPR (see Annex 1.7 Checklist GDPR). The Contracting Authority accepts that sensitive information, especially in what concerns details of the technologies used for data encryption will be withheld.

The evidence must be provided at the moment of submission of the application in the DPS.

2.2 Format of application

2.2.1 Timeline for application

Any economic operator has the possibility to apply to participate in the DPS from the launch of the DPS via contract notice and then throughout the period of validity of the DPS.

The contracting authority shall complete its assessment of valid and complete applications, which include all requested evidence, within 10 working days of their receipt. The deadline may be prolonged to 15 working days where justified. However, the contracting authority may extend the evaluation period provided that no invitation to tender is issued in the meantime.

The contracting authority informs the candidate as soon as possible of whether or not it has been admitted to the DPS. The contracting authority reserves the right to begin assessments of applications and to send information regarding admission to the DPS only after 32 days from the day following the dispatch of the contract notice; in any case, no invitation to tender for a mini-competition can be issued by the contracting authority within the initial period of 32 days from the day following the dispatch of the contract notice.

2.2.2 Submission of application

Candidates must submit their application electronically via the Negometrix platform. The information contained in the application must be accurate and honest. Incorrect information may lead to the exclusion of the candidate from the DPS for communication services.

2.3 Selection of participants

The Commission assesses the candidate's compliance with the exclusion and selection criteria on the basis of the declarations on honour and selection templates. The supporting documents as mentioned in the present DPS specifications will be checked by the contracting authority before the award of a contract following a mini-competition.

The contracting authority assesses the above-mentioned criteria in the order that it considers the most appropriate. If the assessment of one or more elements demonstrates that there are grounds for rejection, the candidate will be rejected and will not be subjected to further full assessment. The unsuccessful candidate will be informed of the ground for rejection without being given feedback on the non-assessed content of its application.

The assessment will be based on the information and evidence contained in the application and, if applicable, on additional information and evidence provided at the

request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the assessment related to exclusion and selection criteria, the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

Upon assessment of their applications, the contracting authority admits all candidates who satisfy the selection criteria and who are not in an exclusion situation, to participate in the DPS.

2.4 Rules for participation

2.4.1 Acceptance in the DPS

The contracting authority sends an electronic notification to the candidates whose application in the DPS has been accepted.

Once admitted, a successful candidate becomes a participant to the DPS. The participant has access to the mini-competitions which are organised in the DPS after its admission. Past and on-going mini-competitions are not available to a new participant.

If after admission in the DPS, the attributes of the participant changed regarding the information contained in its application, it is the participant's responsibility to update the information in the Negometrix platform and notify the contracting authority in a reasonable amount of time. All information must be up to date before the participant submits a tender in a mini-competition.

The contracting authority may request the participant to provide updated information regarding their application on a regular basis.

2.4.2 Rejection of participants

The contracting authority sends an electronic notification to the candidates whose application in the DPS has been rejected.

If a candidate is rejected from the DPS or if a participant previously admitted into the DPS is subsequently withdrawn from the DPS, a new or revised application may be submitted, except for cases where the candidate was excluded from the DPS for the submission of incorrect information or due to non-performance of a contract resulting from a mini-competition.

2.4.3 Withdrawal from the DPS

The participant in the DPS can request from the contracting authority to be withdrawn from the DPS at any time by sending a formal notification.

Withdrawal from the DPS does not impact existing contracts between the participant and the contracting authority.

If an economic operator who withdrew from the DPS applies again as a sole candidate or in a group, the subsequent application will be considered a new application and all conditions for admission will be reviewed. If the new subsequent application is successful, the economic operator may once again become a participant in the DPS.

It is however important to note that if a new application is successful, and according to section 2.4.1 of the DPS Specifications, a new participant will only be invited to mini-competitions which are published in the DPS after its admission. Past and on-going mini-competitions are not available to a new participant. In practice, an economic operator cannot leave the DPS and return with a subsequent application for the purpose of an on-going mini-competition.

The contracting authority reserves the right to withdraw the approval of the participant in the DPS if the participant has been guilty of misrepresentation in supplying incorrect information when applying to the DPS or within mini-competitions (such as the absence of certificates or the experience of the service provider offered), or if the participant fails to comply with the contractual obligations. In this case, the contracting authority will inform the participant by sending a formal notification.

3 STAGE TWO – PUBLICATION OF MINI-COMPETITIONS

When the contracting authority identifies a need, it will organise through the DPS a mini-competition with specific Tender Specifications. Only economic operators who were admitted to participate in the relevant category of the DPS for communication services (participants) are invited to tender in the mini-competition. The participants may then submit a specific tender in the Negometrix platform. Tenders must be submitted electronically.

The contracting authority will evaluate the specific tenders and select the most economically advantageous tender on the basis of the award criteria set out in the Tender Specifications of the mini-competition. The contracting authority awards the contract to the most economically advantageous tender. One mini-competition could result in awarding one or more contracts as announced in the Tender Specifications of the mini-competition.

3.1 Content of tender

The following requirements apply to the technical and financial offer.

3.1.1 Technical offer

The technical offer must provide all the information needed to assess the compliance with the mini-competition specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

3.1.2 Financial offer

A complete financial offer, including the breakdown of the price needs to be submitted.

It is the responsibility of each participant to ensure that the total amount of the tender inserted in the relevant field in Negometrix corresponds to the amount indicated in the uploaded financial offer. In case of discrepancies, only the amount indicated in the financial offer will be taken into account.

The financial offer shall be:

1. Expressed in euros. All participants (including those from countries outside the euro zone) have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the participant to bear the risks or the benefits deriving from any variation.

2. Quoted free of all duties, taxes and other charges, i.e. also free of VAT[10]. The participant may indicate the amount of VAT but it must be shown separately[11].

Beyond the technical and financial offers, other documents to be submitted are listed in the Tender Specifications of the respective mini-competitions in the Negometrix platform.

3.2 Format of tender

3.2.1 Timeline of mini-competitions

The contracting authority will invite all participants to submit a tender within a reasonable time.

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[10] The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

[11] For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT must be shown separately. In case of doubt about the applicable VAT system, it is the participant's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT.

The time limit for receipt of tenders to be fixed by the contracting authority is at least 10 days following the date on which the invitation to tender is dispatched.

After the time limit for receipt of the tenders, the contracting authority opens the tenders and records if they comply with the submission rules.

3.2.2 Submission of a tender

Participants must submit their tender electronically via the Negometrix platform and within the deadline specified by the mini-competition. A tender received after a deadline is automatically rejected.

Participants may submit one tender. In case a participant submits more than one tender without withdrawing any of them, only the latest tender submitted before the time limit for receipt of tenders will be considered. In case of omissions in the latest submission, tenderers will not be able to refer to earlier submissions and may be rejected if mandatory information is missing.

The information contained in the tender must be complete, accurate and honest. Incorrect information may lead to the rejection of the tender from the mini-competition and to the exclusion of the participant from the DPS.

3.3 Questions about mini-competitions

Participants must always keep themselves informed on the status of the procedure on the section of the Negometrix platform dedicated to the mini-competition.

Questions from economic operators must be formulated within the Negometrix platform where their answers will also be published.

The purpose of the answers to the questions posed by tenderers is to provide clarifications on the procurement documents. In order to maintain equal treatment of all current and future participants in the DPS, answers provided by the contracting authority in a mini-competition are only applicable in the context of that specific mini-competition. However, the contracting authority reserves the right to publish answers which may also be relevant for future mini-competitions in the ‘Questions and Answers’ section at the level of the DPS. In particular, additional information provided on the legal sections of the procurement documents may be published at the DPS level with the appropriate content in reference.

3.4 Award of tender

3.4.1 Compliance with specifications

By submitting an offer in the form of a tender in a mini-competition, a participant commits to perform the contract in full compliance with the terms and conditions of the

procurement documents for this DPS and of the Tender Specifications of the mini-competition.

Particular attention is drawn to the minimum requirements. Tenders in those mini-competitions that are not compliant with the applicable minimum requirements shall be rejected. Additionally, tenders must comply with the minimum requirements provided for in the Tender Specifications of the mini-competition.

Tenders may be considered non-compliant with the minimum requirements of the Tender Specifications if they:

- propose a solution different from the one prescribed in the Tender Specifications (variants are not allowed),
- do not comply with the applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU[12] and compliance with data protection obligations resulting from Regulation (EU) 2016/679 ("GDPR")[13] and Regulation (EU) 2018/1725[14].,
- contain an incomplete, conditional or non-compliant financial offer;
- do not cover all or deviate from other minimum requirements that will be included in the Tender specifications.

Further minimum requirements can be added at the level of the mini-competition.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a participant.

3.4.2 Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders are evaluated on the basis of award criteria defined in the Tender Specifications of the mini-competition. The award of a mini-competition will be based on one of the

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[12] OJ L 94 of 28.03.2014, p. 65.

[13] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG

[14] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals 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, OJ L 295/39 21.11.2018, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN

following award methods, as defined in the Tender Specifications of the mini-competition:

- Lowest price;
- Best price-quality ratio.

The contracting authority shall use the lowest price as award method only in cases where this award method is relevant for that particular type of service.

3.4.2.1 Price

The price considered for evaluation is the total price of a tender, covering all the requirements set out in the Tender Specifications of the mini-competition.

3.4.2.2 Quality

Quality evaluation is only applicable to a mini-competition in case its award is based on the best price-quality ratio.

The quality of the tender will be evaluated based on one or more of the following criteria:

- Quality of services, management and organisation of work;
- Sustainability and environment concerns;
- Quality and strategy of localisation;
- Quality and relevance of quality and risk management;
- Quality and relevance of methods and indicators used to evaluate the impact of actions;

These criteria are indicative and may be further added, removed, fine-tuned or defined into sub-criteria under each particular mini-competition. The relative weighting of each quality criteria and, if applicable, sub-criteria, will be specified in the Tender Specifications of each mini-competition.

In order to ensure a sufficient level of quality, minimum thresholds for the quality criteria and/or sub-criteria may be specified at the level of each mini-competition.

3.4.2.3 Weighting

The contracting authority announces the award method and, if applicable, the price-quality ratio in the Tender Specifications of each mini-competition. The contracting authority can decide on the weighting between quality score and the price score, on condition that neither score has a weighting of less than 30% or more than 70%.

The contract will be awarded to the tender achieving the highest score obtained by applying the following formula:

Score for	=	Lowest Reference	*n	+	Total quality score (out of maximum possible score) for	*m

tender X		price			all criteria of tender X	
		price of tender X			Maximum possible quality score	

* “n” and, respectively, “m” represent the weighting used for each of the two scores (price and quality) “m” and “n” must satisfy the relation m+n=100 and cannot be smaller than 30 or larger than 70.

The results (including interim results – i.e. every calculation in the above formula) will be rounded to four digits after the comma, using standard rounding.

3.4.3 Award of contracts

Tenders are awarded to the most economically advantageous tender, ranked according to the best price-quality ratio or lowest price as defined in the Tender Specification for the mini-competition.

The contract(/s) shall be awarded to the first one or more ranked tender(/s) which comply with the Tender Specifications and are submitted by participant(/s) having access to procurement, not in an exclusion situation and fulfilling the selection criteria. The number of contracts to be awarded will be announced in the Tender Specifications of the mini-competition. In case more than one contract are to be awarded, the ranking will determine the sequence in which the contracts will be awarded.

In direct contracts, all the terms governing the provision of the services or supplies are defined at the outset. Once signed, they can be implemented directly without any further contract procedures (e.g. order forms or specific contracts).

Participants need to take full account of the provisions of the full set of procurement documents, including the draft contract, as the procurement documents will define and govern the contractual relationship to be established between the contracting authority and the successful participant. Once this contractual relationship is established, the participant becomes a contractor. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, data protection, confidentiality, and checks and audits.

3.4.4 Validity of tenders submitted in mini-competitions

The period of validity of the tender during which participants may not modify the terms of their tenders in any respect, will be defined in the Tender Specifications of the mini-competition, and will be at least 6 months from the deadline for submission of tenders.

4 GOVERNANCE

This section details how the DPS functions.

4.1 Documents in the DPS

All the documents related to this procedure are available on the Negometrix platform at:

- DPS for Communication Services:

https://platform.negometrix.com/PublishedTenders.aspx?tenderId=181610&companyId=91232

4.2 Electronic access to documents

From the date of publication, all documents are freely available on the purchasing system platform hosted by Negometrix B.V., a software company established in Utrecht, Netherlands. Negometrix is independent from the contracting authority.

The platform is accessible at https://platform.negometrix.com. Technical connection to the platform is established via Hypertext Transfer Protocol Secure (HTTPS), a network **protocol** relying on Secure Sockets Layer (SSL) and Transport Layer Security (TLS) to encrypt communication between clients and servers.

Access to the platform requires the creation of a free account secured by username and password.

It is the responsibility of the signatories designated to act on behalf of the economic operator to ensure that the Negometrix accounts established for the purpose of this DPS are only accessed by the person(s) properly authorised to do so.

Economic operators are responsible for keeping informed on the status of the procedure in the Negometrix platform.

4.3 Modifications of documents

Documents for this procedure such as these DPS specifications, the draft direct contract, are subject to modifications.

Each version of the documents is clearly labelled (e.g. “v1”, “v2”, etc.).

Economic operators are responsible for keeping themselves informed in the Negometrix platform on the status of the documents and the version applicable to the mini-competition of their interest.

4.4 Electronic submission

The DPS is a wholly electronic procedure. Only authorised representatives of an economic operator may submit information in the Negometrix platform.

Data sent or received through such a system shall have the legal presumption of the integrity of the data and the accuracy of the date and time of sending or receiving the data indicated by the system.

A document sent or notified through such a system shall be considered as equivalent to a paper document, shall be admissible as evidence in legal proceedings, shall be deemed original and shall enjoy legal presumption of its authenticity and integrity, provided that the document does not contain any dynamic features capable of automatically changing it.

4.5 Electronic signatures

Where a document needs to be signed, the signature must be a qualified electronic signature (QES) as defined in Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation).

The Contracting Authority will recognise QES in at least the formats or using methods defined in Commission Implementing Decision (EU) 2015/1506[15]. While signatures in any of these formats will be accepted[16], submissions of electronically signed documents are preferred in PDF format, electronically signed in the 'PAdES' format. Widely available electronic signature tools (including Adobe Reader) are capable of producing QES in this format.

You can find more background information regarding the QES here: https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eSignature+-+Businesses.

The qualified certificate used for the creation of an electronic signature must be obtained from a qualified trust service providers as defined in the eIDAS Regulation. The national lists of qualified trust service providers can be consulted using the European Commission's Trusted List Browser tool[17].

The Contracting Authority will check the validity of the QES on the submitted documents and, if documents are not found to be validly signed with a QES, the Application will be rejected. It is the responsibility of each Candidate to ensure that a valid QES is used.

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[15] Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market.

[16] The Contracting Authority will accept formats of electronic signatures other than those referred to here only if the requirements set in Article 2 of Commission Implementing Decision (EU) 2015/1506 are satisfied and signature validation possibilities are offered that allow to validate the electronic signatures online, free of charge and in a way that is understandable for non-native speakers.

[17] Tool maintained by the European Commission to browse the national Trusted Lists and the European List of Trusted Lists. The information in the tool is based on the national lists with qualified trust service providers, maintained by the Member States pursuant to Article 22 of the eIDAS Regulation.

For more information on the use of electronic signatures, please see Annex 1.6 to this document.

☝ Important

It is strongly recommended that you ***check the validity of the QES*** *with which you electronically signed your documents* ***before submitting them****.*

The validation tool of the European Commission's DSS Demonstration WebApp available at https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation *can help you check the validity of a QES by indicating the number and type of valid signatures in a document*[18].

4.6 Signatories

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, candidates must provide evidence for the delegation of the authorisation to sign:

a. The Application Cover Letter drawn up using the model provided in the Negometrix platform (document reference: "Application Cover Letter with appointment of contact person for sole candidate ");
b. The declaration on honour drawn up using the model provided in the Negometrix platform (document reference: "Declaration on honour");
c. In the case of a joint tender, the power(s) of attorney drawn up using the model provided in the Negometrix platform (document reference: "Application Cover letter with power of attorney and appointment of contact person for a group").

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

[18] Please note that the Contracting Authority is not responsible for the functioning of these tools. It remains the Candidate's responsibility to check compliance with the eIDAS Regulation.

4.7 Questions about the DPS

Requests for further information regarding an application to this DPS or other substantive and procedural aspects of this DPS must be made in a timely manner via the "Question & Answer" module in the Negometrix platform. Questions made in Tenders Electronic Daily (TED) and questions by telephone will not be processed.

For questions regarding the technical aspects of the Negometrix platform itself, you must contact the Negometrix help-desk via its e-mail (servicedesk@negometrix.com) or via the telephone number listed on the Negometrix website.

5 ROADMAP

The access and use of Negometrix by the contractor does not require any specific installation but only an internet connection, a specific e-mail address and a browser supporting TLS (transport layer security) for secure network transmission. All economic operators' documents should be uploaded in Negometrix.

The exchange of all documents preceding the signature of a contract or an amendment is normally done electronically (see section 4.5 Electronic Signatures).

Actors involved: Contracting Authority (CA) Economic Operator (EO)			
	ACTION	**ACTOR**	**NOTES**
1	**Publication of DPS (Stage 1)**		
1.1	Publish DPS and contract notice	CA	
2	**Submission of requests to participate (Stage 1) – entire duration of DPS**		
2.1	Ask questions on DPS	EO	Questions are asked through Negometrix. Questions about the Negometrix electronic exchange system itself must be asked via the Negometrix helpdesk (https://support.negometrix.com).
2.2	Publish replies to questions on DPS	CA	Questions are replied through Negometrix.
2.3	Submit request to	EO	After submitting the request to

	participate		participate, the EO appears in the Offers/Applications section in Negometrix. Request to participate cannot be changed after submission.
3	**Assessment of requests to participate (Stage 1) – entire duration of DPS**		
3.1	Assess requests to participate and approve / reject EOs	CA	
3.2	Notify EOs of approval / rejection	CA	
4	**Publication of mini-competition (Stage 2)**		
4.1	Publish mini-competition in Negometrix, including Invitation to tender sent to all participants admitted in the DPS – Stage 1 for the concerned category	CA	The participants of the DPS receive an email from Negometrix containing the Invitation to tender and the link to the mini-competition. The participant needs to click on the link to accept the invitation in order to have access to the mini-competition documents.
4.2	Ask questions on mini-competition	EO	The participants of the mini-competition have the possibility to ask questions in the Negometrix tool under the tab “Questions and Answers”.
4.3	Publish replies to EOs’ questions	CA	
4.4	Submit tender for a mini-competition	EO	The participants can start completing their offer as soon as they have accepted to participate in the mini-competition by following the instructions provided in the Tender Specifications for the mini-competition.
5	**Evaluation of offers in mini-competition (Stage 2)**		
5.1	Open the tenders	CA	
5.2	Evaluate the tenders	CA	An Evaluation Committee evaluates and ranks the tenders based on the award criteria defined in the Tender

			Specifications for the mini-competition. The winner(s) will be proposed for the award of the contract(s) by the awarding officer.
6	**Award of mini-competition (Stage 2)**		
6.1	Send notifications to all tenderers	CA	A notification will be sent to all participants who submitted a tender.
6.2	Publish award through Negometrix	CA	
7	**Signature phase**		
7.1	Send contract for winner's electronic signature	CA	The contract based on the draft contract published in Negometrix will be sent electronically to the mini-competition winner.
7.2	Sign the contract	EO	The winner signs the contract electronically within the deadline provided by the CA.
7.3	Counter-sign the contract	CA	The CA's responsible authorising officer signs the contract electronically within a reasonable time.
8	**Contract follow-up**		
8.1	Provide the services	EO	The contractor shall provide the services in accordance with the terms and conditions of the awarded contract.
8.2	Work acceptance	CA	Acceptance is based on deliverables or number of days performed, as defined in the mini-competition.
8.3	Submit invoice	EO	Invoice must be accompanied by work acceptance provided by the CA.
8.4	Authorise payment	CA	

6 LIST OF ANNEXES

	Document
Annex 1	Checklist of documents to be submitted with the application or during the procedure

Annex 2	Application cover letter 1. Application cover letter with appointment of contact person for sole candidate [*template*] 2. Application cover letter with power of attorney and appointment of contact person for a group [*template*]
Annex 3	Declaration on honour for exclusion and selection [*template*]
Annex 4	Commitment letter 1. Commitment letter by an identified Subcontractor [*template*] 2. Commitment letter by an entity for reliance [*template*]
Annex 5	Financial and technical selection templates 1. Financial selection [*template*] 2. Technical selection [*template*]
Annex 6	Guidelines on the use of electronic signatures