EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATION

Directorate B – Strategy & Corporate Communication

DG COMM B2 – Interinstitutional Relations, Corporate Contracts & EDCC

Brussels,
22/07/2021

Subject: Invitation to Participate – Dynamic Purchasing System for communication services COMM/B2/DPS/2021/0001

Dear Madam/Sir,

The European Commission, assisted by its Directorate General for Communication and referred to below as the contracting authority, is planning to award direct contracts resulting from the above mentioned Dynamic Purchasing System (DPS). The procurement documents consist of the contract notice, this invitation letter, the DPS specifications with their respective annexes and the draft direct contract with their respective annexes which are published in Stage 1, as well as the invitation to tender and the tender specifications of the mini-competition with their respective annexes which will be published in Stage 2. All documents for the 7 Categories are available on the Negometrix platform at the following website address:

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

Only the candidates admitted in the DPS and invited to participate in a mini-competition will have access to the Tenders Specifications of the respective mini-competition.

1. Submission of requests to participate (applications)

Contracts in this DPS will be awarded in two stages.

In a first stage, if economic operators are interested in this procedure, they are invited to submit a request to participate (the "application") in one of the official languages of the European Union.

Economic operators must submit their application exclusively online on the Negometrix website provided above. Applications submitted in any other way (e.g. by email or letter) will be disregarded.

In order to submit an application in Negometrix, economic operators (each member of the group in the case of a joint tender as explained in the DPS specifications) will need to register in the European Commission's Participant Register – an online register of organisations participating in EU calls for tenders or proposals. On registering, each economic operator obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found in the PIC-management Quick Guide for Economic Operators. Economic operators already registered in the Participant Register shall reuse their existing PICs when preparing their application.

There are two ways to register in Negometrix in order to access this tender:

As a legal person:

- Please follow this link: https://platform.negometrix.com/Registration.aspx
- Fill out your Company and personal details.
- After you have registered on Negometrix, you can access this tender by clicking "Participate".

As a natural person:

- Please follow this link: https://platform.negometrix.com/Registration.aspx
- As company details you can fill out the same information as your personal details.
- As the business registration number (in case you do not have a VAT number), please use the following number: 10101032 followed by a space and 4 digits of your choice.
- After you have registered on Negometrix, you can access this tender by clicking "Participate".

Economic operators can submit their application throughout the period of validity of the DPS. The period of validity of the DPS is indicated in section 1.5 of the DPS specifications.

In a second stage, the Contracting Authority will organise mini-competitions inside the DPS relevant category. Only the candidates selected to participate in the DPS in stage 1 in the relevant category will be invited to submit a tender in the mini-competitions organised in the second stage for that category. The invitation will take the form of a notification generated by the Negometrix website. Any tender received from a legal or natural person not invited to the mini-competition will be rejected.

Invited candidates must submit tenders exclusively online on the Negometrix platform at the website provided above in accordance with the DPS specifications and the Tender Specifications for the mini-competition. Tenders submitted in any other way (e.g. by email or letter) will be disregarded.

The details regarding the submission of a tender in the second stage of the procedure will be included in the invitation to tender sent to selected candidates participating in the DPS.

Documents forming the request to participate (application) must be dated and signed by applying a qualified electronic signature (QES), by an authorised representative of the signatory.

Economic operators must ensure that their submitted requests to participate contain all the information and documents required by the contracting authority at the time of submission as set out in the procurement documents.

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

2. Legal effects of the invitation to participate in the DPS and submission of a tender

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

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

Submission of a request to participate and/or of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.

3. Contacts during the procurement procedure

Contacts between the contracting authority and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

3.1 Stage one – application to the DPS by an economic operator

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only through the above Negometrix website in the "Questions & answers" tab.

The contracting authority is not bound to reply to requests for additional information received less than six working[1] days before the time-limit for receipt of tenders.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the procurement documents.

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

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

3.2 Opening of requests to participate

Requests to participate will not be opened in public.

Once the contracting authority has opened the request to participate (application), it becomes its property and it shall be treated confidentially.

3.3 Exclusion – Selection assessment phase (after the opening of requests to participate)

Except in duly justified cases, economic operators who have failed to submit evidence or to make statements as required in the procurement documents, shall be contacted by the contracting authority to provide the missing information or clarify supporting documents.

The Contracting Authority may correct obvious clerical errors in the request to participate after confirmation of the correction by the candidate. Such information, clarification or confirmation shall not substantially change the application.

3.4 Selection phase

Economic operators will be notified of the outcome of the first stage (selection) by email. The notification will be sent to the email address provided in the request to participate by the candidate (group leader in case of a joint application). The same email address will be used by the contracting authority for all other communications with the candidate. It is the candidate's responsibility to provide a valid email address and to check it regularly.

3.5 Stage two – invitation to tender in mini-competitions

The details regarding the modalities of contact in the second stage of the procedure will be detailed at the beginning of a mini-competition in the invitation to tender sent to all the selected candidates participating in the respective DPS.

4. Data protection

If processing an application or a tender involves the recording and processing of personal data (such as name, address and CV), this data will be processed pursuant to Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the call for tender by the European Commission acting as data controller. Details concerning the processing of personal data are available in the privacy statement at:

https://ec.europa.eu/info/data-protection-public-procurement-procedures_en.

The candidate's personal data may be registered in the Early Detection and Exclusion System (EDES) if the tenderer is in one of the situations mentioned in Article 136 of the Financial Regulation[2]. For more information, see the privacy statement:

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

5. Means of redress

Candidates may submit any observations concerning the procurement procedure to the contracting authority using the contact details under Heading I.1 of the contract notice. If tenderers believe that there is maladministration, they may lodge a complaint to the European Ombudsman within two years of the date from which they become aware of the facts which form the basis for the complaint (see https://www.ombudsman.europa.eu).

Within two months of notification of the outcome of the procedure (*award decision*), tenderers may launch an action for its annulment. Any request tenderers may make and any reply from the contracting authority, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment nor open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated under Heading VI.4.1 of the contract notice.

Yours faithfully,

MESTER Jens

Head of Unit

(e-signed)

Annexes to the invitation to participate

- Annex I – DPS Specifications and annexes
- Annex II – Draft direct contract and annexes

[2] 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).