



Brussels, 13/9/2019

**Subject: Invitation to tender - Open Procedure - EDPS/2019/02 - Studies on the implication of several GDPR provisions, case laws and other laws having an impact on data protection**

Dear Madam/Sir,

The European Data Protection Supervisor and the European Data Protection Board, (referred to below as *the contracting authority*) are planning to award the contract resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter, the draft contract and tender specifications with their annexes. All documents are available at the EDPS website.

### **1. Submission of request to participate/tenders.**

Economic operators interested in this contract are invited to submit a tender in one of the official languages of the European Union, preferably in English.

Economic operators must submit tenders exclusively on paper, in one original and 3 copies.

The tender must be placed inside two sealed envelopes addressed as indicated below. The inner envelope should be marked as follows: "CALL FOR TENDERS EDPS/2019/02 – NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT".

The inner envelope must also contain two closed envelopes, one containing the technical tender and the other the financial tender. Each of these envelopes must clearly indicate the content ("Technical" and "Financial").

The time limit for receipt of the tender is indicated under Heading IV.2.2 of the contract notice where local time shall be understood as local time at the contracting authority's location (the location indicated under Heading I.1 of the contract notice). Economic operators must use one of the means of submission listed below. Receipt is understood as the time at which the tenderer hands over the tender to the post office or courier service.

A tender received after the time-limit for receipt of tenders will be rejected. The tender reception confirmation with the official date and time of receipt of the tender constitutes proof of compliance with the time-limit for receipt of tenders.

Means of submission	Time limit	Evidence	Address for delivery
Post	<b>21/10/2019, 19:00</b>	Postmark	CALL FOR TENDERS EDPS/2019/02 European Data Protection Supervisor HRBA Unit For the attention of Head of Finance Rue Wiertz 60 B – 1047 Brussels Belgium
Courier	<b>21/10/2019, 19:00</b>	Deposit slip of courier service	CALL FOR TENDERS EDPS/2019/02 European Data Protection Supervisor HRBA Unit For the attention of Head of Finance Rue Wiertz 60 B – 1047 Brussels Belgium

**Means of submission are limited to post or courier. Hand delivery cannot be accepted.**

The tenderer submitting an offer by mail or by courier is requested to send an informative e-mail to [EDPS-Procurement@edps.europa.eu](mailto:EDPS-Procurement@edps.europa.eu).

Tenders must be:

- perfectly legible so that there can be no doubt as to words and figures;
- drawn up using the model reply forms in the tender specifications.

Tenderers must ensure that their submitted tenders 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 tenders are to be borne by the tenderers and will not be reimbursed.

## **2. Legal effects of the invitation to tender and submission of a request to participate/tender.**

This invitation to tender is in no way binding on the contracting authority. The contracting authority's contractual obligation commences only upon signature of the contract with the successful tenderer.

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

The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is indicated in Heading IV.2.6 of the contract notice.

Submission 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 candidates or tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

#### 3.1 Submission phase (before the time-limit for receipt of tenders)

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 to [EDPS-Procurement@edps.europa.eu](mailto:EDPS-Procurement@edps.europa.eu). The Contracting Authority will confirm receipt at the latest on the following working day.

The contracting authority is not bound to reply to requests for additional information received less than six working<sup>2</sup> 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.

Any additional information including that referred to above will be posted on the EDPS. The website will be updated regularly and it is the tenderer's responsibility to check for updates and modifications during the submission period.

#### 3.2 Opening of tenders

Tenders will be opened in public at the time and place indicated under Heading IV.2.7 of the contract notice. A maximum of two representatives per tender can attend the opening of tenders as provided in Section IV.2.7 of the contract notice. For organisational and security reasons, the tenderer must provide the full name and ID or passport number of the representatives at least two working days in advance to: [EDPS-Procurement@edps.europa.eu](mailto:EDPS-Procurement@edps.europa.eu). The representatives will be required to present the tender reception confirmation and to sign an attendance sheet. The contracting authority reserves the right to refuse access to its premises if the above information or the tender reception confirmation are not provided as required.

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<sup>2</sup> Working days at the contracting authority's location indicated under Heading I.1 of the contract notice.

The public part of the opening session will be strictly limited to the following aspects:

- verification that each tender has been submitted in accordance with the submission requirements of the call for tender;
- announcement of the tenders received: the names of the tenderers (all members in the case of a joint tender) will be announced;

Tenderers not present at the opening session may send an information request to [EDPS-Procurement@edps.europa.eu](mailto:EDPS-Procurement@edps.europa.eu) if they wish to be provided with the information announced during the public opening.

Once the contracting authority has opened the tender, it becomes its property and it shall be treated confidentially.

### 3.3 Evaluation phase (after the opening of tenders)

Except in duly justified cases, tenderers 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 tender after confirmation of the correction by the tenderer. Such information, clarification or confirmation shall not substantially change the tender.

### 3.4 Award phase

Tenderers will be notified of the outcome of this procurement procedure by e-mail. The notification will be sent to the e-mail address provided in the tender for the tenderer (group leader in case of a joint tender). The same e-mail address will be used by the contracting authority for all other communications with the tenderer. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

## **Data protection**

If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725<sup>3</sup> 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. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the call for tenders by the European Data Protection Supervisor. Details concerning the processing of your personal data are available in the privacy statement at: [https://edps.europa.eu/data-protection/our-work/publications/other-documents/12-edps-data-protection-notice-procurement\\_en](https://edps.europa.eu/data-protection/our-work/publications/other-documents/12-edps-data-protection-notice-procurement_en) The tenderer's personal data may be registered in the Early Detection and Exclusion System (EDES) if the tenderer is in one of the situations mentioned in Article 136 FR. For more information, see the Privacy Statement on

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<sup>3</sup> OJ L 295, 21.11.2018, p. 39

[https://ec.europa.eu/info/strategy/eu-budget/how-it-works/annual-lifecycle/implementation/anti-fraud-measures/edes\\_en](https://ec.europa.eu/info/strategy/eu-budget/how-it-works/annual-lifecycle/implementation/anti-fraud-measures/edes_en) ).

### **Means of redress**

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

Within two months of notice 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 in Section VI.4.1 of the contract notice.

Done at Brussels, on 13/9/2019



Marian SANCHEZ LOPEZ

Head of Unit Human Resources, Budget and Administration

Anexes to the invitation to tender:

- Annex I – Tender specifications and annexes
- Annex II – Draft contract and annexes

