



Schola Europaea

OSGES

**OPEN TENDER N° BSGEE 2022 001**

**MICROSOFT LICENSES**

**TENDER SPECIFICATIONS**

## TABLE OF CONTENTS

1.	SCOPE AND DESCRIPTION OF THE PROCUREMENT.....	4
	1.1. Contracting authority: who is the buyer? .....	4
	1.2. Subject: what is this call for tenders about? .....	5
	1.3. Lots: is this call for tenders divided into lots?.....	6
	1.4. Technical description: what do we want to buy through this call for tenders (minimum technical specifications)? .....	6
	1.5. Options: Are additional optional services requested?.....	6
	1.6. Place of performance: where will the contract be performed? .....	6
	1.7. Nature of the contract: how will the contract be implemented?.....	6
	1.8. Volume and value of the contract: how much do we plan to buy?.....	7
	1.9. Duration of the contract: how long do we plan to use the contract?.....	7
	1.10. Non-performance and sanctions.....	7
2.	GENERAL INFORMATION ON TENDERING .....	8
	2.1. Legal basis: what are the rules? .....	8
	2.2. Rules on access to procurement: who may submit a tender? .....	8
	2.3. Ways to submit a tender: how can economic operators organise themselves to submit a tender? .....	8
3.	EVALUATION AND AWARD .....	12
	3.1. Exclusion criteria .....	12
	3.2. Selection criteria.....	13
	3.3. Compliance with the minimum requirements of the Tender specifications.....	15
	3.4. Award criteria .....	15
	3.5. Award (ranking of tenders) .....	16
4.	FORM AND CONTENT OF THE TENDER.....	17
	4.1. Form of the tender: how to submit the tender?.....	17

4.2. Content of the tender: what documents to submit with the tender? .....	17
4.3. Signature policy: how can documents be signed?.....	17
4.4. Confidentiality of tenders: what information and under what conditions can be disclosed? .....	18
5. PROCESSING OF PERSONAL DATA.....	20
ANNEXES .....	21
Annex 1. Checklist – Documentation to provide with the offer or upon request from the contracting authority.....	22
Annex 1.1 Tenderer’s identification form .....	27
Annex 1.2 Joint tenders .....	28
Annex 1.3 Subcontracting.....	31
Annex 1.4 Entity on whose capacities is being relied .....	33
Annex 2. Declaration on Honour on exclusion and selection criteria.....	34
Annex 3. Quality of the offer.....	40

## 1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

### 1.1. Contracting authority: who is the buyer?

This call for tenders is inter-school. The following bodies (hereafter the *participating entities*) will participate as contracting authorities to the framework contract resulting from this call for tenders:

Participating entities	
Acronym	Name and address
<b>OSGES</b>	<b>Office of the Secretary general of the European Schools</b> Rue de la Science 23 – 1040 Brussels
<b>BERG</b>	<b>European School of Bergen – Netherlands</b> Molenweidjtje 5 – 1862 BC Bergen SH
<b>EEB1</b>	<b>European School of Brussels 1 – Uccle &amp; Berkendael - Belgium</b> 2 sites: - 46, avenue du Vert Chasseur - 1180 Bruxelles - Rue de Berkendael 70 - 1190 Forest
<b>EEB2</b>	<b>European School of Brussels 2 – Woluwe – Evere - Belgium</b> 2 sites - Avenue Oscar Jespers 75, 1200 Bruxelles - Av. du Bourget 30, 1130 Bruxelles
<b>EEB3</b>	<b>European School of Brussels 3 – Ixelles – Belgium</b> Boulevard du Triomphe, 135 - 1050 Brussels
<b>EEB4</b>	<b>European School of Brussels 4 – Laeken – Belgium</b> Drève Sainte-Anne 86, 1020 Brussels
<b>MOL</b>	<b>European School of Mol – Belgium</b> Europawijk 100 - 2400 Mol
<b>LUX</b>	<b>European School of Luxembourg – Luxembourg</b> 23 Boulevard Konrad Adenauer - L-1115 Luxembourg
<b>MAM</b>	<b>European School of Mamer – Luxembourg</b> 6, rue Gaston Thorn L-8268 Bertrange
<b>FRA</b>	<b>European School of Frankfurt – Germany</b> Praunheimer Weg 126, 60439 Frankfurt am Main
<b>KAR</b>	<b>European School of Karlsruhe – Germany</b> Albert-Schweitzer-Straße 1, 76139 Karlsruhe
<b>MUN</b>	<b>European School of München – Germany</b> Elise-Aulinger-Straße 21, 81739 München
<b>ALI</b>	<b>European School of Alicante – Spain</b> Av Locutor Vincente Hipolito – 03540 Alicante
<b>VAR</b>	<b>European School of Varese – Italy</b> 118 Via Montello It-21100 Varese

The list of *participating entities* may be extended to include any other European school created on the basis of the Luxembourg Convention definite the Statute of the European Schools of 21 June 1994 after the launch of this procedure.

The lead contracting authority is the OSGES. The OSGES, acting as an agent for the participating entities for the purposes of this call for tender and the resulting framework

contract(s), publishes the call for tenders, organises the evaluation, signs and manages the framework contract(s) (including any amendments thereto) on behalf of all participating entities.

Each of the participating entities may avail itself of the resulting framework contract(s) autonomously by concluding specific contracts with the contractor(s).

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 OSGES 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 framework contract(s);

## 1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is the support for acquisition of Microsoft academic licenses

The licences currently used are:

Item Name	Pool	Quantity Ordered
M365 A3 Original Edu Student Use Benefit Sub Per User	Systems	212.360,00
M365 A3 Original Edu Sub Per User	Systems	5.269,00
Win Server Standard Core ALng LSA 2L	Servers	985,00
CIS Suite Datacenter Core ALng LSA 2L	Servers	236,00
Win Remote Desktop Services CAL ALng LSA DCAL	Servers	196,00
D365 Customer Service Edu Sub Per User	Servers	180,00
Teams Phone Standard Edu Sub Per User	Servers	150,00
Win Server DC Core ALng LSA 2L	Servers	138,00
PowerAppsPlanEDU ShrdSvr ALNG SubsVL MVL PerUsr	Servers	60,00
Power Apps Portal Login T2 Edu Sub Add-on Min 10 Units 100 Logins	Servers	50,00
SQLSvrStdCore ALNG LicSAPk MVL 2Lic CoreLic	Servers	44,00
System Center Standard Core ALng LSA 2L	Servers	40,00
D365 Team Members Edu Sub Per User	Servers	28,00
Power BI Pro Edu Sub Per User	Servers	22,00
SQLSvrEntCore ALNG LicSAPk MVL 2Lic CoreLic	Servers	20,00
CDS Log Capacity Edu Sub Add-on	Servers	10,00
ProjectPlan5EDU ShrdSvr ALNG SubsVL MVL PerUsr	Servers	8,00
VisioPlan2forEDU ShrdSvr ALNG SubsVL MVL PerUsr	Applications	8,00
Power BI Premium USL AO Edu Sub Add-on	Servers	5,00
VSEntSubMSDN ALNG LicSAPk MVL	Applications	5,00
ExchgSvrStd ALNG LicSAPk MVL	Servers	3,00
Cert in Acad VL Fee Fund-MCP Cert Pack 30	Servers	1,00
Cert in Acad VL Fee Fund-MOS-MCE Cert Site Lic Combo 500	Servers	1,00
Power Apps Portal Pageview Cap Edu Sub Add-on 100K External Pageviews	Servers	1,00
M365 A5 Original Edu Sub Per User	Systems	15,00

This list is not exhaustive, the OSGEE wants to have access to the complete Microsoft licence catalogue.

### **1.3. Lots: is this call for tenders divided into lots?**

This call for tenders is not divided into lots.

### **1.4. Technical description: what do we want to buy through this call for tenders (minimum technical specifications)?**

The supplies and services that are the subject of this call for tender, including any minimum requirements, are:

- Access to the global Microsoft catalogue (Enterprise, Educational,...)

Variants: Are variants allowed?

Variants (alternatives to the model solution described in the Tender Specifications) are not allowed. The *Contracting authority* will disregard any variants described in a tender.

### **1.5. Options: Are additional optional services requested?**

No option is requested. The *Contracting authority* will disregard any option proposed in a tender.

### **1.6. Place of performance: where will the contract be performed?**

The supplies will be delivered to the location(s) indicated under Heading II.2.3 of the contract notice.

The services will be performed at the following locations:

- the contractor's premises

### **1.7. Nature of the contract: how will the contract be implemented?**

The procedure will result in the conclusion of a single framework contract.

A framework contract establishes a mechanism for future repetitive purchases by the *Contracting authority* to be awarded in the form of specific contracts. The signature of a framework contract does not impose an obligation on the *Contracting authority* to conclude specific contracts with a framework contractor.

The framework contract will be concluded with one contractor. Specific contracts shall be awarded on the basis of the terms laid down in the framework contract, refined or, in duly justified circumstances, supplemented to reflect the particular circumstances of the specific contract. The details are set out in Article I.4.3 of the Draft contract.

☞ Tenderers need to take full account of the provisions of the Draft contract as the latter will define and govern the contractual relationship(s) to be established between the *Contracting authority* and the successful tenderer(s). 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, confidentiality, and checks and audits.

### **1.8. Volume and value of the contract: how much do we plan to buy?**

An indicative estimate of the volumes to be ordered over the whole duration of the framework contract is given in the financial model in **Annex 4**. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities which the *Contracting authority* will order through specific contracts. In any case the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, shall not be exceeded.

The *framework contract ceiling* is indicated in Heading II.2.6 of the contract notice.

Within three years following the signature of the framework contract(s) resulting from the current call for tenders, the *Contracting authority* may use the negotiated procedure under point 11.1.e of Annex 1 to [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](#)<sup>1</sup> to procure new services from the contractor(s) up to a maximum of 50 % of the initial *framework contract ceiling*. These services will consist in the repetition of similar services entrusted to the contractor.

### **1.9. Duration of the contract: how long do we plan to use the contract?**

The contract resulting from the award of this call for tenders will be concluded for at most 48 months. The details of the initial contract duration and possible renewals are set out in Article I.3 of the Draft contract.

### **1.10. Non-performance and sanctions**

A special penalty of 1% of the amount of the order (excluding VAT) may be claimed from the successful tenderer for failure to comply with the 'quality of the services' criteria to which he has committed himself in point 3.2. These penalties shall be limited, per order, to 5% of the amount of the undelivered part of the order (excluding VAT)

## 2. GENERAL INFORMATION ON TENDERING

### 2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of:

- [the Financial regulation of the European Schools](#) and
- [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)<sup>1</sup>.

The *Contracting authority* has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

### 2.2. Rules on access to procurement: who may submit a tender?

Participation in this call for tenders is open on equal terms to all natural and legal persons established in the European Union.

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 each group member) in **Annex 1.1** and must present the supporting evidence normally acceptable under the law of that country/-ies if so requested by the contracting Authority. 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 4.3**.

### 2.3. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole tenderer or as a group of tenderers. In either case subcontracting is permitted.

In order to fulfil the selection criteria set out in **Section 3.2** the tenderer can rely on the capacities of subcontractors or other entities (not subcontractors).

The role of each entity involved in a tender (hereafter referred to as *involved entity*) must be clearly specified: sole tenderer, member of a group or Group leader, subcontractor or an entity on whose

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<sup>1</sup> 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).



capacities the tenderer relies to fulfil the selection criteria<sup>2</sup>. This applies also where the *involved entities* belong to the same economic group.

### 2.3.1. Joint tenders

A joint tender is a situation where a tender 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 tenderer<sup>3</sup>.

All members of the group assume joint and several liability towards the *Contracting authority* for the performance of the contract as a whole.

Group members must appoint a *Group leader* and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. The model power of attorney attached in **Annex 1.2** is to be used.

The joint tender must clearly indicate the role and tasks of each member and of the *Group leader* who will act as the *Contracting authority's* contact point for the contract's administrative or financial aspects and operational management. The *Group leader* will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the *Contracting authority* shall sign the contract with the Group leader, authorized by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in **Annex 1.2**.

Changes in the composition of the group during the procurement procedure (after the 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 2.2**) and is not in an exclusion situation, (see **Section 3.1**).

In any case the selection criteria must be still fulfilled by the group and 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 tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

### 2.3.2. Subcontracting

Subcontracting is the situation where the contractor 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 following shall not be considered subcontracting:

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<sup>2</sup> Such an entity is not considered a subcontractor, see Section 2.4.3.

<sup>3</sup> References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

- 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”) to perform substantially the same tasks as the staff with employment contract (“employees”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- 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 call for tender (see **Section 1.4**).
- 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 as defined in the contract.

All contractual tasks may be subcontracted unless the *Technical specifications* expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 1.3** and signed by its authorised representative.

By filling in the form available in **Annex 1.3**, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under **Section 3.2**;
- whose individual share of the contract, known at the time of submission, is above 20 %.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the *Contracting authority* subject to the following verifications:

- any new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change

does not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the *Contracting authority* and resulted in a signed contract, is considered authorised.

### **2.3.3. Entities on whose capacities the tenderer relies to fulfil the selection criteria**

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case 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 **Annex 1.4**, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer 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 tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required (i.e. the latter will assume the role of subcontractors).

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

### 3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (see **Section 2.2**);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and signed by duly authorised representative(-s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements defined in the Tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The *Contracting authority* will evaluate the abovementioned elements in the order that it considers to be the most appropriate. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation.

The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the *Contracting authority* during the procedure.

For the purposes of the evaluation 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.

#### 3.1. Exclusion criteria

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

As evidence of non-exclusion each tenderer needs to submit with its tender a Declaration on Honour in the model available in **Annex 2**. The declaration must be signed by an authorised representative of the entity providing the declaration.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations. 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<sup>4</sup>.

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<sup>4</sup> The obligation to provide the supporting evidence will be waived in the following situations:

- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide *the Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

The exclusion criteria apply individually to each member of the grouping and/or to each identified subcontractor.

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

### **3.2. Selection criteria**

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the call for tender. The model Declaration on Honour available in **Annex 2** shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The selection criteria are applicable to all the members of the grouping and/or the subcontractors identified (combined capacity of all the members and/or of the subcontractors identified).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure<sup>5</sup>. 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.

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

#### **3.2.1. Legal and regulatory capacity**

Tenderers do not need to prove specific legal and regulatory capacity to perform the contract.

#### **3.2.2. Economic and financial capacity**

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

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<sup>5</sup> The obligation to provide the supporting evidence will be waived in the following situations if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last three financial years above EUR 1.000.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
<b>Evidence</b>	Copy of the profit and loss accounts and balance sheet for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

Criterion F2	
<b>Minimum level of capacity</b>	The tenderer must be qualified as a Microsoft Licensing Solutions Provider
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
<b>Evidence</b>	Copy of the LSP agreement.

☞ All of the above specified evidence of economic and financial capacity must be provided with the tender.

### 3.2.3. Technical and professional capacity

Tenderers 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 tenderer must prove experience in the field of delivering Microsoft licenses	
<b>Minimum level of capacity</b>	At least 3 similar (in scope and complexity) projects completed in the last three years preceding the tender submission deadline, with a minimum value for each of them € 250.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
<b>Evidence</b>	A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.

☞ All of the above specified evidence of technical and professional capacity must be provided with the tender.

### **3.3. Compliance with the minimum requirements of the Tender specifications**

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender. Particular attention is drawn to the minimum requirements specified in the Technical specifications document (Tender specifications – part 2) and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

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 tenderer.

☞ **Tenders that are not compliant with the applicable minimum requirements shall be rejected.**

### **3.4. Award criteria**

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

Tenders will be evaluated on the basis of the following award criteria and their weighting:

#### **1. Price**

##### **1.1 Scenario (80%)**

The price considered for evaluation will be the total price of the tender, covering all the set out in the Tender Specifications (offered prices – discount).

The total price will be calculated on the base of the scenario describe in Annex 4 ‘Financial bid’.

##### **1.2 Discount (10%)**

Discount offered by the supplier on the Microsoft catalogues (Education, Enterprise,..)

#### **2. Quality of the services**

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

##### **2.1 Delivery delay (4 %)**

##### **2.2 Availability (3%)**

##### **2.3 Responsiveness (3%)**

### 3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

1.1 Tenders shall be ranked in ascending order of the total price considered for evaluation. The lowest price tender receives 80 points, the others tenders are awarded points according to a rule of three

1.2 The tender giving the higher discount receives 10 points, the others tenders are awarded points according to a rule of three

2.1 The tender giving the best delivery delay receives 4 points, the second 3 points, the third 2 points, ...

2.2 The tender giving the best availability receives 3 points, the second 2 points, the third 1 point, ...

2.3 The tender giving the best responsiveness receives 3 points, the second 2 points, the third 1 point, ...

♣ The contract shall be awarded to the tender ranked first, which complies with the Tender Specifications and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling with the selection criteria.



## 4. FORM AND CONTENT OF THE TENDER

### 4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted according to the instructions laid down in the Invitation to tender letter.

☞ Make sure you prepare and submit your tender early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice. A tender received after this deadline will be rejected.

### 4.2. Content of the tender: what documents to submit with the tender?

☞ The documents to be submitted with the tender are listed in Annex 1 of these Specifications.

The following requirements apply to the technical and financial offer:

- *Technical offer.*

The technical offer must provide all the information needed to assess the compliance with [Section 1.4 of these specifications] [the Technical specifications document (Tender specifications – part 2)] 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.

- *Financial offer.*

A complete financial offer. In case of discrepancies between different documents, only the amount indicated in the financial offer will be taken into account.

Should there be an error in the calculation of the total, the unit price will prevail.

The financial offer shall be:

- expressed in euros. Tenderers 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 tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT. The tenderer may indicate the amount of VAT but it must be shown separately.

☞ The European schools are exempt from such charges. Exemption is granted to the European Schools by the governments of the Member States. In Belgium, European schools are exempted through exemption No 450, Article 42, §3 paragraph 1<sup>st</sup>, 4<sup>o</sup> of the VAT code.

### 4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written, a qualified electronic signature or an advanced electronic signature based on a qualified certificate as defined

in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

All documents requested must be signed by the tenderer's legal representative, i.e. a person duly authorised to represent the tenderer for this call for tenders and the signing of the contract.

If requested so by the contracting authority, 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.

#### **4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?**

Once the *Contracting authority* has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of 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 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 tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be non-compliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. 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<sup>6</sup>.
- The *Contracting authority* may disclose the submitted 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<sup>7</sup>, the *Contracting authority* may refuse to provide full access to the submitted tender, redacting the parts (if

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<sup>6</sup> 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.

<sup>7</sup> See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

⚡ The *Contracting authority* will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers 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 tender.

## **5. PROCESSING OF PERSONAL DATA**

Any personal data included in or relating to the TENDER, including its implementation, shall be processed in accordance with 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. Such data shall be processed solely for the purposes of the monitoring of the tender by the data controller.

Tenderers or any other person whose personal data is processed by the data controller in relation to this contract has specific rights as a data subject under Regulation (EU) 2016/679, in particular the right to access, rectify or erase their personal data and the right to restrict or, where applicable, the right to object to processing or the right to data portability.

Should tenderers or any other person whose personal data is processed in relation to this contract have any queries concerning the processing of its personal data, it shall address itself to the data controller: The Secretary general of the European schools.

They may also address themselves to the Data Protection Officer of the data controller. They have the right to lodge a complaint at any time to the European Data Protection Supervisor.

Details concerning the processing of personal data can be requested to the data controller.

# **ANNEXES**

**Annex 1. Checklist – Documentation to provide with the offer or upon request from the contracting authority**



Schola Europaea

OSG

**OPEN CALL FOR TENDERS BSGEE 2022 001  
MICROSOFT LICENSES**

**CHECKLIST – DOCUMENTATION TO BE PROVIDED**

**The documents and information listed in the tables below *MUST* be submitted.**

**In each checklist, every box in the column entitled ‘Reference to the documents attached’ must be completed using the number of the relevant document and of the page of the tender on which the required document is to be found, unless otherwise specified.**

## I. IDENTIFICATION OF THE TENDERER, JOINT TENDERS AND SUBCONTRACTING

		Reference to the documents attached
1	<b>'Legal identity' identification form</b> (where applicable, for all the members of the grouping)  (see Annex 1.1 to this document)	See document No ...  on page...  of the tender submitted
2	<b>'Bank account' identification form</b> (where applicable, for all the members of the grouping)  (see Annex to the specifications)	See document No ...  on page...  of the tender submitted
3	<b>Where applicable: Questionnaire concerning joint tenders</b> (accompanied by Agreement/Power of Attorney) (see Annex 1.2 to this document)	See document No ...  on page...  of the tender submitted
4	<b>Where applicable: Questionnaire concerning subcontracting</b> (where applicable, for each of the subcontractors, accompanied by declaration of intent or an existing agreement) (see Annex 1.3 to this document)  In the case of subcontracting, the tenderer must indicate the name, the contact details, the legal form and the legal status of the subcontracting company/companies. Those parts of the contract that are subcontracted will remain under the contractor's responsibility.	See document No ...  on page...  of the tender submitted
5	<b>Where applicable: Questionnaire for tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity</b> (see Annex 1.4 to this document)	See document No ...  on page...  of the tender submitted

## II. EXCLUSION CRITERIA

		Reference to the documents attached
6	<b>Declaration on honour on exclusion criteria and on selection criteria</b> , duly completed and signed (where applicable, for all the members of the grouping) (see Annex 2 to the specifications)	See document No ...  on page...  of the tender submitted

7	<b>A recent extract from the judicial record</b> is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.	See document No ... on page... of the tender submitted
8	<b>Recent certificates issued</b> by the competent authorities of the State concerned are required. Failing that: Documents providing evidence of the payment of all taxes, charges and social security contributions for which the person is liable, including VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.	See document No ... on page... of the tender submitted

### III. SELECTION CRITERIA

		Reference to the documents attached
9	<b>Declaration on honour on exclusion criteria and on selection criteria</b> , duly completed and signed (where applicable, for all the members of the grouping)	See document No ... on page... of the tender submitted

#### a) Legal and regulatory capacity

		Reference to the documents attached
10	<b>Copy of registration</b> in a professional register or a trade register or any other official document mentioning a registration number.	See document No ... on page... of the tender submitted
11	<b>Copy of legal status</b> or, failing that, an equivalent document recently issued by a competent judicial or administrative authority.	See document No ... on page... of the tender submitted
12	<b>For legal persons, a legible copy of the instrument of appointment</b> of the persons authorised to represent the candidate in relations with third parties and in legal action, or a copy of the publication of that instrument of appointment if the legislation applicable to the legal entity concerned requires such a publication; any delegation of this authorisation to another representative not mentioned in the official instrument of appointment must be certified.	See document No ... on page... of the tender submitted



**b) Economic and financial capacity**

		Reference to the documents attached
13	<b>Copy of the financial statements for each of the last three financial years</b> (individual documents for each member of the grouping if it is the case) for each of the last three financial years ended, showing a positive average pre-tax profit. If, for a justified reason, the tenderer is unable to provide them, it will need to attach a declaration on the annual pre-tax results for the last three years. Where the profit and loss accounts show a negative average result over the last three years, the tenderer is required to provide any other document proving its economic and financial capacity, such as adequate collateral from a third party (for example, the parent company or a bank), declarations by the auditor or equivalent).]	See document No ... on page... of the tender submitted

**c) Technical and professional capacity**

		Reference to the documents attached
14	<b>A list of contracts</b> meeting the minimum capacity level, including the identity of three clients and their contact details. The OSGES reserves the right to contact previous clients in order to be able best to evaluate the tenderer's capacity to provide services similar to the ones delivered for those clients.	See document No ... on page... of the tender submitted

**IV. THE TENDER'S CONFORMITY WITH THE MINIMUM TECHNICAL SPECIFICATIONS**

		Reference to the documents attached
15	<b>Presentation of the candidate</b>	See document No ... on page... of the tender submitted

16	<b>Description of the areas of intervention:</b> The candidate must describe the type of service provision offered, its working methods, the fields (or subject area) in which the services are usually delivered.	See document No ...  on page...  of the tender submitted
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## V. AWARD CRITERIA

### a) Quality of the tender

		Reference to the documents attached
17	Delivery delay	See document No ...  on page...  of the tender submitted
18	Availability	See document No ...  on page...  of the tender submitted
19	Responsiveness	See document No ...  on page...  of the tender submitted

### **SIGNATURE AND DATE**

I/We hereby certify that the information provided in the tender is accurate and complete on the date indicated below.

I/We understand that providing false information might lead to the tenderer's exclusion.

I/We hereby undertake to inform the Contracting Authority without delay of any point that would change or complete any information contained in the tender submitted in response to this contract notice.

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Annex 1.1 Tenderer's identification form****TENDERER'S IDENTIFICATION FORM**

*This duly completed form should be submitted by the tenderer and, where applicable, by all the members of a group of tenderers. In the case of grouping, information about the person authorised to sign the contract and the contact person need only be given for the group leader.*

Identification of the tenderer, acting as:

- Single tenderer
- Member of the group: please state whether agent (leader) or principal:

<b>Identity</b>	<b>Answer</b>
Tenderer's full official designation:	
Official legal form:	
Country of registration:	
Address of tenderer's registered office:	
Legal registration number:	
VAT registration number:	
Person(s) authorised to <b>sign the contract</b> (surname, first name and function):  <i>Please state whether this person or these persons are authorised to sign alone or together.</i>	
Designated contact person(s) for this call for tenders (surname, first name and function, telephone number, fax number, address and email address).  (In the case of grouping, to be given for the leader only).	

## Annex 1.2 Joint tenders

### QUESTIONNAIRE CONCERNING JOINT TENDERS

*To be completed in the case of a joint tender submitted by a group of tenderers.*

1. Please give the name of the lead company of the group of tenderers (leader):

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2. Please give the names of the principals (the other companies) that are participating in the tender jointly and severally:

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NB: These companies must provide the identification form (see above), the declaration on honour on the exclusion criteria and, where applicable, the documents required for evaluation of economic and financial capacity and/or technical capacity.

3. If a group or a similar entity has already been formed, please give its name and legal status and provide any other information and any other document that is relevant in this context:

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4. Please provide an Agreement/Power of attorney, drawn up in accordance with the power of attorney template appearing below, signed by the legal representatives of all the partners in the tender submitted jointly and severally, which in particular:

- recognises the joint and several liability of all the partners in the joint tender for the performance of the contract;
- gives power of attorney to one of the partners in the joint tender (leader) to represent the other parties for the purposes of the signature and administration of the contract.

**Agreement/Power of Attorney - Template*****(DESIGNATING ONE OF THE COMPANIES AS LEADER AND APPOINTING IT  
AGENT/AUTHORISED REPRESENTATIVE)***

The undersigned,

- Signatory 1 *(name, function, company, registered office, VAT number)*
- Signatory 2 *(name, function, company, registered office, VAT number)*
- .....
- Signatory No *(name, function, company, registered office, VAT number)*

Each having the legal capacity required to act on behalf of his/her company,

**HAVE AGREED AS FOLLOWS:**

- 1) As co-signatories to the Contract, all the members of the group:
  - will be jointly and severally liable to the European Schools and the OSGES for performance of the contract;
  - will abide by the terms and conditions of the Contract and will ensure that the supplies and/or services are properly provided on their respective parts.
- 3) For this purpose, the member of the group hereby designates the company  as leader.  
*[NB: The leader must be one of the members of the group].*
- 4) The payments made by the European Schools and the OSGES for the services performed will be transferred into the leader's bank account.  
*[Please give the name and address of the bank, the account number, etc.]*
- 5) The members of the group hereby grant to the leader all necessary powers to act on their behalf with regard to the services in question. This mandate includes in particular the following tasks:
  - The leader will sign all contractual documents – including the framework contract, the specific contracts and any amendments thereto – and will issue all invoices on behalf of the members of the group.
  - The leader will be the single point of contact of the European Schools and of the OSGES with respect to the associated services to be delivered under the Contract. It will coordinate performance of the services provided by the members of the group for the European Schools and the OSGES and will ensure proper performance of the Contract.

Any amendment of this agreement/power of attorney will be subject to the express agreement of the European Schools and of the OSGES.

This agreement/power of attorney will expire when all the contractual obligations of the members of the group to the European Schools and the OSGES related to the services to be delivered under the Contract have ceased to exist. Its termination before that date will be possible only with the agreement of the European Schools and of the OSGES.

Signed at ..... , on .....

Name		Name	
Function		Function	
Company		Company	
Name		Name	
Function		Function	
Company		Company	

**Annex 1.3 Subcontracting**

**QUESTIONNAIRE CONCERNING SUBCONTRACTING**

1. Does your tender provide for the use of subcontractors?    Yes     No

*If so, please complete the following points:*

2. The share of the contract that you intend to subcontract:

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3. List of subcontractors:

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4. Justification for subcontracting and role, activities and responsibilities of subcontractors:

*Please complete the following form for each of the subcontractors, including with it a declaration of intent from the subcontractor or an existing agreement (see Article II.5 of the specifications)*

**Justification for subcontracting and role, activities and responsibilities of subcontractors**

Subcontractor's name:

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Official legal form:

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Country of registration:

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Legal registration number:

---

Full official address:

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Contact person:

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Telephone number:

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Justification for subcontracting:

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Subcontractor's role, activities and responsibilities:

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Volume or proportion of subcontracting:

NB: The subcontracted part of the contract remains under the tenderer's responsibility.

The European Schools and the OSGES reserve the right to check the legal situation, the economic and financial capacity and the technical capacity of any subcontractors, either before the contract is signed if the subcontractors are indicated in the tender, or following an application for permission to use the services of subcontractors during the contract period. In the event of failure to submit such documents, use of the services of subcontractors will not be permitted.

Date, stamp and signature of the tenderer:



**Annex 1.4 Entity on whose capacities is being relied**

**Commitment letter by an entity on whose capacities is being relied**

[Letterhead, if any]

**OSGEE**

**Call for tenders Ref. BSGEE 2022 001**

**Attn:**

*[Insert date]*

**Commitment letter by an entity on whose capacity is being relied**

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of the company *[insert name of the entity]* hereby confirm that our company **authorises the *[insert name of the tenderer]* to rely on its financial and economic capacity in order to meet the minimum levels** required for the Call for Tenders [insert reference number] – [insert title of procedure] Lot [insert lot number].

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the entity]* commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the general conditions attached to the Tender Specifications for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

**Annex 2. Declaration on Honour on exclusion and selection criteria****Declaration on honour on  
exclusion criteria and selection criteria**

The undersigned [*insert name of the signatory of this form*], representing:

<i>(only for natural persons)</i> himself or herself	<i>(only for legal persons)</i> the following legal person:
ID or passport number:  (‘the person’)	Full official name:  Official legal form:  Statutory registration number:  Full official address:  VAT registration number:  (‘the person’)

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority<sup>8</sup>, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

<b>Date of the declaration</b>	<b>Full reference to previous procedure</b>

**I – Situation of exclusion concerning the person**

	YES	NO
(1) declares that the above-mentioned person is in one of the following situations:		
(a) it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under Union or national law;	<input type="checkbox"/>	<input type="checkbox"/>

<sup>8</sup> The same school.

(b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
(c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract or an agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(d) it has been established by a final judgement that the person is guilty of any of the following:		
(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in other applicable laws;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks,	<input type="checkbox"/>	<input type="checkbox"/>

audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;		
(f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
(g) it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.	<input type="checkbox"/>	<input type="checkbox"/>
(h) ( <i>only for legal persons</i> ) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).	<input type="checkbox"/>	<input type="checkbox"/>
(i) for the situations referred to in points (c) to (h) above the person is subject to: <ul style="list-style-type: none"> <li>i.facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office (OLAF) or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;</li> <li>ii.non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;</li> <li>iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;</li> <li>iv.information transmitted by Member States implementing Union funds;</li> <li>v.decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or</li> <li>vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

## **II – Situations of exclusion concerning natural or legal persons with power of representation, decision-making or control over the legal person and beneficial owners**

### **Not applicable to natural persons, Member States and local authorities**

	YES	NO	N/A
(2) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:			
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Situation (e) above (significant deficiencies in performance of a contract )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (g) above (creation of an entity with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (h) above (person created with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (i) above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person**

(3) declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **IV – Grounds for rejection from this procedure**

(4) declares that the above-mentioned person:	YES	NO
Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	<input type="checkbox"/>	<input type="checkbox"/>

### **V – Remedial measures**

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

### **VI – Evidence upon request**

Upon request and within the time limit set by the contracting authority the person must provide information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

For situations described in (a), (c), (d), (f), (g) and (h), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

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

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority<sup>9</sup>. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

## VII – Selection criteria

(1) declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 3.2.1 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section 3.2.2 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section 3.2.3 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) if the above-mentioned person is the <b>sole tenderer</b> or the <b>leader in case of joint tender</b> , declares that:	YES	NO	N/A
(d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>9</sup> The same school.

selection criteria for which a consolidated assessment will be made as provided in the tender specifications.			
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### VIII – Evidence for selection

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority<sup>10</sup>. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

***The above-mentioned person must immediately inform the contracting authority of any changes in the situations as declared.***

***The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.***

Full name

Date

Signature

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<sup>10</sup> The same school.

**Annex 3. Quality of the offer****OPEN CALL FOR TENDERS No BSGEE 2022 001****MICROSOFT LICENCES****ANNEX 3: QUALITY OF THE OFFER**

- (1) † Please fill in the table(s) below by indicating your proposal for each criterion directly in the document. If you want to annexes additional documents or references, please indicate the references in the table and provided them with the offer.
- (2) The quality of the offer is evaluated solely on the basis of the information provided.

<b>Services</b>	<b>Answer</b>	<b>Description</b>
Delivery delay (number of days between reception of the order and delivery)		
Availability (for example 5/7, 8-17)		
Responsiveness (for example 4 hours)		



## Annex 4. Financial offer

## OPEN CALL FOR TENDERS BSGEE 2022 001

## MICROSOFT LICENSES

## ANNEX 4: FINANCIAL OFFER

⚡ Please filled in, signed by a duly authorized representative of the tenderer and complete the table below.

*The financial offer is evaluated only on basis of the information provided*

Table 1 Description	Quantity	Catalogue Price	Discount	Discounted yearly price	Total
M365 EDU A3 ShrdSvr ALNG SubsVL MVL PerUsr	5000			0,00 €	0,00 €
PwrAppsPrtIslgnpctyT2EDU ALNG SubsVL MVL AddOn Min10Units100logins	50			0,00 €	0,00 €
Dyn365ECstmrSrvcEDU ShrdSvr ALNG SubsVL MVL PerUsr	180			0,00 €	0,00 €
VSEntSubMSDN ALNG LicSAPk MVL	5			0,00 €	0,00 €
PwrBIProforEDU ShrdSvr ALNG SubsVL MVL PerUsr	20			0,00 €	0,00 €
PowerAppsPlanEDU ShrdSvr ALNG SubsVL MVL PerUsr	60			0,00 €	0,00 €
SQLSvrEntCore ALNG LicSAPk MVL 2Lic CoreLic	40			0,00 €	0,00 €
ProjectPlan5EDU ShrdSvr ALNG SubsVL MVL PerUsr	8			0,00 €	0,00 €
ExchgSvrStd ALNG LicSAPk MVL	3			0,00 €	0,00 €
Dyn365ETeamMembersEDU ShrdSvr ALNG SubsVL MVL PerUsr	28			0,00 €	0,00 €

Table 2 Discount	%
Applicable on the complete Microsoft catalogue (*)	

(\*) this discount must be the same as the discount of Table 1

Contact of the tenderer:

*[Company name]*

*[Name of the Authorized representative]*

*[Country of registration]*

*[Official address]*

Date :

Name and signature of the duly authorized representative of the Company: