



Schola Europaea

**OPEN TENDER N° BSGEE 2022-017**

**SUSTAINABLE SCHOOL TRIPS FOR THE EUROPEAN SCHOOLS**

**TENDER SPECIFICATIONS**

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## 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(s) 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> Molenweidje 5 – 1862 BC Bergen SH
<b>EEB1</b>	<b>European School of Brussels 1 – Uccle &amp; Berkendael - Belgique</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 &amp; Evere – Belgium</b> 2 sites: - Avenue Oscar Jespers 75, 1200 Bruxelles (Woluwe) - Avenue du Bourget 30, 1130 HAREN. (Evere)
<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>FRANK</b>	<b>European School of Frankfurt – Germany</b> Praunheimer Weg 126, 60439 Frankfurt am Main
<b>KARL</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 European Schools (hereinafter also referred to as ‘the schools’) are official educational establishments set up jointly by the European Union and the governments of the Member States. The mission of the European Schools is to provide a multilingual and multicultural education for nursery, primary and secondary level pupils.

The main task of the Office of the Secretary-General of the European Schools (hereinafter referred to as ‘the OSGES’) is to provide the European Schools with advice and assistance on pedagogical, administrative, financial, legal and human resources issues.

The European Schools and the OSGES form together an international organisation governed by public law, set up by an international convention.

More information about the European Schools and their activities is available on the OSGES's website at the address <https://www.eurasc.eu/en>, and on each European Schools' websites via the address <https://www.eurasc.eu/en/European-Schools/locations>.

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

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

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;
- any of the participating entities acting in its own capacity, for matters related to the conclusion, execution or termination of specific contracts with the contractor.

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

The subject of this call for tenders is the provision of sustainable school trips' organisation for the different European schools located in the EU while at the same time taking into account sustainable development concerns.

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

This call for tenders is divided into six (6) lots:

Lot number	Lot title
1	BELGIUM
2	THE NETHERLANDS
3	GERMANY

4	ITALY
5	SPAIN
6	LUXEMBOURG

Tenders may be submitted for six (6) lots. Each lot will be assessed independently of any other lot. Tenders which cover only part of one lot or are declared as being conditional on the award of any other lots are not permitted.

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

The services that are the subject of this call for tender, including any minimum requirements, are listed on Annex 5.

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.

##### **1.4.1. Background and objectives**

The objective of this call for tender is to conclude a framework contract with a provider able to provide school trips services in line with the European Schools requirements.

Pupils could be travelling to any country in the EU, to the UK, to any EU candidate country and to any EFTA countries.

The contractor must provide the human and material resources necessary to provide the service in the non-exhaustive list below:

- The provision of all the information needed to organise the trip (timetables, prices and availability of transport and accommodation);

Reserving, issuing tickets for, making changes to or cancelling transport and accommodation and other components of the school trips

##### **1.4.2. Detailed characteristics of the purchase**

See annex 5

##### **1.4.3. Deliverables**

N/A

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

The services will be performed at the following locations:

- Online but if the contractor has an office close to the client, services could be performed at the contractor's premises.
- the contractor's premises

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

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

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 Contract.

Tenderers need to take full account of the provisions of the 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

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

The framework contract ceiling for each lot is indicated in Heading II.2.6 of the contract notice.

The list of participating entities may be extended to include any other European school(s) or any new site(s) 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, or any new site(s) or extension of existing site.

In that case, the initial framework contract ceiling will be increased via an amendment. The new amount shall be calculated by applying a rule of three comparing the initial framework contract ceiling and the initial total pupils of the schools with the new total pupils of the schools.

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](#) 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(s) and will be awarded in case of increase of the travel needs of the European schools, increase of pupils of the contracting authority or creation of a new European school.

LOT Nr

School

Estimation (4 years)-€

<b>1</b>	<b>European School of Brussels 1 – Uccle &amp; Berkendael – Belgique</b>	<b>4.000.000,00</b>
	<b>European School of Brussels 2 – Woluwe – Evere - Belgium</b>	<b>3.146.000,00</b>
	<b>European School of Brussels 3 – Ixelles – Belgium</b>	<b>2.216.830,00</b>
	<b>European School of Brussels 4 – Laeken – Belgium</b>	<b>3.200.000,00</b>
	<b>European School of Mol – Belgium</b>	<b>875.000,00</b>
<b>2</b>	<b>European School of Bergen – Netherlands</b>	<b>450.000,00</b>
<b>3</b>	<b>European School of Frankfurt – Germany</b>	<b>1.575.400,00</b>
	<b>European School of Karlsruhe – Germany</b>	<b>795.000,00</b>
	<b>European School of München – Germany</b>	<b>1.086.000,00</b>
<b>4</b>	<b>European School of Varese – Italy</b>	<b>450.000,00</b>
<b>5</b>	<b>European School of Alicante – Spain</b>	<b>722.034,00</b>
<b>6</b>	<b>European School of Luxembourg – Luxembourg</b>	<b>2.510.000,00</b>
	<b>European School of Mamer – Luxembourg</b>	<b>2.564.000,00</b>

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

The contract(s) resulting from the award of this call for tenders will be concluded for twelve (12) months renewable up to three (3) times. The details of the initial contract duration and possible renewals are set out in Article I.3 of the Contract.



## 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 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.

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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).

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

### 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 contact 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.

Exclusion criteria (see **Section 3.1**) will be assessed in relation to each member of the group individually. Selection criteria (see **Section 3.2**) will be assessed in relation to the group as a whole.

### 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>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.

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 15 %.

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.

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.

In the case of a joint tender, this declaration – dated and signed by a duly authorised legal representative – must be submitted by each member of the grouping of tenderers.

In the case of subcontracting, when the share of the contract to be performed by the subcontractor exceeds the threshold of 15% of the value of the contract, this declaration – dated and signed by a duly authorised legal representative – must be submitted by each subcontractor.

The exclusion criteria apply individually to each member of the grouping and to each subcontractor concerned.

**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 lots for which it applies. 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.**

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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.

### 3.2.1. Legal and regulatory capacity

The tenderer must demonstrate that it has the legal capacity necessary to engage in the professional activity covered by the contract (registration in the relevant trade or professional register, registration with the social security system, VAT registration, incorporation permit, etc.) in accordance with the legislation of the State where it is established.

#### Supporting documents:

- a copy of the tenderer’s registration in a trade register or in a professional register or of any other official document mentioning a registration number;
- a copy of the tenderer’s legal status or, failing that, an equivalent document recently issued by a competent judicial or administrative authority;
- furthermore, for legal persons, a legible copy of the instrument of appointment 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.

👉 The evidence of legal and regulatory capacity does need to be provided with the tender

### 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.

#### Lot 1 – BELGIUM

Lot 1 - Criterion F1	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit of three of the last five financial years.
<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.

## Lot 2 – THE NETHERLANDS

Lot 2 - Criterion F1	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit of three of the last five financial years.
<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.

## Lot 3 – GERMANY

Lot 3 - Criterion F1	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit of three of the last five financial years.
<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.

## Lot 4 – ITALY

Lot 4 - Criterion F1	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit of three of the last five financial years.



<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.

## Lot 5 – SPAIN

Lot 5 - Criterion F1	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit of three of the last five financial years.
<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.

## Lot 6 – LUXEMBOURG

Lot 6 - Criterion F1	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit of three of the last five financial years.
<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.

👉 The evidence of economic and financial capacity does need to 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.

#### Lot 1– BELGIUM

Lot 1 - Criterion T1	
<b>The tenderer must prove experience in the field of the contract.</b>	
<b>Minimum level of capacity</b>	At least 3 similar school trips (in scope and complexity) contracts completed in the last five years preceding the tender submission deadline, with a minimum number of people of: <ul style="list-style-type: none"> <li>- for one trip, 50 people</li> <li>- for the second trip, 100 people</li> <li>- for the third trip, 200 people.</li> </ul>
<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 contracts meeting the minimum level of capacity. The list shall include details of their start and end date, total contract amount and scope. In case of projects still on-going only the portion completed during the reference period will be taken into consideration. <p>It shall also include the clients' identity and their contact details.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Lot 1 - Criterion T2	
<b>The tenderer must demonstrate that it has sufficient capacity, in human resources terms, to provide the service in the required language</b>	
<b>Minimum level of capacity</b>	A declaration on the average annual manpower employed by the economic operator in each of the last three financial years for which financial statements have been submitted: <ul style="list-style-type: none"> <li>- in the fields related to Travel agency services as described under annex 5.</li> </ul>

	<p><u>Minimum qualifications</u></p> <p>The average annual number of staff in the fields related to Travel agency services as described under annex 5 over the last three financial years for which financial statements have been submitted must be at least 6.</p> <p>Within this average number of staff,</p> <p><b>At least six (6) employees of the tenderer:</b></p> <p><u>Minimum qualifications and experience for the employees:</u></p> <p>› Have a C1 level in French and a B2 level in English.</p> <p>The minimum English level required is level B2 as defined in the standards available at <a href="https://europa.eu/europass/en/common-european-framework-reference">https://europa.eu/europass/en/common-european-framework-reference</a></p>
<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>	<ul style="list-style-type: none"> <li>- A declaration on the average annual manpower employed by the economic operator in the fields related to Travel agency services as described under annex 5.</li> <li>- A declaration certifying that the employees have the requested level in the requested languages</li> </ul> <p>In the case of grouping and/or of subcontracting, a consolidated document summarising information for the grouping and/or subcontractors must be provided. As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Lot 2 - Criterion T1	
<b>The tenderer must prove experience in the field of the contract.</b>	
<b>Minimum level of capacity</b>	<p>At least 3 similar (in scope and complexity) contracts completed in the last five years preceding the tender submission deadline, with a minimum number of people of:</p> <ul style="list-style-type: none"> <li>- for one trip, 10 people</li> <li>- for the second trip, 35 people</li> <li>- for the third trip, 50 people.</li> </ul>
<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>	<p>A list of contracts meeting the minimum level of capacity. The list shall include details of their start and end date, total contract amount and scope. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>It shall also include the clients' identity and their contact details.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Lot 2 - Criterion T2	
<b>The tenderer must demonstrate that it has sufficient capacity, in human resources terms, to provide the service in the required language</b>	
<b>Minimum level of capacity</b>	<p>A declaration on the average annual manpower employed by the economic operator in each of the last three financial years for which financial statements have been submitted:</p> <ul style="list-style-type: none"> <li>- in the fields related to Travel agency services as described under annex 5.</li> </ul> <p><u>Minimum qualifications</u></p> <p>The average annual number of staff in the fields related to Travel agency services as described under annex 5 over the last three financial years for which financial statements have been submitted must be at least 2.</p>

	<p>Within this average number of staff,</p> <p><b>At least two (2) employees of the tenderer:</b></p> <p><u>Minimum qualifications and experience for the employees:</u></p> <p>› Have a C1 level in Dutch and a B2 level in English.</p> <p>The minimum English level required is level B2 as defined in the standards available at <a href="https://europa.eu/europass/en/common-european-framework-reference">https://europa.eu/europass/en/common-european-framework-reference</a></p>
<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>	<ul style="list-style-type: none"> <li>- A declaration on the average annual manpower employed by the economic operator in the fields related to Travel agency services as described under annex 5.</li> <li>- A declaration certifying that the employees have the requested level in the requested languages.</li> </ul> <p>In the case of grouping and/or of subcontracting, a consolidated document summarising information for the grouping and/or subcontractors must be provided. As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

**Lot 3 – GERMANY**

<p><b>Lot 3 - Criterion T1</b></p>
<p><b>The tenderer must prove experience in the field of the contract.</b></p>

<b>Minimum level of capacity</b>	<p>At least 3 similar (in scope and complexity) contracts completed in the last five years preceding the tender submission deadline, with a minimum number of people of:</p> <ul style="list-style-type: none"> <li>- for one trip, 50 people</li> <li>- for the second trip, 100 people</li> <li>- for the third trip, 200 people.</li> </ul>
<b>Basis for assessment</b>	<p>This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i>.</p>
<b>Evidence</b>	<p>A list of contracts meeting the minimum level of capacity. The list shall include details of their start and end date, total contract amount and scope. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>It shall also include the clients' identity and their contact details.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

### Lot 3 - Criterion T2

**The tenderer must demonstrate that it has sufficient capacity, in human resources terms, to provide the service in the required language**

<b>Minimum level of capacity</b>	<p>A declaration on the average annual manpower employed by the economic operator in each of the last three financial years for which financial statements have been submitted:</p> <ul style="list-style-type: none"> <li>- in the fields related to Travel agency services as described under annex 5.</li> </ul> <p><u>Minimum qualifications</u></p> <p>The average annual number of staff in the fields related to Travel agency services as described under annex 5 over the last three financial years for which financial statements have been submitted must be at least 4.</p> <p>Within this average number of staff,</p> <p><b>At least four (4) employees of the tenderer:</b></p>
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	<p><u>Minimum qualifications and experience for the employees:</u></p> <p>› Have a C1 level in German and a B2 level in English.</p> <p>The minimum English level required is level B2 as defined in the standards available at <a href="https://europa.eu/europass/en/common-european-framework-reference">https://europa.eu/europass/en/common-european-framework-reference</a></p>
<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>	<ul style="list-style-type: none"> <li>- A declaration on the average annual manpower employed by the economic operator in the fields related to Travel agency services as described under annex 5.</li> <li>- A declaration certifying that the employees have the requested level in the requested languages.</li> </ul> <p>In the case of grouping and/or of subcontracting, a consolidated document summarising information for the grouping and/or subcontractors must be provided. As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

**Lot 4 – ITALY**

Lot 4 - Criterion T1	
<b>The tenderer must prove experience in the field of the contract.</b>	
<b>Minimum level of capacity</b>	<p>At least 3 similar (in scope and complexity) contracts completed in the last five years preceding the tender submission deadline, with a minimum number of people of:</p> <ul style="list-style-type: none"> <li>- for one trip, 25 people</li> <li>- for the second trip, 50 people</li> </ul>

	- for the third trip, 100 people.
<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>	<p>A list of contracts meeting the minimum level of capacity. The list shall include details of their start and end date, total contract amount and scope. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>It shall also include the clients' identity and their contact details.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Lot 4 - Criterion T2	
<b>The tenderer must demonstrate that it has sufficient capacity, in human resources terms, to provide the service in the required language</b>	
<b>Minimum level of capacity</b>	<p>A declaration on the average annual manpower employed by the economic operator in each of the last three financial years for which financial statements have been submitted:</p> <p>- in the fields related to Travel agency services as described under annex 5.</p> <p><u>Minimum qualifications</u></p> <p>The average annual number of staff in the fields related to Travel agency services as described under annex 5 over the last three financial years for which financial statements have been submitted must be at least 2.</p> <p>Within this average number of staff,</p> <p><b>At least two (2) employees of the tenderer:</b></p> <p><u>Minimum qualifications and experience for the employees:</u></p> <p>› Have a C1 level in Italian and a B2 level in English.</p>



	The minimum English level required is level B2 as defined in the standards available at <a href="https://europa.eu/europass/en/common-european-framework-reference">https://europa.eu/europass/en/common-european-framework-reference</a>
<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>	<ul style="list-style-type: none"> <li>- A declaration on the average annual manpower employed by the economic operator in the fields related to Travel agency services as described under annex 5.</li> <li>- A declaration certifying that the employees have the requested level in the requested languages</li> </ul> <p>In the case of grouping and/or of subcontracting, a consolidated document summarising information for the grouping and/or subcontractors must be provided. As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

## Lot 5 – SPAIN

Lot 5 - Criterion T1	
<b>The tenderer must prove experience in the field of the contract.</b>	
<b>Minimum level of capacity</b>	<p>At least 3 similar (in scope and complexity) contracts completed in the last five years preceding the tender submission deadline, with a minimum number of people of:</p> <ul style="list-style-type: none"> <li>- for one trip, 25 people</li> <li>- for the second trip, 50 people</li> <li>- for the third trip, 100 people.</li> </ul>
<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 contracts meeting the minimum level of capacity. The list shall include details of their start and end date, total

	<p>contract amount and scope. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>It shall also include the clients' identity and their contact details.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>
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Lot 5 - Criterion T2	
<b>The tenderer must demonstrate that it has sufficient capacity, in human resources terms, to provide the service in the required language</b>	
<b>Minimum level of capacity</b>	<p>A declaration on the average annual manpower employed by the economic operator in each of the last three financial years for which financial statements have been submitted:</p> <p>- in the fields related to Travel agency services as described under annex 5.</p> <p><u>Minimum qualifications</u></p> <p>The average annual number of staff in the fields related to Travel agency services as described under annex 5 over the last three financial years for which financial statements have been submitted must be at least 2.</p> <p>Within this average number of staff,</p> <p><b>At least two (2) employees of the tenderer:</b></p> <p><u>Minimum qualifications and experience for the employees:</u></p> <p>› Have a C1 level in Spanish and a B2 level in English.</p> <p>The minimum English level required is level B2 as defined in the standards available at <a href="https://europa.eu/europass/en/common-european-framework-reference">https://europa.eu/europass/en/common-european-framework-reference</a></p>

<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>	<ul style="list-style-type: none"> <li>- A declaration on the average annual manpower employed by the economic operator in the fields related to Travel agency services as described under annex 5.</li>   <li>- A declaration certifying that the employees have the requested level in the requested languages.</li> </ul> <p>In the case of grouping and/or of subcontracting, a consolidated document summarising information for the grouping and/or subcontractors must be provided. As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

## Lot 6 – LUXEMBOURG

Lot 6 - Criterion T1	
<b>The tenderer must prove experience in the field of the contract.</b>	
<b>Minimum level of capacity</b>	<p>At least 3 similar (in scope and complexity) contracts completed in the last five years preceding the tender submission deadline, with a minimum number of people of:</p> <ul style="list-style-type: none"> <li>- for one trip, 50 people</li> <li>- for the second trip, 100 people</li> <li>- for the third trip, 200 people.</li> </ul>
<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 contracts meeting the minimum level of capacity. The list shall include details of their start and end date, total contract amount and scope. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.

	<p>It shall also include the clients' identity and their contact details.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>
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Lot 6 - Criterion T2	
<b>The tenderer must demonstrate that it has sufficient capacity, in human resources terms, to provide the service in the required language</b>	
<b>Minimum level of capacity</b>	<p>A declaration on the average annual manpower employed by the economic operator in each of the last three financial years for which financial statements have been submitted:</p> <p>- in the fields related to Travel agency services as described under annex 5.</p> <p><u>Minimum qualifications</u></p> <p>The average annual number of staff in the fields related to Travel agency services as described under annex 5 over the last three financial years for which financial statements have been submitted must be at least 3.</p> <p>Within this average number of staff,</p> <p><b>At least three (3) employees of the tenderer:</b></p> <p><u>Minimum qualifications and experience for the employees:</u></p> <p>› Have a C1 level in French and a B2 level in English and/or German.</p> <p>The minimum English level required is level B2 as defined in the standards available at <a href="https://europa.eu/europass/en/common-european-framework-reference">https://europa.eu/europass/en/common-european-framework-reference</a></p>
<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>	

	<ul style="list-style-type: none"><li>- A declaration on the average annual manpower employed by the economic operator in the fields related to Travel agency services as described under annex 5.</li> <li>- A declaration certifying that the employees have the requested level in the requested languages</li></ul> <p>In the case of grouping and/or of subcontracting, a consolidated document summarising information for the grouping and/or subcontractors must be provided. As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>
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👉 The evidence of technical and professional capacity does need to 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 annex 5 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. For this purpose, Annex 3 shall be completed and duly signed.

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

### 3.4. Award criteria (valid for all lots)

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 - 50

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the Tender Specifications.

2. Quality - 50

### 3.5. Award (ranking of tenders)

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

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.

The price will be calculated on the basis of:

The financial offer is submitted by means of the scenario annex

The costs of insurances must be included in the prices.

The estimates given on the prices form are not binding for the contracting authority as far as actual orders are concerned.

The tender with the lowest price, in conformity with the specifications and submitted by a tenderer who is not in a situation of exclusion, shall be awarded a maximum of 50 points.

The following formula will be applicable to the financial criteria:

Award criteria	Weighting (out of 100)
Price	50
Quality	50

**Price :** Score awarded to the candidate for the financial criterion

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$$\frac{\text{lowest price amongst the offers received}}{\text{price offered by the candidate}} * 50$$

**Quality: 50:**

Award criteria	Weighting (out of 100)
<b>Quality</b>	<b>50</b>
Scenario	50

The details of the different scenarios corresponding of the different lots are given in the scenario's annexes. The maximum amount per student indicated in the scenarios are **without VAT**.

**Each lot's scenario indicates a price range per student (see annex 4). The proposed price must be within this price range and this proposed price will serve as the basis for the evaluation of the price criterion.**

The following formula will be applicable to the scenario:

Scenario	Formula
Points A1, A2, A4, B1, B2 C1, D1	For each criteria, the offer with the best quality will receive 6 points, the second one will receive 4 points, the third one will receive 2 points, the following ones will not receive any points. For each criteria, if the offers are considered equivalent, they will be awarded the same number of points.
Point A3	The offer which will propose a label will receive 8 points. The offer that does not propose a label will not receive any points.

In order to be considered, an offer must obtain a minimum of 25 points out of 50, otherwise the offer will be rejected and will not be further evaluated. For criteria D1, the offer must obtain 2 points minimum to be considered.

Following assessment of compliance against the minimum requirements of the technical specifications, the European Schools will use the above-mentioned award criteria to evaluate offers received



## 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*.

👉 **Tenderers willing to submit tenders for more than one lot need to upload a separate technical and financial offer for each of the lots in which they are interested.**

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 the **annex 5** and the award criteria.

For this purpose, the *corresponding scenario (for each specific lot)* shall be completed and duly signed.

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. For this purpose, the Scenario annex shall be completed and duly signed.

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 offer must be:

- › **expressed in EURO**, using the conversion rates published, on the day of publication of the call for tenders, in C series of the Official Journal of the European Union. This information is also available on the website of the European Central Bank at the following URL: <http://www.ecb.int/stats/exchange/eurofxref>. It will not be possible for the amount of the offer to be revised in the light of exchange rate developments – it is up to the tenderer to bear the risks or to take advantage of such variations; and
- › **firm** (during performance of the contract, the price can be revised only under the conditions set by the Contract); and
- › **all-inclusive** (fulfilling all the requirements of the specifications and including any possible renewals, options, etc.); and
- › **depending on the lot, net of all taxes, charges and other costs (including VAT)**, see point hereunder

👉 VAT application or exemption is subject to national legislation and is different in each Member States

#### 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 incompliant 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 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.

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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.

## 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.

### APPENDIX: LIST OF REFERENCES

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.3.3
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	<a href="#">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</a>
<i>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.6
<i>Group leader</i>	See Section 2.3.1
<i>Identified subcontractors</i>	See Section 2.3.2
<i>Involved entities</i>	See Section 2.3
<i>Joint tender</i>	See Section 2.3.1
<i>Participating entities</i>	See Section 1.1

<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.3
<i>Subcontracting/subcontractor</i>	See Section 2.3.2