



**Office of the Secretary general of the  
Board of Governors of the European  
Schools**

**Rue de la Science 23 – 1040 Brussels**

**OPEN PROCEDURE N° BSGEE2024/005**

**BOOKS 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 procurement is inter-school. The following bodies (hereafter the *participating entities*) will participate as contracting authorities to the framework contracts resulting from this procurement:

Participating entities		
Acronym	Name and address	Website
<b>OSGES</b>	<b>Office of the Secretary general of the European Schools</b> Rue de la Science 23 – 1040 Brussels	<a href="https://www.eurasc.eu/en">https://www.eurasc.eu/en</a>
<b>BERG</b>	<b>European School of Bergen – Netherlands</b> Molenweidjtje 5 – 1862 BC Bergen SH	<a href="https://www.esbergen.eu/">https://www.esbergen.eu/</a>
<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	<a href="https://www.eeb1.com/en/">https://www.eeb1.com/en/</a>
<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)	<a href="https://eeb2.eu/">https://eeb2.eu/</a>
<b>EEB3</b>	<b>European School of Brussels 3 – Ixelles – Belgium</b> Boulevard du Triomphe, 135 - 1050 Brussels	<a href="https://www.eeb3.eu/en/">https://www.eeb3.eu/en/</a>
<b>EEB4</b>	<b>European School of Brussels 4 – Laeken – Belgium</b> Drève Sainte-Anne 86, 1020 Brussels	<a href="https://eeb4.be/">https://eeb4.be/</a>
<b>MOL</b>	<b>European School of Mol – Belgium</b> Europawijk 100 - 2400 Mol	<a href="https://www.esmol.be/en">https://www.esmol.be/en</a>
<b>LUX</b>	<b>European School of Luxembourg – Luxembourg</b> 23 Boulevard Konrad Adenauer - L-1115 Luxembourg	<a href="https://www.euroschool.lu/site/">https://www.euroschool.lu/site/</a>
<b>MAM</b>	<b>European School of Mamer – Luxembourg</b>	<a href="https://www.eel2.eu/en">https://www.eel2.eu/en</a>

	6, rue Gaston Thorn L-8268 Bertrange	
<b>FRANK</b>	<b>European School of Frankfurt – Germany</b> Praunheimer Weg 126, 60439 Frankfurt am Main	<a href="https://www.esffm.org/">https://www.esffm.org/</a>
<b>KARL</b>	<b>European School of Karlsruhe – Germany</b> Albert-Schweitzer-Straße 1, 76139 Karlsruhe	<a href="https://www.es-karlsruhe.eu/">https://www.es-karlsruhe.eu/</a>
<b>VAR</b>	<b>European School of Varese – Italy</b> 118 Via Montello It-21100 Varese	<a href="https://www.eurscva.eu/">https://www.eurscva.eu/</a>
<b>MUN</b>	<b>European School of München – Germany</b> Elise-Aulinger-Straße 21, 81739 München	<a href="https://esmunich.de/en/home.html">https://esmunich.de/en/home.html</a>
<b>ALI</b>	<b>European School of Alicante – Spain</b> Av Locutor Vincente Hipolito – 03540 Alicante	<a href="https://www.escuelaeuropea.org/">https://www.escuelaeuropea.org/</a>

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 OSGES (Office of the Secretary General of the European Schools). The OSGES, acting as an agent for the participating entities for the purposes of this call for tender and the resulting framework contracts, publishes the call for tenders, organises the evaluation, signs and manages the framework contracts (including any amendments thereto) on behalf of all participating entities.

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

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

## 1.2. Subject matter: what is this procurement about?

The subject matter of this call for tenders is the delivery of schoolbooks and other books for the European Schools. More details are given in section

### 1.3. Lots: is this procurement divided into lots?

This procurement is not divided into lots.

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

The purpose of this procedure is the conclusion of a supply framework contract relating to the purchase of schoolbooks and other books intended for the European Schools and their libraries.

More precisely, the supplies expected in execution of the framework agreement will be ordered and delivered in groups or individually.

We need a **full** access to the contractor's catalogue(s).

The catalogue(s) must at least include books covering the following subjects :

- General, scientific, technical and human sciences,
- General literature, regional and local literature,
- Children's literature,
- Comics, Mangas,
- Fine books, art,
- Atlas,
- Dictionaries and encyclopedias,
- Paperback books,
- School and extracurricular books,
- Language learning (grammar, linguistic method),
- Any other supplies linked to the object of the contract

These books can be ordered through an online platform or via email.

The supplier catalogue should ideally provide books in all EU Official (24) languages of the European Union, plus Latin and Ancient Greek.

#### Delivery times:

- The maximum delivery time for the most commonly ordered books is 15 working days from receipt of the order form by the contractor, during the opening hours of the schools (from 8h00 to 16h00 from Monday until Friday).

### Contract management :

The contractor shall identify minimum one coordinator within its organization who will be the single contact point (SPOC) for all administrative and operational communication in relation with the contract with the Schools.

All communication and exchanges of information between each School and the contractor shall be addressed to the coordinator designated by the contractor.

The coordinator shall communicate in English orally and in written as a minimum.

The coordinator shall handle all queries and orders from the schools.

The coordinator shall inform the schools in case of delays or any problems with the orders.

### Countries of delivery:

Deliveries must be possible at least to the following countries: Belgium, Netherlands, Germany, Italy and Luxembourg.

### Presentation of the catalogue and ordering:

The catalogue must be available at least in two languages: English and French

The catalogue(s) must include the description of each product proposed i.e the title, author of the book, the publishing house and edition reference, a picture, the format of the book, a short description or resume of the book the availability of the book, and the price.

The catalogue must be available **online**: Please provide the internet links towards the catalogue(s) with the offer.

An additional paper version is possible.

Ordering must be possible online (online catalogue) and/or via email only.

The online catalogue(s) must be easy to use: search tools possible, search per author, title, classification of the products per type, etc.

The cascade ordering process is described in the framework contract.

### Discount:

**The tenderer shall propose one or more discounts** applicable for the whole duration of the framework contract, on whole prices proposed in the catalogue.

For more details, see below *Section 3.4 - Award criteria*.

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

The estimated distribution of deliveries among the different locations is as follows:

Location	% of the estimated overall volume of deliveries
Brussels (BE)	50 %
Luxembourg (LU)	26 %
Netherlands (NL)	8 %
Italy (IT)	4 %
Germany (GE)	7 %
Spain (ES)	4%

The above are estimates only and entail no commitment for the *Contracting authority*.

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

**The procedure will result in the conclusion of a multiple framework contract in cascade.**

There will be maximum 3 suppliers awarded in the Cascade. The orders will be made to the first awarded in the cascade.

More details of the functioning of the cascade are given in the 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 or purchase order. The signature of a framework contract does not impose an obligation on the *Contracting authority* to conclude specific contracts or purchase order in accordance with the framework contract.

The tenders deemed admissible as a result of the evaluation will be ranked in descending order to establish a list of contractors and a sequence in which they will be offered specific contracts or purchase order during the implementation of the framework contract. The modalities of implementation of the framework contract in cascade are set out in Article I.4.3 of the Draft framework 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.

**By submitting a tender, the tenderer also accepts all the terms and conditions set out in the draft contract annexed to these specifications. The successful tenderer of the contract may no longer request an adaptation of any clause whatsoever.**

### 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 2.1.3 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.

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 orders. In any case the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, for each lot shall not be exceeded.

**If the total amount is reached for a lot, no more orders may be placed under the said lot, without notice or compensation, unless an addendum has been previously signed by both parties.**

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

The contracts resulting from the award of this procurement will be concluded for 12 months tacitly renewable 3 times for successive periods of 12 months, i.e. 48 months unless one of the parties receives formal notification to the contrary at least six months before the end of the current duration.

## 2. GENERAL INFORMATION ON TENDERING

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

This procurement 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 procurement 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 procurement 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.

### 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:

- 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

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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.

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 procurement, 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.**

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

Tenderers do not need to prove specific legal and regulatory 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.

### 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.

Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last three financial years above <b>EUR 500.000,00</b> .
<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 two 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.

☞ 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 supplying books in paper format, standing orders, yearbooks, updates and monographic series.	
<b>Minimum level of capacity</b>	The tenderer shall prove that he has received orders from at least 3 different customers for a minimum value for each of the customers of EUR 1.000,00.
<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.  As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.

☞ 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 Section 1.4 of these specifications 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 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 – 40 pts

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

The price will be calculated on the basis of the discount(s) proposed on the prices (imposed price or catalogue price) of the candidates' catalogue.

Tenders shall be ranked according to the formula below:

$$\left( \frac{\text{highest discount proposed for orders below 50€}}{\text{discount proposed for orders below 50€}} * 10 \right) + \left( \frac{\text{highest discount proposed as from 50€}}{\text{discount proposed for orders as from 50€}} * 30 \right)$$

The prices **shall include the cost of delivery** of the product.

**⚠ The discount(s) proposed by the successful tenderer(s) in Annex 4 will be applicable for the whole duration of the framework contract.**

2. Quality – 60 pts

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

- Average delivery time per order (10 points)
- After-sales service (10 points)
- Registration and tracking of orders (ordering platform) (10 points)
- Available languages for the books (15 points)

- Number of books available (15 points)

### **1. Average delivery time per order : 10 points**

This criterion evaluates the quality of the services proposed by the tenderer to deliver the items ordered by the participating entities in the shortest possible time.

The contracting authority will assess the estimated time for supplying the order under the “average delivery time” criterion. This average time must be expressed in working days and must be identical for all participating schools. The average delivery time will be the subject of a detailed description including the maximum delivery times depending on the nature of the resource ordered.

The quotation will be made as follow:

- Between 0 and 5 days proposed : 10 points
- Between 5 and 10 days proposed : 7 points
- Between 10 and 15 days proposed: 5 points
- More than 15 days proposed : 0 points

### **2. After-sales Service : 10 points**

The contracting authority will assess under the “after-sales service” criterion:

- The tenderer's policy regarding possible problems relating to delivery, namely:
  - the terms of return of refused books, whether they are books ordered in error or in duplicate, the book presents a defect in the edition, the damaged book, etc.;
  - and this, whether the contracting authority realizes the problem upon receipt of the books, or afterwards, when it has already been sealed by the library ;
  - and this, whether the error is on the part of the beneficiary contracting authority or not ;
  - the deadline for replacing the books. Note that replacement of books within 15 working days is considered as a maximum ;
  - the means of communication established by the participant regarding the follow-up of these problems.

The quotation will be made as follow:

Verbal scale and scores		
Levels	Assessments	Weighting of the score
More than satisfactory	<i>Which matches in all respects and more than satisfactorily the aspects evaluated and exceeds, in the case of several elements, the desired characteristics.</i>	80-100%

<b>Satisfactory</b>	<i>Which matches in all respects the aspects evaluated and exceeds the desired characteristics.</i>	<b>50-79%</b>
<b>Acceptable</b>	<i>Which matches the aspects evaluated averagely and minimally exceeds the desired characteristics.</i>	<b>20-49%</b>
<b>Unsatisfactory</b>	<i>Which does not match, in the case of some elements, the aspects evaluated and does not attain, in the case of some elements, the desired characteristics.</i>	<b>0-19%</b>

### **3. Order registration and tracking : 10 points**

The contracting authority will assess under the criterion “order registration and tracking”:

- the management of orders upon their receipt, verification of the availability of items and delivery. The tender should provide details on the proposed methodology, the organisation of the relevant service(s), communication methods and the services themselves. This includes timeframes and delivery details.

- the type of system put in place by tenderer, intended to record orders and monitor them (titles temporarily unavailable, titles in reprint, title to be published, etc.): indicate whether an automated system exists for the transmission and processing of orders (electronic basket type or equivalent), indicate the type of automated order tracking management system, ..., simplicity and reliability of the system proposed.

- the variety of the order systems (computerized order forms via an online platform or via email) and the speed of their recording.

The quotation will be made as follow:

<b>Verbal scale and scores</b>		
<b>Levels</b>	<b>Assessments</b>	<b>Weighting of the score</b>
<b>More than satisfactory</b>	<i>Which matches in all respects and more than satisfactorily the aspects evaluated and exceeds, in the case of several elements, the desired characteristics.</i>	<b>80-100%</b>
<b>Satisfactory</b>	<i>Which matches in all respects the aspects evaluated and exceeds the desired characteristics.</i>	<b>50-79%</b>
<b>Acceptable</b>	<i>Which matches the aspects evaluated averagely and minimally exceeds the desired characteristics.</i>	<b>20-49%</b>
<b>Unsatisfactory</b>	<i>Which does not match, in the case of some elements, the aspects evaluated and does not attain, in the case of some elements, the desired characteristics.</i>	<b>0-19%</b>

#### **4. Available languages: 15 points**

The contracting authority will assess under the criterion “Available languages” the number of languages proposed by the tenderer for the books, amongst the following list of languages:

French
English
German
Greek
Hungarian
Irish
Italian
Latvian
Lithuanian
Maltese
Polish
Portuguese
Romanian
Slovak
Slovenian
Spanish
Swedish
Bulgarian
Croatian
Czech
Danish
Dutch
Estonian
Finnish
Latin
Ancien Greek
....
....
....
....

The quotation will be made as follow :

$$\frac{\text{highest number of languages proposed}}{\text{number of languages proposed}} * 15$$

#### **5. Available books : 15 points**

The contracting authority will assess under the criterion “Available books” the total number of books and references that are proposed by the tenderer in his catalogue(s).

The quotation will be made as follow:

$$\frac{\text{highest number of references proposed}}{\text{number of references proposed}} * 15$$

A maximum of 60 points will be awarded for the **quality** of the tender.

Each tender's overall quality will be evaluated on the basis of the criteria set out in the document entitled 'Quality of the tender' in *Annex 3*.

The document 'Quality of the tender' in *Annex 5* **MUST** be completed by each tenderer.

Qualitative criteria	Maximum Points
Criterion 1: <i>Average delivery time per order</i>	10
Criterion 2: <i>After-Sales service</i>	10
Criterion 3: <i>Registration and tracking of orders (ordering platform)</i>	10
Criterion 4: <i>Available languages</i>	15
Criterion 5 : <i>Availability of books</i>	15

### 3.5. Award (ranking of tenders)

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

$$\text{Total number of points for the financial offer} + \text{total number of points for quality}$$

♣ The contract shall be awarded to the first **3** ranked tenders, which comply with the Tender Specifications and are submitted by tenderers with access to procurement, not in an exclusion situation and fulfilling with the selection criteria. The ranking will determine the sequence in which the contractors will be offered specific contracts during the implementation of the framework contract.

## 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 automatically rejected due to irregularity.

### 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.**

👉 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.

👉 **Each document must be signed by a duly authorized representative of the tenderer.**

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 and the award criteria.

Tenders deviating from the minimum requirements or not covering all the requirements will 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 (see box below).

The European Schools are not automatically exempted from Value Added Tax (VAT) for the supply of goods and services. The rules for exemption from payment or recovery of VAT are defined by each Member State and will be specified by each school to the contractor.

#### **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 procurement 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 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 data controller is the Secretary General for OSGES and the Director of the School for 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 [National Data protection Authority](#).

The full version of the applicable privacy statement is available at <https://www.eursc.eu/en/Office/public-procurement>.

# ANNEXES

- 1. Administrative information and checklist**
- 2. Declaration on honour**
- 3. Financial offer**
- 4. Bank account form**
- 5. Quality offer**