



**Office of the Secretary general of the  
European schools**  
Rue de la Science 23 - 1040 Brussels

**OPEN PROCEDURE**

**N° BSGEE – 2024-12 - Nursery and School supplies for the European Schools and the  
European Commission**

**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 contract(s) resulting from this procurement:

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>ESBERG</b>	<b>European School of Bergen – The Netherlands</b> Molenweidjtje 5 – 1862 BC Bergen SH
<b>ESB1</b>	<b>European School of Brussels 1 – Uccle &amp; Berkendael - Belgium</b> 2 sites: - 46, avenue du Vert Chasseur - 1180 Bruxelles - Rue de Berkendael 70 - 1190 Forest
<b>ESB2</b>	<b>European School of Brussels 2 – Woluwe &amp; Evere – Belgium</b> 2 sites: - Avenue Oscar Jespers 75, 1200 Bruxelles - Avenue du Bourget 30, 1130 Evere
<b>ESB3</b>	<b>European School of Brussels 3 – Ixelles – Belgium</b> Boulevard du Triomphe, 135 - 1050 Brussels
<b>ESB4</b>	<b>European School of Brussels 4 – Laeken – Belgium</b> Drève Sainte-Anne 86, 1020 Brussels
<b>ESMOL</b>	<b>European School of Mol – Belgium</b> Europawijk 100 - 2400 Mol
<b>ESL1</b>	<b>European School of Luxembourg – Luxembourg</b> 23 Boulevard Konrad Adenauer - L-1115 Luxembourg
<b>ESL2</b>	<b>European School of Mamer – Luxembourg</b> 6, rue Gaston Thorn L-8268 Bertrange
<b>ESFRANK</b>	<b>European School of Frankfurt – Germany</b> Praunheimer Weg 126, 60439 Frankfurt am Main
<b>ESKARL</b>	<b>European School of Karlsruhe – Germany</b> Albert-Schweitzer-Straße 1, 76139 Karlsruhe
<b>ESMUN</b>	<b>European School of München – Germany</b> Elise-Aulinger-Straße 21, 81739 München
<b>ESVA</b>	<b>European School of Varese - Italy</b> Via Montello 118. I-21100 Varese (VA)
<b>EC - OIB</b>	<b>European Commission – Office des Infrastructures de Bruxelles - Crèches, kindergartens and childcare (after-school and school holidays) :</b> <ul style="list-style-type: none"> <li>• COLE Rue Leman, 60 B - 1040 Brussels</li> <li>• GRAND CLOVIS Boulevard Clovis, 75 - 79 B - 1000 Brussels</li> <li>• WILSON Rue J. Wilson, 20 B - 1000 Brussels</li> </ul>

The European Schools (hereinafter 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” or “the OSG”) is to provide the European Schools with advice and assistance on pedagogical, administrative, financial, legal and human resources issues.

More information about the OSGES and the European Schools and their activities is available on the OSGES’s website at the address <https://www.eursec.eu/en>.

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

The lead contracting authority is the OSGES. OSGES, acting as an agent for the participating entities for the purposes of this call for tender and the resulting framework contract(s), publishes the call for tenders, organises the evaluation, signs and manages the framework contract(s) (including any amendments thereto) on behalf of all participating entities.

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

References to the *Contracting authority* in these Tender specifications and their annexes shall be understood, depending on the context, as referring to one of the following:

- the OSGES acting in its capacity as lead contracting authority ;
- all the participating entities, in relation to their collective rights and obligations with the contractor(s), as one of the parties to the framework contract(s);
- 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 contractor(s).

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

The subject matter of this call for tenders is the supply and delivery of teaching and learning materials for the European Schools and for the crèches and childcares run by the European Commission (OIB) in Brussels. More details are given below.

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

This procurement is divided into 4 lots:

Lot number	Lot title
1	BRUSSELS-LUXEMBURG
2	BERGEN (NL)-MOL (BE)
3	GERMANY

Tenders may be submitted for up to 4 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 and will be dismissed of its own motion because of irregularity.

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

The supplies that are the subject of this call for tender, including any minimum requirements, are described in detail below.

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. General requirements**

The 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.

Any product supplied must comply with the Belgian, European or International directives and standards applicable to such product at the date of the order.

If, during the performance of the contract, these standards were to be modified, the Contractor shall adapt its catalogue to propose for future orders placed, products that comply with the said standards.

##### **1.4.2. Technical requirements (minimum requirement)**

###### **Description of the supplies requested:**

The European Schools are looking for a contractor able to propose :

- a full access to **lists of items** (see *Annex 4* – Financial offer),
- as well as to a **public online catalogue**, including at least the following categories of supplies:
  - basic scholar material, such as markers, papers, cardboards, scissors, cutters, workbooks, glue, pencils, pens, etc. ;
  - craft or DIY supplies, such as wooden and cardboard boxes, items to be painted or colored, cords, wool, modelling dough, painting material, ...
  - didactical material, such as educational games (dominos, brick construction, puzzles, ...), material, learning sheets, books for learning mathematics, languages, sciences, music, etc
  - small sport and activities supplies to develop fine motor skills, such as soft foam balls, mats, skipping ropes, etc.

The items proposed by the supplier in the category “didactic material” must be adapted to the main language spoken in the school(s) of the related lot:

Lot 1 : French  
Lot 2 : Dutch  
Lot 3 : German  
Lot 4 : Italian

It must be available at least in the following languages:

Lot 1 : French  
Lot 2 : Dutch  
Lot 3 : German  
Lot 4 : Italian

All products must be CE approved.

The catalogue proposed must be online and public – i.e. freely accessible to everyone via internet, without having to connect with a login or a specific account -.

This catalogue(s) must include for each item: the description, a picture, the main characteristics, dimension, the environmental labels if existing, and **the price**: Public and updated prices must be freely accessible via the online catalogue for each item.

The catalogue(s) must be easy to use: Search tools and classification of the items proposed per type or category have to be proposed.

The internet links towards this catalogue shall be provided with the offer (see **Annex 3** – Quality offer).

**Minimum lists of items to supply:**

**Annex 4.b and 4.c** of the Financial form set out lists of items or products (*the lists*) from which at least **90%** of the listed items must be in the tenderer's catalogue(s) proposed and an offer must be submitted, failing which the tender will be rejected (90% of the number of listed items but not of the quantities). For the evaluation, only the items proposed by the whole tenderers will be taken into account. If a tenderer is proposing less than 90% of the listed items, its offer will be rejected and not further evaluated.

The Schools and OIB have the possibility to order from each of the lists corresponding to their lot.

However, the lists are intended for the evaluation of tenders and does not commit the contracting authorities to ordering these references or quantities. Ordering higher or lower quantities or no quantities at all may not give rise to any compensation. In addition, other products from the tenderer's public catalogue(s) may be ordered, provided that these products belong to one of the categories listed above.

Any product proposed as an alternative to an item in the lists (**Annex 4.b and 4.c**) must be of at least equivalent quality (same standard, same level of practice). If an alternative is proposed, the technical specification of the product proposed as an alternative must be provided by the tenderer to demonstrate the equivalence.

Samples can be requested during the procedure by the contracting authority. The samples will be at the disposal of the tenderer(s) at the end of the procedure in OSGES's premises.

### **Sustainability of the products ordered:**

The European schools are committed to an environmental approach, including sustainable purchases.

Specific attention will be given to the following sustainability aspects:

- To favour materials with a low impact on the environment;
- To favour articles of solid quality that will be used for a long time period to avoid wasting resources.

Where available and/or relevant, environmental criteria are described and requested in the lists, as minimal environmental criteria.

Proof of compliance with the ecological criteria required:

The tenderer must provide proof of compliance with the environmental criteria by submitting:

- The tenderer shall propose items having obtained one of the labels or technical specification (such as free of solvent or made of recycled plastic or FSC certified, etc) specified in the lists.

Other environmental labels may be accepted provided they meet the following criteria:

Independence: The label must be awarded by a third-party organisation that is independent of the company concerned.

Transparency: The label criteria must be clear, public and cover significant environmental impacts of the product.

Regular checks: The certification body must carry out regular external audits to guarantee the ongoing compliance of the product.

Validity: The label must be renewed periodically and accompanied by up-to-date documentation.

As an alternative to label, the tenderer can provide:

- the technical data sheet or a product dossier, if it contains the evidence relating to the technical and environmental requirement set in the list;
- or another certificate, test report or analytical result(s) from an approved authority, authority or laboratory (the certificate must be valid at least for the current year). “Approved body” within the meaning of this Article shall mean testing and calibration laboratories and inspection and certification bodies complying with the relevant European standards; attestations from bodies approved in other Member States shall also be accepted.

The contracting authority reserves the right to request proof of compliance with the environmental requirement, at any time during the procedure. Products without proof of certification meeting the requirements will not be considered.

### **Modifications of the catalogue during the implementation of the contract:**

The tenderer undertakes to ensure the supply and quality of the offered items of the lists (*Annex 4.b and 4.c*) throughout the whole duration of the contract.

- Modifications for items from the lists



If necessary during performance of the contract, the items from the lists may be replaced, after validation by the Schools only, by an article with a better quality/price ratio, under the following conditions: lower or identical unit price for a higher or identical quality. A replacement item at the same price for the same quality may be offered only in the event of the unavailability of an item suffered by the contractor (stopping production for example or obsolescence).

In all cases, the new article must comply with the technical characteristics initially defined in the tender documents.

An article with the same technical quality but with a lower environmental impact (an additional ecolabel, for example) will be considered to be of higher quality.

In order to assess the quality of the new item and validate the replacement, the contractor will provide, if requested by the contracting authorities, a free sample within 10 working days (unless otherwise agreed with the Schools).

- Modifications for other items (out of the lists)

Other items from the catalogue(s) may be replaced at the discretion of the contractor (replacement, addition, deletion) provided that the terms of these specifications are still complied with and that the number of items available in the catalogues remains equivalent or higher, throughout the duration of the contract.

#### **Prices and discounts:**

- The prices indicated in the lists (***Annex 4.b and 4.c***) will be **the prices set out in the contract** and shall include the specific discounts proposed by the Contractor for each item of the lists. **In the lists, different discounts can be proposed by the tenderers.**
- The prices of the other products, from the Contractor's catalogue, shall be the public applicable catalogue(s) prices at the time of the order, less the discount proposed by the Contractor in its financial offer (***Annex 4.a***). This discount will be valid on **all products** of the tenderer's catalogue(s). The tenderer can only offer one discount rate on the public catalogue.

#### **Website ordering and order management:**

The European Schools would like to order the material on the website of the contractor (website ordering).

Website ordering is made by issuing order forms specifying the items, quantities and tariffs, and the type of delivery (on pallets or not for example in the case of a large quantity). It must be possible to select the material requested from all the products proposed from the contractor's catalogue(s).

Each school must have a dedicated account with:

- Each school must have a unique account secured with a username and password, allowing access to a personalized area,

- Schools must be able to place orders online using the catalog displaying the available products and services,
- Ideally, a clear interface must allow users to monitor the status of their orders (e.g., being processed, shipped, delivered) in real time,
- Ideally, users must have access to a complete history of their orders, including associated invoices, which can be viewed, downloaded, and printed.

### **Delivery:**

The maximum delivery time is 15 working days from receipt of the signed order form by the contractor.

The cost of the delivery must be included in the price of the article ordered.

Delivery times must not exceed 15 calendar days and must be mentioned when ordering.

Products must be delivered in good condition; if one or more products are received damaged, they must be returnable free of charge.

### **Places of delivery:**

Deliveries must be possible at least to the following countries:

Lot 1 : Belgium (Brussels) and GD Luxemburg (city of Luxemburg and Bertrange/Mamer)

Lot 2 : Belgium (Mol) and the Netherlands (Bergen)

Lot 3 : Germany

Lot 4 : Italy (Varese)

The detailed addresses of delivery are indicated above in **section 1** in the **table Participating entities**.

Delivery times:

Schools: 7:00 am to 16:00 pm, Monday to Friday.

OIB (kindergarten and crèches): 7:00 am to 14:00 pm, Monday to Friday.

### **Packaging:**

Packaging must provide sufficient protection for the items delivered while respecting the following packaging rules for all products in order to limit the impact on the environment:

- Tenderers may not use individual packaging for items,
- All cardboard packaging must contain 60% recyclable or labelled material,
- All packaging must be made of homogeneous materials that are easy to sort,
- No packaging may contain chlorinated plastic.

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

Location
<b>Lot 1 : Brussels-Luxemburg</b>
EEB1-European School of Brussels 1 (Belgium)
EEB2-European School of Brussels 2 (Belgium)

EEB3-European School of Brussels 3 (Belgium)
EEB4-European School of Brussels 4 (Belgium)
Lux-European School of Luxemburg (Luxemburg)
Mam-European School of Mamer (Luxemburg)
OIB – Office of the infrastructure of the European Commission – Brussels – Belgium
<b>Lot 2 : Bergen-Mol</b>
Berg-European School of Bergen (Netherlands)
Mol-European School of Mol (Belgium)
<b>Lot 3 : GERMANY</b>
Frank-European School of Frankfurt
Karl-European School of Karlsruhe
Mun-European School of München
<b>Lot 4 : ITALY</b>
Var-European School of Varese

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

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

An indicative estimate of the volumes to be ordered for each lot over the whole duration of the framework contract is given in the financial model in **Annex 4**. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities which the *Contracting authority* will order through specific 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.**

The *framework contract ceiling* for each lot is indicated in Heading 2.1.3 of the contract notice.

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

The contract(s) resulting from the award of this procurement will be concluded for 12 months tacitly renewable 4 times for successive periods of 12 months, i.e. 48 months maximum, 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 \(EU, Euratom\) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union](#) (the Financial Regulation)<sup>1</sup>.

The type of procedure resulting from this procurement is: Open procedure.

### 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) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, 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 15 %.

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** and the documents mentioned as supporting evidence in the Declaration on Honour<sup>4</sup>. The declaration must be signed by an authorised representative of the entity providing the declaration.

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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.

**👉 All of the above specified evidences must be provided with the tender.**

### **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 lot(s) for which it applies. The model Declaration on Honour available in **Annex 2** shall be used.

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<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 must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the [work] [services] subject to this procurement.

The legal and regulatory capacity shall be proven by the evidence listed below:

- Proof of enrolment in a relevant trade or professional register
- Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment
- Proof that the tenderer is a member of a specific professional organisation

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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.

...

👉 **All of the above specified evidence of economic and financial capacity must 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 – BRUSSELS-LUXEMBURG

Lot 1 - Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last three financial years above EUR 300.000
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
<b>Evidence</b>	Copy of the profit and loss accounts and balance sheet for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

Lot 1 - Criterion F2	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit over the last three financial years ended.
<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 – BERGEN-MOL

Lot 2 - Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last three financial years above EUR 25.000

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

Lot 2 - Criterion F2	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit over the last three financial years ended.
<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>	Average yearly turnover of the last three financial years above EUR 75.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
<b>Evidence</b>	Copy of the profit and loss accounts and balance sheet for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

Lot 3 - Criterion F2	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit over the last three financial years ended.
<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.
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**Lot 4 – ITALY**

Lot 4 - Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last three financial years above EUR 20.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
<b>Evidence</b>	Copy of the profit and loss accounts and balance sheet for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

Lot 4 - Criterion F2	
<b>Minimum level of capacity</b>	A positive average pre-tax annual profit over the last three financial years ended.
<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.

**👉 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.

**Lot 1– BRUSSELS-LUXEMBURG**

Lot 1 - Criterion T1
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The tenderer must prove experience in the field of the contract.	
<b>Minimum level of capacity</b>	At least 3 similar (in scope and complexity) contracts completed in the last three years preceding the tender submission deadline, with a minimum value for each of them € 50.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
<b>Evidence</b>	<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 – BERGEN-MOL

Lot 2 - Criterion T1	
The tenderer must prove experience in the field of the contract.	
<b>Minimum level of capacity</b>	At least 3 similar (in scope and complexity) contracts completed in the last three years preceding the tender submission deadline, with a minimum value for each of them € 7.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
<b>Evidence</b>	<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 – GERMANY

### Lot 3 - Criterion T1

The tenderer must prove experience in the field of the contract.	
<b>Minimum level of capacity</b>	At least 3 similar (in scope and complexity) contracts completed in the last three years preceding the tender submission deadline, with a minimum value for each of them € 15.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
<b>Evidence</b>	<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 – ITALY

### Lot 4 - Criterion T1

The tenderer must prove experience in the field of the contract.	
<b>Minimum level of capacity</b>	At least 3 similar (in scope and complexity) contracts completed in the last three years preceding the tender submission deadline, with a minimum value for each of them € 5.000.
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
<b>Evidence</b>	<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>

☞ **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.

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 due to irregularity.**

### **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 for each lot:

#### **1. Price – Weight: 90**

Any offer that does not comply with the requirements will be rejected.

The basic list includes a set of items that must be offered by the tenderer. Tenderers must, on pain of nullity of their tender, make an offer for all items in this basic list.

The price will be calculated on the basis of:

The financial offer submitted by means of the total price for the lists in **Annex 4** drawn up by the Contracting Authority in excel format (70 points).

And the discount proposed by the tenderer on its public catalogue (20 points).

The list of products constitutes a scenario designed to provide a fair basis for financial evaluation of the offer. The estimates given on the prices form are not binding for the contracting authority as far as actual orders are concerned. The actual orders resulting from the signature of the contract object of the tender will not be limited to the products listed in the **Annex 4**. The pictures included in the form (**Annex 4**) are only examples to give an idea of the requested product.

Only one item must be offered by position. The tenderer is requested to provide an image (photo) of each proposed item of this list. The tenderer must also attach a link to an existing website that presents all the materials that it has in its catalogue with the prices.



The costs of delivery must be included in the prices.

The prices exclusive of VAT from the tenderer's catalogue will be entered on the prices form. It will be subject to the discount mentioned in the financial offer and/or in the price catalogue. That discount will be applicable throughout the duration of the contract.

The prices of the catalogue and the prices in the financial offer shall be identical, still at the time of opening of the tender, except for the discount if not already taken into account in the catalogue.

The following formula will be applicable to the financial criteria:

$$\begin{aligned} & \text{Score awarded to the tenderer} \\ & = \\ & \frac{\text{lowest price amongst the offers received}}{\text{price offered by the tenderer}} * 70 + \frac{\text{discount offered by the tenderer}}{\text{highest discount amongst the offers received}} * 20 \end{aligned}$$

## 2. Quality - Weight: 10

### 2.1. Total number of products per category available in the catalogue: 5 points

The candidate proves the number of products - not including the spare parts - by providing a declaration on the honor signed by the authorized representative of the candidate. The contracting authority reserves the rights to request in addition the complete list of the items available at any time during the procedure.

Basic material : 1 point

Craft/DIY : 1 point

Didactical material : 2 points

Sport and activity material : 1 point

One product cannot be listed in more than one category.

The following formula will be applicable to the criteria:

$$\begin{aligned} & \text{Score awarded to the tenderer} \\ & = \\ & \frac{\text{number of items in the catalogue(s)} \\ & \quad \text{by the tenderer}}{\text{highest number of items in the catalogue(s)} \\ & \quad \text{amongst the offers received}} * 5 \end{aligned}$$

2.2. Total number of sustainable products available in the catalogue: 5 points

The candidate can prove the number of products which are less harmful for the environment available by supplying a list of products specifying their environmental specificity, such as **the applicable environmental label or the sustainable technical specification (free of solvent or made of recycled plastic or FSC certified, etc)** and signed by the authorized representative of the candidate.

Examples of labels that will be deemed to comply with the requirements:

- Global Organic Textile Standards (“GOTS”),
- Oeko-tex standard 100,
- Global Recycled Standard (GRS)
- Compostability Mark of European Bioplastics
- Nordic Swann,
- Blue Angel/Blaue Angel,
- EU Ecolabel,
- FSC (Forest Stewardship Council),
- PEFC (Programme for the Endorsement of Forest Certification Schemes),
- Milieukeur.

Other environmental labels may be accepted provided they meet the following criteria:

Independence: The label must be awarded by a third-party organisation that is independent of the company concerned.

Transparency: The label criteria must be clear, public and cover significant environmental impacts of the product.

Regular checks: The certification body must carry out regular external audits to guarantee the ongoing compliance of the product.

Validity: The label must be renewed periodically and accompanied by up-to-date documentation.

As an alternative to label, the tenderer can provide:

- the technical data sheet or a product dossier, if it contains the evidence relating to the technical and environmental requirement set in the list;
- or another certificate, test report or analytical result(s) from an approved authority, authority or laboratory (the certificate must be valid at least for the current year). “Approved body” within the meaning of this Article shall mean testing and calibration laboratories and inspection and certification bodies complying with the relevant European standards; attestations from bodies approved in other Member States shall also be accepted.

The contracting authority reserves the right to request proof of compliance with this requirement, at any time during the procedure. Products without proof of certification meeting the requirements will not be considered.

The following formula will be applicable to the criteria:

Score awarded to the tenderer

=

$$\frac{\text{number of sustainable items in the catalogue(s)} \\ \text{by the tenderer}}{\text{highest number of sustainable items in the catalogue(s)} \\ \text{amongst the offers received}} * 5$$

### 3.5. Award (ranking of tenders)

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

Number of financial points obtained by the tenderer

+

number of quality points obtained by the tenderer

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

## 4. FORM AND CONTENT OF THE TENDER

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

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

👉 Make sure you prepare and submit your tender early enough to ensure it is received within the deadline specified under Heading 5.1.12 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 - LIST OF THE ADMINISTRATIVE INFORMATION AND DOCUMENTATION TO PROVIDE**

👉 **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 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.
- **net of all taxes, charges and other costs (including VAT)**, since the OSGES is exempt from such charges pursuant to the provisions of Article 42 §3, first paragraph, 4° of the Belgian VAT Code, Ministerial Decision ET 121.600/A29/L92 of 19 December 2017; and
- **firm** (during performance of the contract, the price can be revised only under the conditions set by the draft contract); and
- **all-inclusive** (fulfilling all the requirements of the specifications and including any possible renewals, options, etc.).

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, so the prices offered must be filled in with the VAT rate and amount.

#### **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 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 OSGES.

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](https://www.eursc.eu/en/Office/public-procurement) .

# ANNEXES

Annex 1 – List of the administrative information and documentation to provide

Annex 2 - Declaration on the honour on exclusion and selection criteria

Annex 3 – Technical offer

Annex 4 – Financial offer – Lot 1 BE/LU

Annex 4 – Financial offer – Other lots