

Tallinn, 30/08/2017

**TO WHOM IT MAY CONCERN**

Subject: **Framework contract for Implementation and maintenance in working order of Entry Exit System (Restricted Call for tender n° LISA/2017/RP/03-EES)**

Dear Sir/Madam,

1. The European Agency for the operational management of large scale IT systems in the area of freedom security and justice (hereafter the Agency) is planning to award the public contract referred to above. The procurement documents consist in the contract notice, this invitation letter, the Guide for Candidates with their annexes and the draft framework contract.
2. This contract will be awarded in two steps. As a first step, if you are interested in this contract, you should submit a request to participate in one of the official languages of the European Union. In a second step, only selected candidates will be invited to submit a tender. Any tender received from a legal or natural person not invited to tender will be rejected.
3. If you are interested in this contract, you must submit a request to participate/candidature in triplicate, in one of the official languages of the European Union as follows:
  - (1) In paper form one original and one copy: the original should clearly be labelled "Original" and the copy as "Copy 1"
  - (2) in PDF (searchable version), MS Word, Excel or compatible format on CD-ROM.In case of any discrepancies between paper version and the CD ROM version of the tender, the contents of the original paper version shall prevail.
4. The candidature documents must be submitted
  - a) either by post or by courier not later than **25/10/2017**, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the address indicated below.
  - b) or delivered by hand not later than 17.00 CET on **25/10/2017** to the address indicated below. In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the Agency`s department who took delivery.

**By post, courier or by hand:**

CALL FOR TENDERS

**LISA/2017/RP/03 –EES**

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

For the attention of eu-LISA Procurement

eu-LISA

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

18 rue de la Faisanderie  
67100 Strasbourg, France

5. The candidature documents must be placed inside two sealed envelopes. The inner envelope, addressed as indicated below, should be marked as follows:

**"CALL FOR TENDERS – NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT - Restricted procedure No. LISA/2017/RP/03 –EES".**

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

Non respect of these instructions may lead to the exclusion of the candidature.

6. The documents requested in the Guide for candidates, including evidence of economic, financial, technical and professional qualification of the candidate shall be provided.
7. The full procurement documentation (Invitation to tender, tender specifications, technical specification, annexes etc.) will be submitted only to the shortlisted candidates.
8. The candidature documentation is only valid when:
- signed by a duly authorised representative of the candidate;
  - perfectly legible so that there can be no doubt as to words and figures;
  - drawn up by using the model reply forms annexed to the guide for candidates
9. Contacts between the contracting authority and candidates are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:
- Before the final date for submission of candidatures:
  - \* At the request of the tenderer, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the contract. Any requests for additional information must be made in writing only to [EULISA-PROCUREMENT@EULISA.EUROPA.EU](mailto:EULISA-PROCUREMENT@EULISA.EUROPA.EU)
- The contracting authority is not bound to reply to requests for additional information received less than six working days before the final date for submission of tenders.

The contracting authority will deal with questions in three series in this phase of the procedure. The series are as follows:

- o Until 20 September 2017 (Question Series 1)
- o From 21 September 2017 until 10 October 2017 (Question Series 2)
- o From 11 October 2017 until 17 October 2017 (Question Series 3)
- o All questions that have been received by the Contact Point during a question phase will not be answered until that question phase has expired.
- o The Agency will answer all questions of each series in writing and at the same time. The answers will be sent to all interested economic operators simultaneously. The Agency will publish all questions and answers rounds on the Agency's dedicated website.

\* The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for candidatures.

\* Additional information including that referred to above will be posted on:

<http://www.eulisa.europa.eu/Procurement/Pages/OpenTenders.aspx>

All additional information will form integral part of the Phase 1 documentation.

- After the opening of candidatures

\* If clarification is required or if obvious clerical errors in the candidatures need to be corrected, the contracting authority may contact the candidates provided the terms of the candidature are not modified as a result.

10. All costs incurred during the preparation and submissions of candidatures are to be borne by the candidates and will not be reimbursed.
11. In line with the applicable legal provisions, the Contracting Authority will be empowered to sign the Framework Contract resulting from the present procedure only subject to the adoption of the relevant legal basis. Reference is made to Proposal for a Regulation of the European Parliament and the Council amending Regulation (EU) 2016/399 as regards the use of Entry/Exit System, *COM(2016) 196 final, 6.4.2016*.
12. This invitation to candidature is in no way binding on the Agency. The Agency's contractual obligation commences only upon signature of the contract with the successful tenderer.
13. Up to the point of signature the contracting authority may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim compensation. The decision must be substantiated and the candidates/tenderers notified.
14. Once the contracting authority has opened the candidature, it becomes its property and it shall be treated confidentially.
15. Candidates will be informed of whether they are accepted or rejected by e-mail. It is the candidate's responsibility to provide a valid e-mail address together with the contact details in its candidature and to check it regularly. The Agency plans to invite selected candidates to submit a tender end of 2017 and in line with the rules governing this call for tenders procedure to give the required number days for submission of the tenders. Details will be set out in the letter to the candidates selected to submit a tender.
16. If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by Mr Krum Garkov, Executing Director of the Agency. Details concerning the processing of your personal data are available on the privacy statement at:  
<http://www.eulisa.europa.eu/Procurement/Procurement%20Other%20Documents/Privacy%20statement%20euLISA%20EN.pdf>

17. Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation<sup>1</sup>. For more information, see the Privacy Statement on [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm) )
18. You may submit any observations concerning the procurement procedure to the contracting authority using the contact means under point 9. If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within two years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>).
19. Within two months of notice of the award decision, you may launch an action for annulment of the award decision. Any request you may make and any reply from us, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment or to open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated in Section VI.4.1 of the contract notice.

Kind regards,

/signed/

Krum Garkov  
Executive Director

**Enclosures:**

Guide for candidates  
Annex I - Executive summary  
Annex II - Standard Submission Form  
Annex III- Draft Framework Contract  
Annex IV- Service Requirements

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<sup>1</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 of 26.10.2012, p. 1) as amended.