

DEPUTY CHIEF EXECUTIVE

EDAC202501030

06 February 2025

## Subject: Sale of IT items 25.CSD-IT.OT.143

Dear Madam/Sir,

The European Defence Agency (referred to below as “the Contracting Authority”) is planning to award the contract resulting from the above sales procedure. The sales documents consist of this invitation letter, the draft contract and bidding specifications with their respective annexes.

Economic operators interested in this contract are invited to submit a bid in one of the official languages of the European Union.

### 1. Submission of bids

Bids shall be submitted **solely electronically** via e-mail to the following e-mail address: [25.CSD-IT.OT.143@eda.europa.eu](mailto:25.CSD-IT.OT.143@eda.europa.eu). Bids sent to a different e-mail address, sent on paper or by fax shall be **non-admissible**.

The deadline for receipt of bids (“Receipt Time Limit”) is **14 March 2025**, at 17h00 (Brussels time). Following submission of a bid to the above e-mail address, bidders will receive a receipt confirmation into their mailbox. This receipt is considered as the proof of compliance with the deadline (Receipt Time Limit).

A bid received after the time-limit for receipt of bids will be rejected. Bidders must ensure that their submitted bid contains all the information and documents required by the Contracting Authority at the time of submission as set out in the sales documents.

A bid must include:

- A cover letter signed by an authorised representative of the bidder, clearly indicating:
  - the name and address of the bidder,
  - the bid reference number and title,

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- contact details for communications with the Contracting Authority (including contact person and e-mail),
  - confirmation of acceptance of all terms and conditions of the Bidding Specifications and the Draft Contract.
- Technical specifications document signed.
  - Declaration on Honour document signed.
  - Financial offer. The offered price must be all-inclusive, in Euro and **VAT excluded**.
  - Legal Entity Form signed by an authorised representative of the bidder and the supporting documents indicated in the form.

The form is available at the following link:

[https://ec.europa.eu/info/publications/legal-entities\\_en](https://ec.europa.eu/info/publications/legal-entities_en)

All costs incurred for the preparation and submission of bids are to be borne by the bidders and shall not be reimbursed.

### 2. Legal effects of the invitation to bid and submission of a bid

This invitation to bid is in no way binding on the Contracting Authority. The Contracting Authority's contractual obligation commences only when the contract with the successful bidder is signed by both parties.

Up to the signature of the contract the Contracting Authority may cancel the sales procedure without bidders being entitled to claim any compensation. Any such decision shall be substantiated and bidders notified.

The validity period of the bid, during which bidders may not modify the terms of their bids in any respect, is minimum **3 months**, from receipt.

Submission of a bid implies acceptance of all the terms and conditions set out in the sales documents and, where appropriate, waiver of the bidder's own general or specific terms and conditions. The submitted bid is binding on the bidder to whom the contract is awarded.

### 3. Contacts during the sales procedure

Contacts between the Contracting Authority and bidders are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

#### 3.1 Submission phase (before the time-limit for receipt of bids)

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Upon request, the Contracting Authority may provide additional information solely for the purpose of clarifying the sales documents.

Any request for additional information must be made in writing to EDA Procurement at [procurement@eda.europa.eu](mailto:procurement@eda.europa.eu)

The Contracting Authority is not bound to reply to requests for additional information received less than six (6) working days before the time-limit for receipt of bids.

The Contracting Authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the sales documents.

Any additional information will be published on <https://eda.europa.eu/procurement>. The website will be updated regularly and it is the economic operator's responsibility to check for updates and modifications during the submission period.

An on-site visit is planned on **14/02/2025 – 10 am** at the following address:

### EUROPEAN DEFENCE AGENCY

17-23, rue des Drapiers  
B-1050 Brussels, Belgium

Potential bidders interested in attending the on-site visit shall communicate the name of their representatives (max. two (2)) and provide a copy of their identity document **at least two (2) working days** in advance to [procurement@eda.europa.eu](mailto:procurement@eda.europa.eu), quoting the procedure reference number in the subject of the e-mail.

**The on-site visit is not mandatory.** Its purpose is to allow potential bidders to view the sale items and to submit questions or requests for clarifications. Participants are kindly invited to read carefully the entire sales documentation before attending the visit.

### 4. Opening of bids

The opening of bids is not public. Once the Contracting Authority has opened the bids, they become its property and shall be treated confidentially.

### 5. Evaluation phase (after the opening of bids)

Except in duly justified cases, bidders who have failed to submit evidence or to make statements as required in the sales documents, shall be contacted by the Contracting Authority to provide the missing information or clarify supporting documents.

The Contracting Authority may correct obvious clerical errors in the bid after confirmation of the correction by the bidder. Such information, clarification or confirmation shall not substantially change the bid.

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### 6. Award phase

The bid with the highest price will be ranked first. In case there is still an equal ranking, negotiations can be opened. The template for the financial offer may be used to this end.

Bidders will be notified on the outcome of this sales procedure by e-mail. The notification will be sent to the e-mail address provided in the bid. The same e-mail address will be used by the Contracting Authority for all other communications with the bidder. It is the bidder's responsibility to provide a valid e-mail address and to check it regularly.

Submission of a bid implies acceptance of the terms and conditions set out in the bidding documents and this submission binds the contractor to whom the contract is awarded for the duration of the contract. Submission of a bid also implies acceptance of receiving notification of the outcome of the procedure by electronic means.

### 7. Data protection

If processing a reply to the invitation to bid involves the recording and processing of personal data (such as name, address), such data will be processed pursuant to Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, pursuant to Article 31 of Council Decision (CSFP) 2015/1835. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes in accordance with the specifications of the invitation to bid. The data protection notice is available at <https://www.eda.europa.eu/docs/default-source/procurement/privacy-statement.pdf>

You are informed that for the purposes of safeguarding the financial interests of the Union, your personal data may be transferred to EDA's Internal Auditor, to the College of Auditors or to any other body to ensure the adequate implementation of Checks and Audits.

Personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 138 of the Regulation (EU, Euratom) No 2024/2509 of the European Parliament and the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union. For more information see the Privacy Statement on:

[https://ec.europa.eu/info/sites/default/files/about\\_the\\_european\\_commission/eu\\_budget/privacy\\_statement\\_edes\\_january\\_2021\\_en.pdf](https://ec.europa.eu/info/sites/default/files/about_the_european_commission/eu_budget/privacy_statement_edes_january_2021_en.pdf)

### 8. Means of redress

Bidders may submit any observations concerning the sales procedure to the Contracting Authority under [procurement@eda.europa.eu](mailto:procurement@eda.europa.eu). If bidders believe that there is maladministration, they may

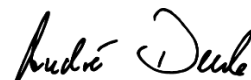
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lodge a complaint to the European Ombudsman within two years of the date from which they become aware of the facts which form the basis for the complaint (see <https://www.ombudsman.europa.eu>).

If you had initially considered applying to this invitation to bid but finally decided not to do so, your feedback and reasoning for such a decision would be very much appreciated. Kindly address your feedback to [procurement@eda.europa.eu](mailto:procurement@eda.europa.eu). Please note that your comments will be kept strictly confidential. They will only be used for the purpose of improving future EDA invitations to bid and will not affect any future participation.

We look forward to receiving your bid.

Yours sincerely,



André DENK