**TENDER DOSSIER**

**INTERNATIONAL OPEN TENDER**

**For Procurement of «Development of an Earth observation data processing system based on advanced artificial intelligence algorithms for the monitoring of agriculture under the CAP (Advanced AI & geo-processing components for CAP monitoring) »**

**Contracting Authority OPEKEPE**

Date:06 /08 /2021

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**1. SCOPE AND DESCRIPTION OF THE PROCUREMENT**

* 1. **Contracting authority**

This call for tenders is launched and managed by OPEKEPE, referred to as the *Contracting authority* for the purposes of this call for tenders.

* 1. **Subject**

The subject of this call for tenders is the “Development of an Earth observation data processing system based on advanced artificial intelligence algorithms for the monitoring of agriculture under the CAP (Advanced AI & geo-processing components for CAP monitoring)” as detailed in Part B.

* 1. **Lots**

This call for tenders is not divided into lots.

* 1. **Description**

The services that are the subject of this call for tenders, including any minimum requirements, are described in detail in the document Tender specifications – part B: Technical specifications, hereafter referred to as Technical specifications. 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. **Place of performance**

The services will be performed at the following locations: the contractor's premises.

* 1. **Nature of the contract: how will the contract be implemented?**

The procedure will result in the conclusion of a direct contract. In direct contracts all the terms governing the provision of the services, supplies or works are defined at the outset. Once signed, they can be implemented directly without any further contract procedures.

 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. **Volume and value of the contract**

The estimated total amount of all purchases under this contract is 155.000 € (125.000 € Estimated VAT (24%)30.000 €). The services to be purchased over the total duration of the contract are specified in the Technical specifications document (Tender specifications – part B).

* 1. **Duration of the contract**

The contract resulting from the award of this call for tenders will be concluded for at most 9 months. The details of the initial contract duration and possible renewals are set out in Article I.3 of the draft contract.

* 1. **Electronic exchange system**

For all exchanges with the contractor during the implementation of the contract as well as for future possible subsequent proceedings for the purposes of EDES (European Union's Early Detection and Exclusion System) the Contracting authority may use an electronic exchange system meeting the requirements of Article 148 of 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 1 . At the request of the Contracting authority the use of such a system shall become mandatory for the contractor(s) at no additional cost for the Contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

1. **GENERAL INFORMATION ON TENDERING**
	1. **Legal basis: what are the rules?**

This call for tenders is governed by the provisions of Regulation (EU, Euratom) 2014/24/ ΕΕ and 2014/25/ΕΕ of the European Commission.

The Contracting authority has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

* 1. **Rules on access to procurement: who may submit a tender?**

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations. It is also open to all natural and legal persons established in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. Where the Agreement on Government Procurement concluded within the World Trade Organisation applies, the participation to this call for tenders is open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions laid down therein.

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement. 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) and must present the supporting evidence normally acceptable under the law of that country/-ies. 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.

* 1. **Registration in the Participant Register**

As described in Greek Open Call document AΔA ΨΡ5Λ46ΨΧΞΧ-1ΒΡ Article 4.

* 1. **Ways to submit a tender**

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender). 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 that are not subcontractors. The role of each entity involved in a tender (hereafter referred to as “involved entity”) must be clearly specified in the eSubmission application: i) sole tenderer, ii) Group leader of a group of tenderers, iii) member of a group of tenderers, or iv) subcontractor. For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (Annex 5.2). This applies also where the involved entities belong to the same economic group

All the procedure is described in Greek Open Call document AΔA ΨΡ5Λ46ΨΧΞΧ-1ΒΡ Article 8.

* + 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.

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 contract signature. The model power of attorney attached in Annex 3 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, authorised by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in Annex 3.

 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.

* + 1. **Subcontracting**

Subcontracting is the situation where the contractor enters 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 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”), without the tasks of the self-employed persons being particular welldefined 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 tenders (see Section 1.4).

f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the Technical specifications expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

By filling in the form available in Annex 4, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as identified subcontractors):

 • on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;

 • whose individual share of the contract, known at the time of submission, is above 15%.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in Annex 5.1 and signed by its authorised representative.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the Contracting authority subject to the following verifications:

 • any new subcontractor is not in an exclusion situation;

• the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;

• the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the Contracting authority and resulted in a signed contract, is considered authorised.

* + 1. **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 5.2, 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.

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.

1. **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 the required documents 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 specified in the procurement documents;

• 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. If any of the declarations or information provided proves to be false, the Contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

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.

* 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.

Tenderers found to be in an exclusion situation will be rejected. 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 and consultation of the European Union's Early Detection and Exclusion System. 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.

Annex 1 specifies which of the involved entities participating in a tender need to provide the Declaration on Honour and, when requested by the Contracting authority, the supporting evidence.

Before the award decision, the contracting authority may request documentary evidence on compliance on the exclusion criteria set out in the present tender specifications. All tenderers are invited to prepare in advance the documents related to the evidence, since they may be requested to provide such evidence within a short deadline. Failure to provide valid documentary evidence within the deadline set by the Contracting Authority shall lead to the rejection of the tender for the award of the contract, unless the tenderer can justify the failure on the grounds of material impossibility.

Please note that a request for evidence in no way implies that the tenderer has been successful.

* 1. **Selection criteria**

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract. The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections. Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected. When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the call for tenders. 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 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 . 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.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each involved entity to whom the criterion applies individually. Before the award decision, the contracting authority may request documentary evidence on compliance with the selection criteria set out in the present tender specifications. All tenderers are invited to prepare in advance the documents related to the evidence, since they may be requested to provide such evidence in a short deadline. In any event, the tenderer proposed by the evaluation committee for the award of the contract, will be requested to provide such evidence. Failure to provide valid documentary evidence within the deadline set by the Contracting Authority shall lead to the rejection of the tender for the award of the contract, unless the tenderer can justify the failure on the grounds of material impossibility.

* + 1. **Legal and regulatory capacity**

Tenderers do not need to prove specific legal and regulatory capacity to perform the contract.

* + 1. **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.

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| Criterion F1 |
| Minimum level of capacity | Total turnover of the last three financial years equal or above EUR 125,000. |
| Basis for assessment | This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out |
| Evidence | Copy of the profit and loss accounts and balance sheets for the last two years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months. |

The evidence of economic and financial capacity does not need to be provided with the tender but may be requested by the Contracting authority at any time during the procedure. Please note that a request for evidence in no way implies that the tenderer has been successful.

**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.

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| Criterion F2 |
| The tenderer must prove experience in the field of similar projects, preferably in the subfields of software development and IT technical support services |
| Minimum level of capacity | At least 1 similar (in terms of focus on competition policies) projects completed in the last five years preceding the tender submission deadline with a minimum total value of EUR 125 000  |
| Basis for assessment | This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities. |
| Evidence | 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 Contracting authority may request statements issued by the clients and take contact with them |

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| Criterion F3 |
| The tenderer must have the appropriate research capacity in its organisational structure, departments responsible for project management or equivalent structures with responsibilities that support the above life cycle implementation processes of a project supplying advanced artificial intelligence and software algorithms, in order to be able to perform the tasks described in these tender specifications. |
| Minimum level of capacity | "Similar projects" for services are Smart AI for Agro-management projects, based on different classification methods and machine learning algorithms, detection of agromanagement through satellite images of very high, high and medium resolution (<0.5 m to 10 m). |
| Basis for assessment | This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities. |
| Evidence | 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. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completedAs supporting documents for each project reference the Contracting authority may request statements issued by the clients and take contact with them |

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| Criterion F5 |
| The tenderer must have the appropriate research capacity in its organisational structure, departments responsible for project management or equivalent structures with responsibilities that support the above life cycle implementation processes of a project supplying advanced artificial intelligence and software algorithms, in order to be able to perform the tasks described in these tender specifications. |
| Minimum level of capacity |

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| The tenderer must prove capacity to project management of similar projects.  |

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| Basis for assessment | This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities. |
| Evidence | Detailed presentation of the following characteristics of the candidate tenderer: - business structure, collaborations with external suppliers, service channels, - areas of activity and specialization sectors - products and services - methodologies, tools and techniques used for the implementation of the project with clear reference to the entities ( eg Departments, Units, Services) which meet the above Condition of Participation Description of the measures, and any professional quality certifications and administrative measures taken by the candidate tenderer to ensure the quality of the above services, in terms of the management of similar IT projects. |

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| Criterion F6 |
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| The tenderer must assemble a team of experienced researchers that will be responsible for delivering the service.  |

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| Minimum level of capacity | The team delivering the service should include, as a minimum, the following profiles: **3 Remote sensing experts** (and for service providers based outside Greece, professionals of related specialty), with a degree or diploma of a School or Department of Higher Education Institution of the country or equivalent of corresponding schools / departments abroad and a Doctorate in Remote Sensing, of which: 1. Two (2) to have at least 8 years of professional experience and in addition to have a very high special experience in crop classification, change detection that is proven by their participation, in any relationship, in the elaboration of at least one " of a similar project "as described above, worth a project equal to or greater than € 50,000, and One (1) to have at least 8 years of professional experience and in addition to have special experience in land cover, and crop classification, which is proven by his participation, in any relationship, in the elaboration of at least one "similar project" as described above, project value equal to or greater than € 50,000,**One (1) DevOps Software** Engineer (and for the providers of services based outside Greece, professionals of related specialty), with a degree or diploma from a School or Department of Higher Education Institution of the country or equivalent of corresponding schools / departments abroad. Must have at least 8 years of professional experience and in addition special experience in java or python that is proven by his participation, in any relationship, in the preparation of at least one "similar project" as described above, worth a project equal to or greater than € 50,000.  |
| Basis for assessment |

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| This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities. his criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.  |
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| Evidence | CV or other relevant evidence of the experience claimed, indicating in each case the number of projects managed, the countries covered and the size of the team for each project. For each project referenced, the contracting authority may request statements issued by clients or employers and make contact with them.  |

All of the above-specified evidence of technical and professional capacity must be provided with the tender.

Involved entities must not be subject to conflicting interests that may negatively affect the contract performance. Where the Contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (Annex 5.1 and Annex 5.2). ]

**3.3. Compliance with the minimum requirements specified in the procurement documents**

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 tenders. Particular attention is drawn to the minimum requirements specified in the tender specifications – part B: Technical specifications.

Besides, tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

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

* 1. **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 - 50% weight

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

2. Quality - 50% weight

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

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| --- | --- | --- | --- |
| No |

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| Quality criteria  |

 | Quality points  |
| 1 | Experience | 15% |
| 2 | Project methodology | 20% |
| 3 | Project team | 15% |
| 4 | Timeline | 15% |
| 5 | Deliverables | 15% |
| 6 |

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| Organisation / quality of the work  |

 | 20% |

The assessment of award criterion 1, the "experience ", will consider whether the operator's ability to carry out important remote sensing projects. The company's business profile, staffing and organization chart and experience in IT Development Technologies are judged. Similar projects are also judged in accordance with the definition herein.

The assessment of award criterion 2, the " Project methodology ", will consider the proposed methodology for the implementation of the project and in particular practical and applied methodologies for the development of remote sensing systems and the provision of remote sensing services are evaluated. An additional score is received by the body that realistically proposes the adoption of practical automated controls to verify the correctness of the proposed solution (Behavior Driven Development).

The assessment of award criterion 3, Project team: The proposed project team shall be evaluated in accordance with the requirements of this notice.

The assessment of award criterion 4, the "Timeline” The organisation of the work is evaluated taking into account the critical points of the project in order to ensure the realisticity of the timetable and the timely availability of the deliverables of the project which entails both the achievement of the general and intermediate objectives – milestones.

The assessment of award criterion 5, “Deliverables”, will consider the quality control system applied to the services foreseen in this Tender specification, including the quality of the deliverables.

The assessment of award criterion 6, the "Organisation of the work" will assess how the roles and responsibilities of the proposed team and of the different economic operators (in the case of joint tenders, including subcontractors if applicable) are distributed for each task, according to their expertise. It

Tenders must score minimum 50% for each criterion and minimum 70% in total.

Tenders that do not reach the minimum quality thresholds will be rejected.

After evaluation of the quality of the tender, the tenders are ranked according to their final score in order to determine the tender offering best value for money.

* 1. **Award (ranking of tenders)**

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

 **U = σ1χΚ1 + σ2χΚ2 +……+σνχΚν**

Should the outcome of the formula lead to two or more tenders with the same result, the tenders with lower price will be ranked higher than the tenders with higher price.

The contract shall be awarded to the tender ranked first, which complies with the minimum requirements specified in the procurement documents and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling with the selection criteria

1. **FORM AND CONTENT OF THE TENDER**
	1. **Form of the tender: how to submit the tender?**

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation to tender letter and the eSubmission Quick Guide.

 All the procedure is described in Greek Open Call document AΔA ΨΡ5Λ46ΨΧΞΧ-1ΒΡ Article 8.

**Content of the tender: what documents to submit with the tender?**

The documents to be submitted with the tender in eSubmission are listed in Annex 1. All of them are detailed described in Greek Open Call document AΔA ΨΡ5Λ46ΨΧΞΧ-1ΒΡ Article 8.2.

In general the following requirements apply to the technical and financial offer to be uploaded in eSubmission:

 **Technical offer**.

The technical offer must provide all the information needed to assess the compliance with the Technical specifications document (Tender specifications – part B) and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

Tenderers are free to choose where the personal data will be processed or stored as long as they comply with the contractual obligations on data processing (Art.I.9.2 and Art. II.9) and, in particular, with the requirements for transfer of personal data to third countries and international organisations laid down in Chapter V of Regulation (EU) 2018/17258.

**Financial offer.**

A complete financial offer, including the breakdown of the price needs to be uploaded. In particular, the financial offer should include the budget set aside for the purpose of data collection and evidence gathering if such data is not the property of the tenderer. For this purpose, the Financial Model in Annex 6 shall be completed and uploaded in eSubmission. The total amount of the offer as indicated in cell <D14> must be encoded in the field “Total amount” under the section “Tender data” in eSubmission.

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the eSubmission field “Total amount” corresponds to the amount indicated in the uploaded financial offer. In case of discrepancies, only the amount indicated in the financial offer will be taken into account.

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 European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT.

* 1. **Signature policy: how can documents be signed?**

Where a document needs to be signed, the signature must be either hand-written or a qualified electronic signature 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 must be signed by the signatories (when they are individuals) or by their duly authorised representatives. For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the tenderer (in case of joint tender – the Declarations on Honour of all group members);

- (If applicable – in the case of joint tender) the power(s) of attorney drawn up using the model attached in Annex 3).

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.

* 1. **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.
* 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 disclosure10, 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.

**ANNEXES**

Described in Greek Open Call document AΔA ΨΡ5Λ46ΨΧΞΧ-1ΒΡ