



Schola Europaea  
European School of Mol  
Europawijk 100  
2400 Mol

## Invitation to negotiate

Date : 03/04/2023

Procedure n°: 2023\_04

Object: **SUPPLY OF GARDENING MACHINERY AND TOOLS**

Type of procedure: **negotiated procedure for middle value contract**

Award method: **best value for money**

Type of contract: **framework contract**

Contracting authority: **European School of Mol (ESMOL)**

Dear Sir, Madam,

The contracting authority envisages the award of the contract in Object. The procurement documents include: this invitation letter and its appendices, in particular the specifications.

### 1. Submission of tenders

If you are interested in this contract, you are invited to send us an offer in **English or Dutch** which are the working languages of the contracting authority, according to the procedures specified in the annexed contract documents.

You must send the offer exclusively by email to [mol-procurement@eursc.eu](mailto:mol-procurement@eursc.eu). The offer must arrive no later than **Thursday 27/04/2023 at 15:00h** (Central European Time).

In order to preserve the integrity of the tender between tenderers, it is requested that the offer documentation will be in 3 different encrypted PDF (password protected) files:

ANNEXES TO BE COMPLETED BY THE TENDERER:	Encrypted PDF file reference
Annex 1: Tenderer's legal entity form	<b>1</b>
Annex 2: Declaration of the honour related to the exclusion and selection criteria	<b>1</b>
Legal and regulatory capacity; (See 2.2.1. Specification): proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment	<b>1</b>
Copy of the profit and loss accounts and balance sheet for the <u>last two (2) financial years</u> (see criterion F1- See 2.2.2. Specification)	<b>1</b>
A list of projects meeting the minimum level of capacity (see criterion T1- See 3.2.3. Specification) : A list of <b>similar</b> projects (in scope and complexity) completed in the last three years	<b>1</b>
Annex 3: Technical offer	<b>2</b>
Annex 4: Financial offer	<b>3</b>

Annex 5: Form bank account	<b>3</b>
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**And separately**, the passwords to the encrypted files should be sent by post in a closed envelope to the address above, no later than the same **Friday 28/04/2023 at 15:00h** (Central European Time). Envelopes by post must clearly contain the tender reference "TENDER 2023-02" in right hand corner. Example:

<p><b>CONFIDENTIAL</b></p> <p><b>TENDER 2023_04 SUPPLY OF GARDENING MACHINERY AND TOOLS</b></p> <p><b><u>European School Mol</u></b></p> <p><i>Attention: Mr. Roberto Teruel (Procurement officer)</i></p> <p>Europawijk 100</p> <p>B-2400 MOL- België /Belgium</p>
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In order to secure the application documents sent electronically, they must be sent in PDF format with the exception of the financial offer tables which must be sent in PDF *and* in Excel format. The documents must be duly named according to their content.

**The time limit for receipt of the tender bid is indicated under Heading IV.2.2 of the contract notice** where local time shall be understood as local time at the contracting authority's location (the location indicated under Heading I.1 of the contract notice).

Means of submission and evidence of the respect of the time-limit for receipt of tenders are:

- Date and hours of reception by the email reception system of the contracting authority of the last electronic mail sent by the tenderer and containing the offer or part of the offer.

If the sender receives an error report, he must make every effort to ensure that the contracting authority actually receives the tender by e-mail within the deadline set.

A tender received after the time-limit for receipt of tenders will be rejected due to irregularity.

All tenders must:

- Signed by a duly authorized representative of the tenderer;
- **be established by following the indications appearing in the annexed specifications**
- be perfectly legible in order to eliminate any doubts about the terms and figures
- be denominated in euros, all costs and expenses included and excluding VAT

Tenderers must ensure that the offers they submit contain all the information and documents requested by the contracting authority at the time of submission, as indicated in the contract documents.

## **2. Legal effects of the invitation to tender and the submission of a tender / request to participate**

This invitation to tender does not constitute any commitment on the part of the contracting authority. It only begins when the contract is signed with the successful tenderer.

The contracting authority may, until the contract is signed, cancel the procurement procedure, without candidates or tenderers being able to claim any compensation. If necessary, this decision would be reasoned and brought to the attention of candidates or tenderers.

The period of validity of the offer, during which the tenderer is bound to maintain all the conditions of the latter, is 90 days.

Submission of an offer implies acceptance of all the conditions contained in the contract documents (both the conditions set out in this invitation to tender and the general conditions), and where applicable, the tenderer's waiver of his own general or specific conditions. It binds the tenderer to compliance with the documents included in the contract documents (and negotiations if necessary) during the performance of the contract, if he becomes the successful tenderer.

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

The costs occasioned by the preparation and submission of tenders are fully borne by the tenderer and will not be reimbursed by the Contracting Authority.

### **3. Contacts during the procurement procedure**

During the whole procedure, contacts between the contracting authority and candidates or tenderers are only authorized on an exceptional basis. They can only intervene under the following conditions:

#### **3.1 Submission phase (before the deadline for receipt of tenders)**

On request, the contracting authority may provide additional information strictly for the purpose of clarifying the contract documents.

Any request for additional information should be made in writing only to [mol-procurement@eursc.eu](mailto:mol-procurement@eursc.eu).

On its own initiative, the contracting authority may inform interested parties of any error, imprecision, omission or other material insufficiency in the drafting of contract documents.

#### **3.2 Opening of the tenders**

The contracting authority may negotiate with the tenderers the tenders they have submitted with the aim of adapting them to the contract documents and seeking [the most economically advantageous tender] [the lowest tender]. The minimum requirements and selection and award criteria defined in the procurement documents are not subject to negotiation. During negotiations, equal treatment of all tenderers is ensured. The contracting authority reserves the right not to negotiate and to award the contract on the basis of the offers received initially.

As soon as the contracting authority has opened the tender, the document becomes its property and is treated confidentially.

#### **3.3 Evaluation phase (After the opening of the tenders)**

Except in duly justified cases, tenderers who have not submitted the supporting documents or made the declarations provided for in the contract documents will be contacted by the contracting authority in order to supply the missing information or to clarify the supporting documents.

The contracting authority may correct manifest material errors in the tender, subject to confirmation of the correction by the tenderer. This request for information, clarifications or confirmations, may not lead to a substantial modification of the offer.

### 3.4 Award Phase

Tenderers will be informed of the result of this tendering procedure by email. The information will be sent to the email address indicated in the offer for the tenderer (lead partner in the event of a joint offer). The same email address will be used by the contracting authority for all other communications with the tenderer. The tenderer is required to provide a valid e-mail address and to check his e-mail regularly.

### **Data protection**

If the follow-up of a response to the invitation to tender involves the recording and processing of personal data (for example, name, address and CV), this data will be processed in accordance with Regulation (EC) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and with due regard for the national laws applicable to the protection of privacy and personal data. Unless otherwise indicated, personal data will be processed solely for the purposes of evaluation within the framework of the invitation to tender by the Director of the European School of Mol.

### **Means of redress**

You have the possibility to lodge an action against the judicial court of the district of Anvers, according to the Articles 14, 15, 23 and 24 of the law of the 17<sup>th</sup> of June 2013 related to « *motivation, à l'information et aux voies de recours en matière de marchés publics, de certains marchés de travaux, de fournitures et de services et de concessions* » within the time limits provided for in Article 23 of the said law.

Any requests you may make and any replies to them or complaints of maladministration will have neither the object nor the effect of suspending the time limit for lodging an appeal or of opening a new period for lodging an annulment procedure.

Date: 03/04/2023

Name of Authorizing Officer:

Roberto Teruel Martínez, procurement Officer of the European School of Mol

Signature of Authorizing Officer:

### Annexes to this invitation to negotiate:

- Annex 1 : Specifications and annexes
- Annex 2: Draft contract
- Annex 3: Purchase order and applicable general conditions.
- [Other annex]