

**D-SE-15-T01****Biometric data in large EU IT-systems in the areas of borders, visa and asylum –
fundamental rights implications****Invitation to tender**

Vienna, the 17/07/2015

Ref: 2015-outgoing-001108

Subject: Biometric data in large EU IT-systems in the areas of borders, visa and asylum –
fundamental rights implications

Ref.: Contract notice number 2015/S 136-250040 published on 17/07/2015

Dear Sir/Madam,

The European Union Agency for Fundamental Rights (the Contracting Authority) is planning to award the contract referred to above.

1. Please find enclosed the tender documents related to this invitation:

- Annex A – Tender Specifications
- Annex A.1 – Technical Specifications
- Annex B – Draft contract
- Annex C – Standard Submission Form

2. If you are interested in this contract, please submit a tender in triplicate (one original and two copies) in one of the official languages of the European Union, but preferably in English.

Please also add a text-searchable digital version of the offer in data storage devices such as USB flash drives (i.e. memory sticks) or optical discs (e.g. CD and DVD). In case of discrepancies, the paper version takes precedence over the digital one.

3. Tenderers shall submit tenders by letter:

- either by post or by courier service, to be dispatched not later than 10/09/2015, in which case the evidence of dispatch is constituted by the postmark or the date of the deposit slip, to the following address:

European Union Agency for Fundamental Rights
For the attention of Procurement Section
Schwarzenbergplatz 11

Constantinos Manolopoulos, Director a.i.

European Union Agency for Fundamental Rights | Agentur der Europäischen Union für Grundrechte | Agence des droits fondamentaux de l'Union Européenne
Schwarzenbergplatz 11 | 1040 Vienna | Austria | T +43 (1) 580 30 - 0 | F +43 (1) 580 30 - 699 | info@fra.europa.eu
fra.europa.eu | www.facebook.com/fundamentalrights | twitter.com/EURightsAgency | www.linkedin.com/company/eu-fundamental-rights-agency

Vienna 1040
Austria

- or to deliver tenders by hand to the same address as above not later than 17.00 on 10/09/2015. In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the Contracting Authority's central mail department who took delivery. The Agency is open from 09.00 to 17.00 from Monday to Thursday and from 09.00 to 15.00 on Friday. It is closed on Saturdays, Sundays and Contracting Authority's holidays.
4. Tenders must be placed inside two sealed envelopes. The inner and the outer envelopes, addressed to the department indicated in the invitation to tender, should be marked as follows:

"Invitation to tender D-SE-15-T01 — not to be opened by the internal mail department".

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

The inner envelope must also contain three sealed envelopes, containing the administrative documentation, the technical offer and the financial offer. Each of these envelopes must clearly indicate the content ("Administrative Documents", "Technical Offer" and "Financial Offer").

The digital versions of the offers must be placed together with the paper versions inside the corresponding sealed envelopes.

5. Tenders must be:
- signed by the tenderer or a duly authorised representative
 - perfectly legible so that there can be no doubt as to words and figures, and
 - drawn up using the Standard Submission Form (Annex C of the Invitation to Tender).
6. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is 6 months from final date for submission.
7. Submission of a tender implies acceptance of the terms and conditions set out in this invitation to tender, in the tender specifications and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. Submission of a tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.
8. Contacts between the contracting authority and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:
- Before the final date for submission of tenders:

Constantinos Manolopoulos, Director a.i.

European Union Agency for Fundamental Rights | Agentur der Europäischen Union für Grundrechte | Agence des droits fondamentaux de l'Union Européenne
Schwarzenbergplatz 11 | 1040 Vienna | Austria | T +43 (1) 580 30 - 0 | F +43 (1) 580 30 - 699 | info@fra.europa.eu
fra.europa.eu | www.facebook.com/fundamentalrights | twitter.com/EURightsAgency | www.linkedin.com/company/eu-fundamental-rights-agency

- 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 the mailbox procurement@fra.europa.eu and/or to the fax number +43 (0)1 580 30 691.

Requests for additional information received less than five working days before the final date for submission of tenders will not be processed.

- 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 tenders.
- Any additional information including that referred to above will be posted on <http://fra.europa.eu/en/about-fra/procurement>. The website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the tendering period.

- After the opening of tenders:

If clarification is required or if obvious clerical errors in the tender need to be corrected, the Contracting Authority may contact the tenderer provided the terms of the tender are not modified as a result.

9. No on-site visit is planned for this tender.
10. This invitation to tender is in no way binding on the Contracting Authority. The Contracting Authority's contractual obligation commences only upon signature of the contract with the successful tenderer.
11. 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 any compensation. This decision must be sustained and the candidates or tenderers notified.
12. Once the Contracting Authority has opened the tender, the document shall become the property of the Contracting Authority and it shall be treated confidentially.
13. You will be informed of the outcome of this procurement procedure by e-mail. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check it regularly.
14. All costs incurred during the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.
15. 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

Constantinos Manolopoulos, Director a.i.

European Union Agency for Fundamental Rights | Agentur der Europäischen Union für Grundrechte | Agence des droits fondamentaux de l'Union Européenne
Schwarzenbergplatz 11 | 1040 Vienna | Austria | T +43 (1) 580 30 - 0 | F +43 (1) 580 30 - 699 | info@fra.europa.eu
fra.europa.eu | www.facebook.com/fundamentalrights | twitter.com/EURightsAgency | www.linkedin.com/company/eu-fundamental-rights-agency

with the specifications of the invitation to tender and will be processed solely for that purpose by the Contracting Authority's Data Protection Officer. Details concerning the processing of your personal data are available on the privacy statement at:

http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

16. Your personal data may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the Contracting Authority, should you be in one of the situations mentioned in:

- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the Privacy Statement on http://ec.europa.eu/budget/info_contract/legal_entities_en.htm), or
- the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/library/sound_fin_mgt/privacy_statement_ced_en.pdf)

17. The European Union Agency for Fundamental Rights has the task of raising awareness of fundamental rights, promoting equality between men and women and preventing discrimination on the grounds of race, ethnicity, religion, age, disability or sexual orientation (according to the Equality Directives). Applicants should be familiar with the relevant legislation, and be aware that any applicants who can be shown to have suffered legal sanction for discriminatory practices on any of the above grounds, without prejudice to the relevant provisions of the Financial Regulation, are liable to have their application rejected.



Constantinos Manoloupoulos

Director i. a.

Constantinos Manoloupoulos, Director a.i.

European Union Agency for Fundamental Rights | Agentur der Europäischen Union für Grundrechte | Agence des droits fondamentaux de l'Union Européenne
Schwarzenbergplatz 11 | 1040 Vienna | Austria | T +43 (1) 580 30 - 0 | F +43 (1) 580 30 - 699 | info@fra.europa.eu
fra.europa.eu | www.facebook.com/fundamentalrights | twitter.com/EURightsAgency | www.linkedin.com/company/eu-fundamental-rights-agency