



EDPS  
EUROPEAN DATA PROTECTION SUPERVISOR

## **European Data Protection Supervisor**

**Call for tenders 2024-032**

**EDPS-EDPB -Production of the Annual Report of the  
European Data  
Protection Board and European Data Protection  
Supervisor, including stakeholder survey and analysis**

**Open procedure**

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

### **1.1. Contracting authority: who is the buyer?**

This call for tenders is launched and managed by the European Data Protection Supervisor (EDPS), referred to as the contracting authority for the purposes of this call for tenders.

### **1.2. Subject: what is this call for tenders about?**

The subject of this call for tenders is the production of the Annual Report and Executive Summary of the European Data Protection Board (EDPB), including a stakeholder survey and analysis, and production of the Annual Report and Executive Summary of the European Data Protection Supervisor.

### **1.3. Lots: is this call for tenders divided into lots?**

This call for tenders is not divided into lots.

### **1.4. Description: what do we want to buy through this call for tenders?**

The purchases that are the subject of this call for tenders, including any minimum requirements, are described in detail below.

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.

#### **1.4.1. Background and objectives**

According to Article 71.1 of the General Data Protection Regulation (GDPR), the European Data Protection Board shall draw up an annual report regarding the protection of natural persons with regard to processing in the Union and, where relevant, in third countries and international organisations. The report shall be made public and be transmitted to the European Parliament, to the Council and to the Commission.

According to Article 71.2 of the GDPR the annual report shall include a review of the practical application of the guidelines, recommendations and best practices referred to in point (I) of Article 70(1) as well as of the binding decisions referred to in Article 65.

According to the Article 60 of the Regulation (EU) 2018/1725 of the European Parliament and of the Council 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, the European Data Protection Supervisor shall submit an annual report on his or her activities to the European Parliament, to the Council and to the Commission and at the same time make it public.

#### **1.4.2. Detailed characteristics of the purchase**

Production of EDPB annual report including executive summary and survey:

## Copy writing:

- Copy write the EDPB Annual report and Exec Summary, based on materials provided by EDPB (such as press releases, info notes, adopted documents, templates filled out by DPAs).
- The total text is around 45-55 pages in Word. For coordination reasons, this copywriting can be done in 2 or 3 batches, which are submitted consecutively by the tenderer.
- Include hyperlinks to relevant documents on EDPB website (30-40 hyperlinks in total).
- One round of corrections of the Word document.
- Draft Executive Summary (3 pages in Word), based on final text Annual report.
- One round of corrections of the Word document.
- [EDPB Annual Reports](#)

## Stakeholder survey

- Carry out a survey among 7-9 stakeholders, identified by EDPB (use an existing and yearly updated questionnaire and follow-up with a telephone conversation if the replies are not clear, too concise).
- Summarise the main findings of the survey (max 800 words).

## Layout of the Annual report & executive summary

- Develop a visual as header for each chapter (5-6 visuals).
- Develop 3-4 additional visuals and 2-3 infographics to illustrate the text (based on input by the EDPB).
- Develop cover and back cover.
- Lay-out of text Annual report and of Exec Summary in 24 Languages (translations provided by EDPB)
- Two rounds of proofreading/corrections of the PDF.
- Prepare a ready-to-print version and a pdf for online publication.

## Client management:

- Development of Gantt Chart, detailing deadlines for deliverables
- Bi-weekly 10 min meeting with EDPB to check upon progress report and problem solve (between early October and end of March)

## Production of EDPS annual report including executive summary

### Copywriting

- Copy write, in a communicative and clear way, with minimum of legal jargon, the EDPS Annual Report of 120-130 pages.
- Copywriting should be based on the EDPS' pre-existing materials, such as Press Releases, EDPS website, EDPS newsletter, EDPS Opinions, EDPS Supervisory Opinions, editing EDPS Staff notes on certain files. EDPS will provide a Lexicon, writing and style guide.
- Prepare the draft Executive Summary based on the first 4 chapters (final version) of the EDPS Annual Report 2023 (Foreword, Chapter 1, 2, 3).
- Layout of the EDPS Annual Report and & its Executive Summary

- Follow the current visual identity and layout of the Annual Report and its Executive Summary
- Prepare the layout of the Annual Report as well as the Executive Summary in all official languages of the EU (translations of the executive summaries will be provided by the EDPS).
- Prepare the PDF file and a Ready to Print file according to the standards of the EU's publication office (guidelines provided by EDPS on the basis of Publications Office documents)
- Prepare the Cover and Back cover for the Annual Report and the Executive Summary (3 cover and back cover proposals for the Supervisor and I&C to decide)
- Prepare the chapter headers ( 10 - 12 chapters) for the Annual Report.
- The first four chapter headers (see previous point) will need to be replicated for the Executive Summary.
- Prepare 8 - 10 visuals per chapter for the Annual Report.
- Prepare layout for 9 KPIs for the Annual Report (will also be reused for the Executive Summary).
- Prepare 20 - 22 statistics/infographics for the Annual Report
- Develop the design to insert quotes throughout the Report on specific topics by the Supervisor ( 10 - 12 quotes)
- Develop the design of “summary boxes” at the beginning of each chapter (10 - 12).
- [EDPS Annual Reports](#)

#### Logistics and Client Management

- Ability to work within short deadlines and demonstrate flexibility.
- Weekly meetings of 30 minutes.
- Copywriting 1 round of review. The feedback received will include track changes from the Project Manager and the Operational Units of the EDPS.
- Layout work: work on adobe live preview for EDPS to deliver feedback as each chapter is prepared.
- 2 rounds of review/corrections of final full and executive summary of Annual Report PDF in English. 1 round of review/corrections of the executive summary of the Annual Report in all translated languages.
- 1 round of review and corrections for the ready to print file of the Annual Report in English.
- Deadlines: Gantt chart with incremental deadlines (between November - April) and deliverables will be provided by the EDPS to the external contractors. Generally, chapters to write will be provided in batches, with a matching deadline for writing, review and layout

#### **1.5. Place of performance: where will the contract be performed?**

The services will be performed at the following locations:

- the contractor's premises

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

The procedure will result in the conclusion of a single framework contract.

A framework contract (FWC) establishes a mechanism for future repetitive purchases by the contracting authority to be awarded in the form of specific contracts<sup>1</sup>. The signature of a framework contract does not impose an obligation on the contracting authority to conclude specific contracts with a framework contractor.

The single framework contract will be concluded with one contractor. Specific contracts shall be awarded on the basis of the terms laid down in the framework contract, refined or, in duly justified circumstances, supplemented to reflect the particular circumstances of the specific contract. The details are set out in the draft contract.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship to be established between the contracting authority and the successful tenderer. 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.

⚠ Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 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 \(Financial Regulation\)](#)<sup>2</sup> and the conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment under due the contract.

### **1.7. Volume and value of the contract: how much do we plan to buy?**

The maximum total amount of all purchases under this call for tenders is 200 000 EUR. The volumes/values of the purchases over the total duration of the contract are specified in Section 1.4 of these specifications.

An indicative estimate of the volumes to be ordered over the whole duration of the framework contract is given in the financial model in Annex 6. These volumes are estimates only and there is no commitment as to exact quantities to be ordered. The actual volumes will depend on the quantities, which the contracting authority will order through specific contracts. In any case, *the framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, shall not be exceeded.

The *framework contract ceiling* is indicated in the contract notice.

Within three years following the signature of the framework contract resulting from the current call for tenders, the contracting authority may use the negotiated procedure under point 11.1. e

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<sup>1</sup> Any reference to specific contracts applies also to order forms (a simplified form of specific contract).

<sup>2</sup> 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, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

of Annex 1 to the Financial Regulation to procure new services from the contractor up to a maximum of 50% of the initial contract value. These services would consist in the repetition of similar services entrusted to the contractor and would be awarded under the following condition: the method best price-quality ratio.

### **1.8. Duration of the contract: how long do we plan to use the contract?**

The framework contract resulting from this call for tenders will be concluded for at most 48 months. The details of the initial contract duration and possible renewals are set out in the draft contract.

### **1.9. Electronic exchange system: can exchanges under the contract be automated?**

For all exchanges with the contractor during the implementation of the framework contract resulting from this call for tenders as well as for future possible subsequent proceedings, including, but not limited to, 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 the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the contractor at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.



## 2. GENERAL INFORMATION ON TENDERING

### 2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

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.

### 2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?

Tenderers must ensure that no involved entities (see Section 2.3) nor any subcontractors, including those which do not need to be identified in the tender (see Section 2.3.2), are subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)<sup>3</sup>, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

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 provided that it has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

The Agreement on Government Procurement<sup>4</sup> concluded within the World Trade Organisation does not apply to the European Data Protection Supervisor public procurement<sup>5</sup> except in a case of inter-institutional procurement where the Agreement as above is applicable to one of the contracting authorities (be it the leading contracting authority or not).

The rules on access to procurement apply also to subcontractors and entities on whose capacity tenderers rely to fulfil the technical and professional capacity selection criteria, i.e. only economic operators with access to procurement may be subcontractors or entities on whose technical and professional capacity tenderers rely.

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<sup>3</sup> Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

<sup>4</sup> [https://www.wto.org/english/tratop\\_E/gproc\\_e/gp\\_gpa\\_e.htm](https://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm).

<sup>5</sup> Therefore, in principle, the participation to this call for tenders is not open to natural and legal persons established in the countries that have ratified this Agreement.

### 2.3. Ways to submit a tender: how can economic operators organise themselves 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)<sup>6</sup>. In either case subcontracting is permitted.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each tenderer (in case of a joint tender, by the group leader) shall be requested.

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole tenderer and member of another group of economic operators. In such case, all tenders in which that person has participated, either as sole tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate tenders provided that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several tenderers as long as the tenders are drawn and submitted in complete independence and autonomously from each other. However, cross subcontracting among tenderers is forbidden, more precisely an entity “A” may participate as tenderer (either as sole tenderer or as member of a group of economic operators) and as subcontractor to another tenderer “B” within the same procurement procedure. However, in this case it is forbidden that tenderer “B” (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for tenderer “A” (or for the group of economic operators in which “A” participates) within the same procurement procedure. In this case, both tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the tenderer can rely on the capacities of subcontractors (see Section 2.3.2) or other entities that are not subcontractors (see Section 2.3.3).

An “**involved entity**” is any economic operator involved in the tender. This includes the following four categories of economic operators:

- sole tenderer,
- group members (including group leader),
- identified subcontractors (see Section 2.3.2), and
- other entities (that are not subcontractors) on whose capacity the tenderer relies to fulfil the selection criteria.

The role of each entity involved in a tender must be clearly specified in the tender application: i) sole tenderer, ii) group leader (in case of a joint tender), iii) group member (in case of a joint tender), or iv) subcontractor<sup>7</sup>.

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<sup>6</sup> Each economic operator participating in the joint tender is referred to as “group member”.

<sup>7</sup> Only identified subcontractors (see Section 2.3.2) must be specified in the tender application.

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*)

### **2.3.1. 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 in the group. The group as a whole is considered a tenderer<sup>8</sup>.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as 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. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

The joint tender must clearly indicate the role and tasks of each group member, including those 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 also on their behalf via the Agreement/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 deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following cases:

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
  - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
  - all the tasks assigned to the former entity are taken over by the new entity member of the group,
  - the group meets the selection criteria (see Section 3.2),
  - the change must not make the tender non-compliant with the procurement documents,
  - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
  - the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

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<sup>8</sup> References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

### 2.3.2. Subcontracting

Subcontracting is the situation where the contractor enters into 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 well-defined 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 procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the form available in **Annex 4** (List of identified subcontractors), 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*):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 20 % .

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.

☞ Each tenderer shall identify *such* subcontractors and provide the commitment letters with its tender. The information must be true and correct at the time of submitting the tender. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of tenders must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

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 subject to restrictive measures, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
- 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.

### **2.3.3. Entities (not subcontractors) 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 (that are not subcontractors), 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<sup>9</sup>.

☞ The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

### **2.3.4. Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria**

If a successful tenderer intends 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

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<sup>9</sup> This does not apply to subcontractors on whose capacity the tenderer relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

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, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed in Section 2.3.2 and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

☞ 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.

### **3. EVALUATION AND AWARD**

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer is not subject to restrictive measures and 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 for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract resulting from this call for tenders.

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.

#### **3.1. 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<sup>10</sup> needs to submit with its tender a Declaration on Honour<sup>11</sup> in the model available in *Annex 2*.<sup>12</sup> The declaration must be signed by an authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the tenderer at any time during the record-keeping period specified in Section 4.3.

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](#).

At any time during the procurement procedure<sup>13</sup>, the contracting authority may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence). It may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within 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.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

*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.

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<sup>10</sup> See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.

<sup>11</sup> The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

<sup>12</sup> Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

<sup>13</sup> The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.



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

### 3.2. 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 this 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, within a deadline given by the contracting authority <sup>14</sup>.

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 entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the tender, all tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within 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.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.

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

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<sup>14</sup> The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

### 3.2.1. Legal and regulatory capacity

Tenderers can be natural or legal persons. Tenderers are not obliged to take a special legal form in order to submit their tenders.

Where tenderers submit a tender through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the tenderers.

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

### 3.2.2. 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.

Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last two financial years above 100 000EUR.
<b>Basis for assessment</b>	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.
<b>Evidence</b>	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.

☞ All of the above-specified evidence of economic and financial capacity must be provided with the tender.

### 3.2.3. Technical and professional capacity

☞ 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. The entity on whose capacity the tenderer relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.3.2.

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:

Criterion T1	
The tenderer must prove experience in the field of the production of annual reports.	
<b>Minimum level of capacity</b>	At least 3 similar (in scope and complexity) projects completed in the last three years preceding the tender submission.

<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<p>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 ongoing, only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference, the contracting authority may request statements issued by the clients and take contact with them.</p>

☞ All of the above-specified evidence of technical and professional capacity must be provided with the tender.☞ Involved entities (see Section 2.3) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.3.2), must not be subject to professional conflicting interests which 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*).

When evaluating the tenders submitted in the present procedure for the award of framework contract, the contracting authority may consider the risk of professional conflicting interests with reference to the nature and subject of the specific contracts under the framework contract.

Further details and obligations concerning professional conflicting interests are set out in the draft contract.

### **3.3. Compliance with the conditions for participation and 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 Section 1.4 of these specifications and to the fact that 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.**

### 3.4. 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%

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%

The quality of the tender will be evaluated based on the following qualitative criteria and will be market out of 100 points.

Tenders that failed to reach the minimum number of 70 points (out of 100 points) on the qualitative award criteria are considered as failed and their financial offer will not be evaluated.

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

Award Criteria	Maximum number of points
Quality and relevance of the methodology set out in the tender.	50 points
Management and coordination of the future contract: This includes the administrative support (flexible reactions to last-minute changes, personal consultation etc.) as well as team management, all in order to ensure maximum efficiency in terms, speed, flexibility and quality requested.	25 points
Balance of profiles of experts carrying out the production of the publication and survey.	25 points

### 3.5. Award (ranking of tenders)

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

$$\text{score for tender X} = \frac{\text{price of most inexpensive tender}}{\text{price of tender X}} * 100 * 0,5 + \frac{\text{total quality score (out of 100) for all award criteria of tender X}}{\text{total quality score (out of 100) for all award criteria of tender X}} * 0,5$$

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 not subject

to restrictive measures, having access to procurement, not in an exclusion situation and fulfilling the selection criteria.

**⚡ Detection of abnormally low tenders**

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.

## 4. FORM AND CONTENT OF THE TENDER

### 4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted according to the instructions laid down in the Invitation to tender letter.

### 4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender are listed in *Annex 1*.

The following requirements apply to the technical and financial tender:

- *Technical tender.*

The technical tender must provide all the information needed to assess the compliance with Section 1.4 of these specifications 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.

- *Financial tender.*

A complete financial tender, including the breakdown of the price, needs to be submitted. For this purpose, the Financial Model in *Annex 6* shall be used.

The financial tender 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 its national authorities to clarify the way in which the European Union is exempt from VAT.

### 4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or, preferably, a qualified electronic signature (QES) as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

Tenderers are strongly encouraged to sign with a QES<sup>15</sup> all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

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 a joint tender – the Declarations on Honour of all group members);
- (in the case of a joint tender) the Agreement/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.

#### **4.4. 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, bodies and agencies, 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 are not subject to restrictive measures, 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

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<sup>15</sup> See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

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 its total financial tender amount<sup>16</sup>. 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 tender, technical or trade secrets<sup>17</sup>.

- 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 disclosure<sup>18</sup>, 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.

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<sup>16</sup> For a call for tenders resulting in multiple framework contracts this information will be provided for all successful tenderers and tenders.

<sup>17</sup> For the definition of trade secrets please see Article 2 (1) of [Directive \(EU\) 2016/943 on the protection of undisclosed know-how and business information \(trade secrets\) against their unlawful acquisition, use and disclosure](#).

<sup>18</sup> See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).



## **APPENDIX: LIST OF REFERENCES**

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.3.3
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	<a href="#">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</a>
<i>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.6
<i>Group leader</i>	See Section 2.3.1
<i>Group member</i>	See Section 2.3.1
<i>Identified subcontractors</i>	See Section 2.3.2
<i>Involved entities</i>	See Section 2.3
<i>Joint tender</i>	See Section 2.3.1
<i>Participating entities</i>	See Section 1.1
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.3
<i>Subcontracting/subcontractor</i>	See Section 2.3.2
<i>Treaties</i>	The EU Treaties: <a href="https://europa.eu/european-union/law/treaties_en">https://europa.eu/european-union/law/treaties_en</a>

## **ANNEXES**



## Annex 1. List of documents to be submitted with the tender or during the procedure

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied	When and where to submit the document?
		Group leader	Member of the group			
<b>Declaration on Honour on Exclusion and Selection Criteria</b> (see Section 3.1 and 3.2) model in Annex 2 Declaration on Honour on exclusion and selection criteria	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	With the tender
<b>Evidence</b> that the person signing the documents is <b>an authorised representative</b> of the entity <sup>19</sup>  (Section 4.3)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender
<b>Power of attorney</b>  (see Section 2.3.1)  model in Annex 3 Power of attorney		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender
<b>List of identified subcontractors</b>  (see Section 2.3.2)  model in Annex 4 List of identified subcontractors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender

<sup>19</sup> 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.

<b>Commitment letter</b> (see Section 2.3)				<input checked="" type="checkbox"/>  (model in Annex 5.1)	<input checked="" type="checkbox"/>  (model in Annex 5.2)	With the tender
<b>Evidence of non-exclusion</b> (see Section 3.1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On demand
<b>Evidence of economic and financial capacity</b> (see Section 3.2.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender
<b>Evidence of technical and professional capacity</b> (see Section 3.2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender
<b>Technical offer</b> (see Section 4.2) Annex 7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender
<b>Financial offer</b> (see Section 4.2) Annex 6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender

**Annex 2. Declaration on Honour on exclusion and selection criteria**

Annex 2 is published as a separate document

### Annex 3. Agreement/Power of attorney

Call for tenders 2024-032- EDPS-EDPB-Production of the Annual Report of the European Data Protection Board and European Data Protection Supervisor, including stakeholder survey and analysis

#### AGREEMENT/POWER OF ATTORNEY

The undersigned:

***[- Signatory 1 (Name, Function, Legal entity name, Registered address, VAT Number)]***

***- Signatory 2 (Name, Function, Legal entity name, Registered address, VAT Number)***

***- ...***

***- Signatory N (Name, Function, Legal entity name, Registered address, VAT Number)]***

having the legal capacity required to act on behalf of the entities they represent,

HEREBY AGREE TO THE FOLLOWING:

- 1) To submit a joint tender (the tender) as members of a group of tenderers (the group), constituted by ***[Insert names of Legal entity 1, Legal entity 2, ... Legal entity N – the name of the group leader must be included here!]*** (the group members), and led by ***[Insert name of Legal entity 1]*** (the group leader), in accordance with the conditions of the procurement documents and the terms of the tender to which this Agreement/Power of attorney is attached.
- 2) If the contracting authority awards a contract resulting from this call for tenders (the contract) to the group on the basis of the tender to which this Agreement/Power of attorney is attached, all group members (including the group leader) shall be considered parties to the contract in accordance with the following conditions:
  - (a) All group members (including the group leader) shall be jointly and severally liable towards the contracting authority for the performance of the contract.
  - (b) All group members (including the group leader) shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the contracting authority related to the services and/or supplies subject to the contract shall be made through the bank account of the group leader indicated in the contract.

- 4) The group members grant to the group leader all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:
- (a) The group leader shall submit the tender on its own behalf and on behalf of the other group members and indicate in the "Contact Person" section in eSubmission the name and e-mail address of an individual as a single point of contact authorised to communicate officially with the contracting authority in connection with the submitted tender on behalf of all group members, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
  - (b) The group leader shall sign any contractual documents — including the contract, [specific contracts] and amendments thereto — and shall warrant the submission of any invoices related to the performance of the contract on behalf of all group members.
  - (c) The group leader shall act as a single contact point with the contracting authority in the delivery of the services and/or supplies subject to the contract. It shall coordinate the delivery of the services and/or supplies by the group to the contracting authority, and shall see to a proper administration of the contract.

This Agreement/Power of attorney may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same document.

Any modification to the present Agreement/Power of attorney shall be subject to the contracting authority's express approval. This Agreement/Power of attorney shall expire when all the contractual obligations of the group have ceased to exist. The parties cannot terminate it before that date without the contracting authority's consent.

**Name**  
**Function**  
**Name of the legal entity**

**Name**  
**Function**  
**Name of the legal entity**

**signature[s]:** \_\_\_\_\_

**signature[s]:** \_\_\_\_\_

**Done at ....., on .....**

**Done at ....., on .....**

**Name**  
**Function**  
**Name of the legal entity**

**Name**  
**Function**  
**Name of the legal entity**

**signature[s]:** \_\_\_\_\_

**signature[s]:** \_\_\_\_\_

*Done at ....., on .....* *Done at ....., on .....*



#### Annex 4. List of identified subcontractors and proportion of subcontracting

Identification details	Roles/tasks during contract execution	Proportion of subcontracting (% of contract volume)
<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]</i>		
<b>Other subcontractors that do not need to be identified under Section 2.3.2<sup>20</sup></b>		
<b>TOTAL % of subcontracting</b>		<b>0,00%</b>

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<sup>20</sup> For this category of subcontractors, please provide in a general manner their intended roles/tasks during contract execution, as well as the aggregated % of contract volume for all non-identified subcontractors.

## Annex 5.1. Commitment letter by an identified subcontractor

[Letterhead, if any]

### EUROPEAN DATA PROTECTION SUPERVISOR

Call for tenders Ref. 2024-032- EDPS-EDPB-  
Production of the Annual Report of the European  
Data Protection Board and European Data Protection  
Supervisor, including stakeholder survey and analysis

Attn:

[Insert date]

### Commitment letter by identified subcontractor

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of **[insert name of the entity]**, hereby confirm that the latter agrees to participate as subcontractor in the tender of **[insert name of the tenderer]** for the call for tenders *2024-032-EDPS-EDPB-Production of the Annual Report of the European Data Protection Board and European Data Protection Supervisor, including stakeholder survey and analysis.*

In the event that the tender of the aforementioned tenderer is successful, **[insert name of the subcontractor]** commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests, which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

## Annex 5.2. Commitment letter by an entity on whose capacities is being relied

[Letterhead, if any]

### EUROPEAN DATA PROTECTION SUPERVISOR

Call for tenders Ref. 2024-032-Production of the Annual Report of the European Data Protection Board and European Data Protection Supervisor, including stakeholder survey and analysis

Attn:

*[Insert date]*

### **Commitment letter by an entity on whose capacity is being relied**

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of *[insert name of the entity]*, hereby confirm that the latter **authorises the *[insert name of the tenderer]* to rely on its [financial and economic capacity] [technical and professional capacity] in order to meet the minimum levels** required for the call for tenders 2024-032 - EDPS-EDPB - Production of the Annual Report of the European Data Protection Board and European Data Protection Supervisor, including stakeholder survey and analysis.

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the entity]* commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

**Signature:**

## **Annex 6. Financial tender form**

Annex 6 is published as a separate document

## **Annex 7. Technical offer**

Annex 7 is published as a separate document