

INVITATION TO TENDER

Subject: **First Step of Restricted Procedure**

Development, integration and support for Operational Cooperation tools

LOT 1 - Development, integration and support for OpenCSAM

LOT 2 - Development, integration and support for OpenCTI

Reference: ENISA F-OCU-24-T07

Procurement procedure: RESTRICTED call for tender

Expiry date and time: **25th April 2024 at 18:00 (CEST) Central European Summer time**

Dear Madam/Sir,

The European Union Agency for Cybersecurity (ENISA) referred to below as *the contracting authority*, is planning to award the contracts resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter, the draft contract and tender specifications for each of **two (2) LOTS** with their respective annexes. The documents are published in English¹.

Tenderers are asked to assess each LOT and are invited to submit a bid for one or more LOTS.

All documents are available in the Funding &Tenders Portal (F&T Portal) at the following link²:

[**F&T Portal link to the call for tenders**](#)

This procurement procedure is organised in two steps. In the first step, economic operators interested in this contract are invited to submit a request to participate in one of the official languages of the European Union. In the second step, only selected candidates will be invited to submit a tender. Any tender received from a legal or natural person not invited to tender will be rejected.

1. Submission of requests to participate.

In order to submit a request to participate using eSubmission, economic operators (each member of the group in the case of a joint submission) will need to register in the European Commission's [Participant Register](#) - an online register of organisations participating in EU calls for tenders or proposals. On registering each organisation obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found on this

¹ That language version constitutes the sole authentic text and prevails over any other language versions that may be published on request of economic operators

² Subscription to the call for tenders at the above link allows interested economic operators to receive e-mail notifications when new information or documents are published. Subscription is free of charge and does not involve any commitment to submit a tender.

[page](#). Economic operators already registered in the Participant Register shall reuse their existing PICs when preparing requests to participate in eSubmission.

The time-limit for receipt of requests to participate is indicated under Section 5.1.12 of the contract notice where the time zone indicated is the local time at the contracting authority's location (as indicated in Section 8 of the contract notice). The time-limit is published also at the above F&T Portal link (subscribed users receive notifications when the call for tenders' data is modified).

A request to participate received after the time-limit for receipt of requests to participate will be rejected. The submission receipt provided by eSubmission with the official date and time of receipt of the submission (timestamp) constitutes proof of compliance with the time-limit for receipt of requests to participate³.

Please note that it is not possible to submit a request to participate through eSubmission after the time-limit for receipt of requests to participate indicated in the contract notice and/or the F&T Portal. To ensure requests to participate are submitted on time, candidates are invited to get familiar with the system and the system requirements, in particular the accepted file formats⁴, well in advance.

Candidates must ensure that their submitted requests to participate contain all the information and documents required by the contracting authority at the time of submission as set out in the procurement documents.

After submitting a request to participate, but before the deadline for receipt of requests to participate, a candidate may definitively withdraw its request to participate⁵, or withdraw it and replace it with a new one⁶. A withdrawal receipt will be provided by eSubmission as proof of withdrawal.

No more than one request to participate per lot can be considered per candidate. If the same candidate submits more than one request to participate per lot, neither of which has been withdrawn as described above, only the latest submission will be considered. The candidate may not refer to earlier submissions to complement, clarify or correct its latest request to participate.

All costs incurred for the preparation and submission of requests to participate are to be borne by the candidates and will not be reimbursed.

2. Legal effects of the invitation and submission of a request to participate.

This invitation is in no way binding on the contracting authority. The contracting authority's contractual obligation commences only when the contract with the successful tenderer is signed by both parties.

³ If no submission receipt is received in reasonable time after submission, please contact the eSubmission Helpdesk (see contact details in the above referred eSubmission Quick Guide) as soon as possible.

⁴ See note 3.

⁵ A submitted request to participate can be withdrawn directly in the "Procurement/My Submission(s)" area in the F&T Portal. For detailed instructions on how to withdraw a request to participate please consult the above referred eSubmission Quick Guide.

⁶ To submit a new version, the candidate must create a new submission in eSubmission and include all the information and documents required in the procurement documents with the submission of a request to participate, even if some of them have already been included in the replaced request to participate.

Up to the signature of the contract the contracting authority may cancel the procurement procedure without candidates being entitled to claim any compensation. Any such decision must be substantiated and candidates notified.

Submission of a request to participate implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the candidate's own general or specific terms and conditions.

3. Contacts during the procurement procedure.

Contacts between the contracting authority and candidates are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

3.1 Submission of requests to participate phase (step 1 of the restricted procedure)

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only through the above F&T Portal link in the "Questions & answers" section, by clicking "Create a question" (EU Login registration⁷ is required to be able to create and submit a question).

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

Any additional information will be published at the above F&T Portal link. It is the economic operator's responsibility to check for updates and modifications during the submission period⁸.

3.2 Opening of requests to participate (step 1 of the restricted procedure)

The opening of the received requests to participate is not public.

Once the contracting authority has opened the requests to participate, they shall become its property and will be treated confidentially.

3.3 Evaluation of requests to participate (step 1 of the restricted procedure)

Except in duly justified cases, candidates who have failed to submit evidence or to make statements as required in the procurement documents, shall be contacted by the contracting authority to provide the missing information or clarify supporting documents.

The contracting authority may correct obvious clerical errors in the request to participate after confirmation of the correction by the candidate.

Such information, clarification or confirmation shall not substantially change the request to participate.

3.4 Selection phase (step 1 of the restricted procedure)

⁷ EU Login is the entry gate to sign in to different European Commission services and/or systems. Read more [here](#).

⁸ See note 2.

Candidates will be notified of the outcome of the first step (evaluation of requests to participate against the exclusion and selection criteria) by e-mail. The notification will be sent to the e-mail address provided by the candidate (group leader in case of a joint submission) in the eSubmission application (section *Contact Person*) when the request to participate was submitted. After submission of the request to participate the e-mail address can be changed in the F&T portal as described in the eSubmission guide (see the section “Manage roles in Funding & Tenders portal”⁹).

The same e-mail address will be used by the contracting authority for all other communications in the selection phase.

It is the candidate's responsibility to provide a valid e-mail address and to check it regularly.

3.5 Submission of tenders phase (step 2 of the restricted procedure)

See section 3.1 above.

Please note that only selected candidates may request additional information at this stage. Similarly, any documentation uploaded at the above F&T Portal link at this step of the procedure will be available to all selected candidates and only to them.

The contracting authority is not bound to reply to requests for additional information received less than six working¹⁰ days before the time-limit for receipt of tenders.

3.6 Opening of tenders (step 2 of the restricted procedure)

The opening of the received tenders is not public.

Once the contracting authority has opened the tenders, they shall become its property and will be treated confidentially.

3.7 Evaluation of tenders (step 2 of the restricted procedure)

Except in duly justified cases, tenderers who have failed to submit evidence or to make statements as required in the procurement documents, shall be contacted by the contracting authority to provide the missing information or clarify supporting documents.

The contracting authority may correct obvious clerical errors in the tender after confirmation of the correction by the tenderer.

Such information, clarification or confirmation shall not substantially change the tender.

3.8 Award phase (step 2 of the restricted procedure)

Tenderers will be notified of the outcome of this procurement procedure by e-mail. The notification will be sent to the e-mail address provided by the tenderer (group leader in case of a joint submission) in the eSubmission application (section *Contact Person*) when the tender was submitted. After submission of the tender the e-mail address can be changed in the F&T portal as described in the eSubmission guide (see the section “Manage roles in Funding & Tenders portal”¹¹).

⁹ See note 3.

¹⁰ Working days counted based on the contracting authority's location indicated under Section 8 of the contract notice.

¹¹ https://wikis.ec.europa.eu/display/FTPportal/Two+step+procedures+Step_2_EN

The same e-mail address will be used by the contracting authority for all other communications in the award phase.

It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

4. Data protection.

If processing a reply to the invitation involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725¹² of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the procurement procedure by the European Commission acting as data controller. Details concerning the processing of personal data are available in the privacy statement at: https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/data-protection-public-procurement-procedures_en.

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, you can contact the data controller at dataprotection@enisa.europa.eu by explicitly specifying your request.

The candidate's personal data may be registered in the Early Detection and Exclusion System (EDES) if the candidate is in one of the situations mentioned in Article 136 of the Financial Regulation¹³. For more information, see the privacy statement: https://commission.europa.eu/strategy-and-policy/eu-budget/how-it-works/annual-lifecycle/implementation/anti-fraud-measures/edes_en.

Yours faithfully,

Jo De Muynck
Head of Operation Cooperation Unit
(e-signed)

Annexes to the invitation to tender:

Annex I – Tender specifications and annexes (both LOTS)

Annex II – Draft contract and annexes

¹² OJ L 295, 21.11.2018, p. 39.

¹³ 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).