

# Guidebook

for economic operators participating in  
procurement procedures of the Agency for  
Support for BEREC (BEREC Office)

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for Electronic Communications

**BEREC**  
OFFICE

BEREC Office is an  
agency of the EU 

# Structure of the presentation

1. BASIC INFORMATION
2. CONSIDERATIONS BEFORE SUBMITTING A TENDER
3. COLLABORATION WITH OTHER ECONOMIC OPERATORS
4. PREPARATION OF TENDERS
5. OPENING AND EVALUATION OF TENDERS
6. FINAL PROCEDURES

Procurement process in BEREC Office can be divided into 3 stages:



Information related to all BEREC Office procurement procedures can be found here:

[https://berec.europa.eu/eng/berec\\_office/public\\_procurement/](https://berec.europa.eu/eng/berec_office/public_procurement/)



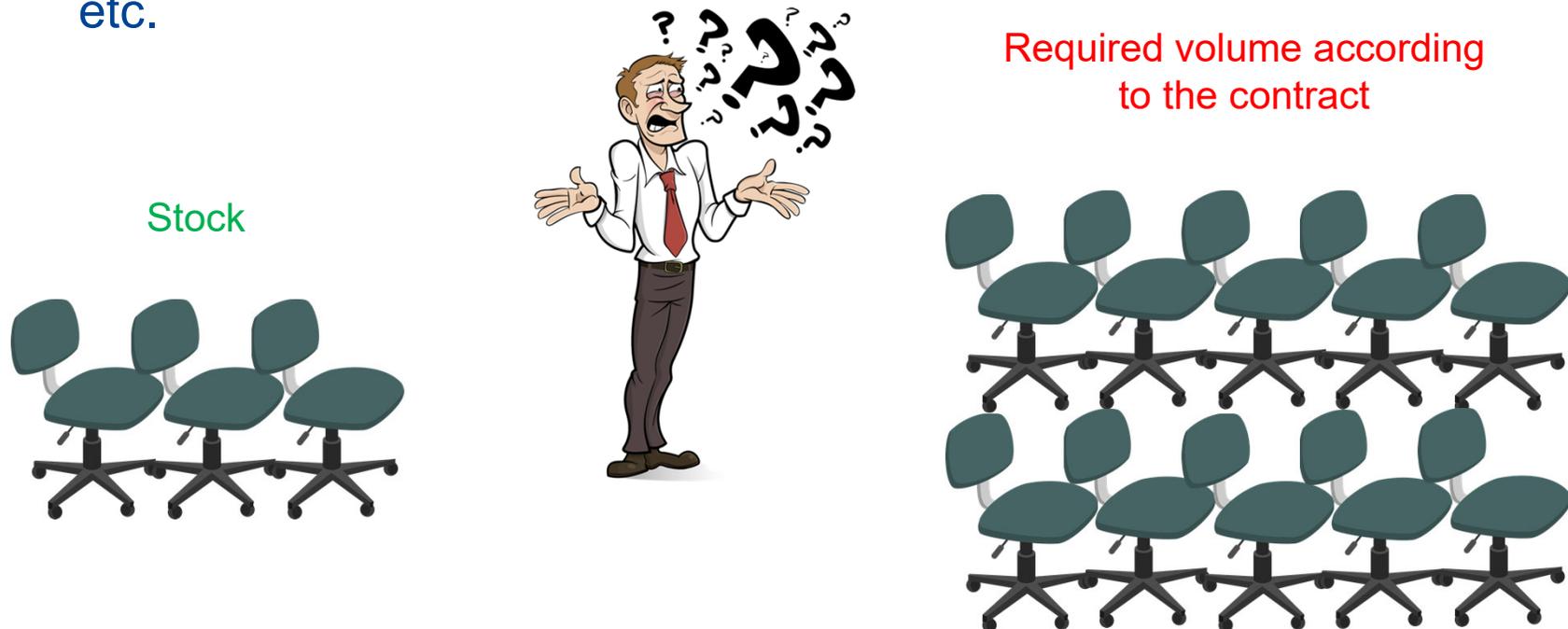
Opening of received tenders and evaluation



Award decision, notification of the results to all the tenderers, contract signature

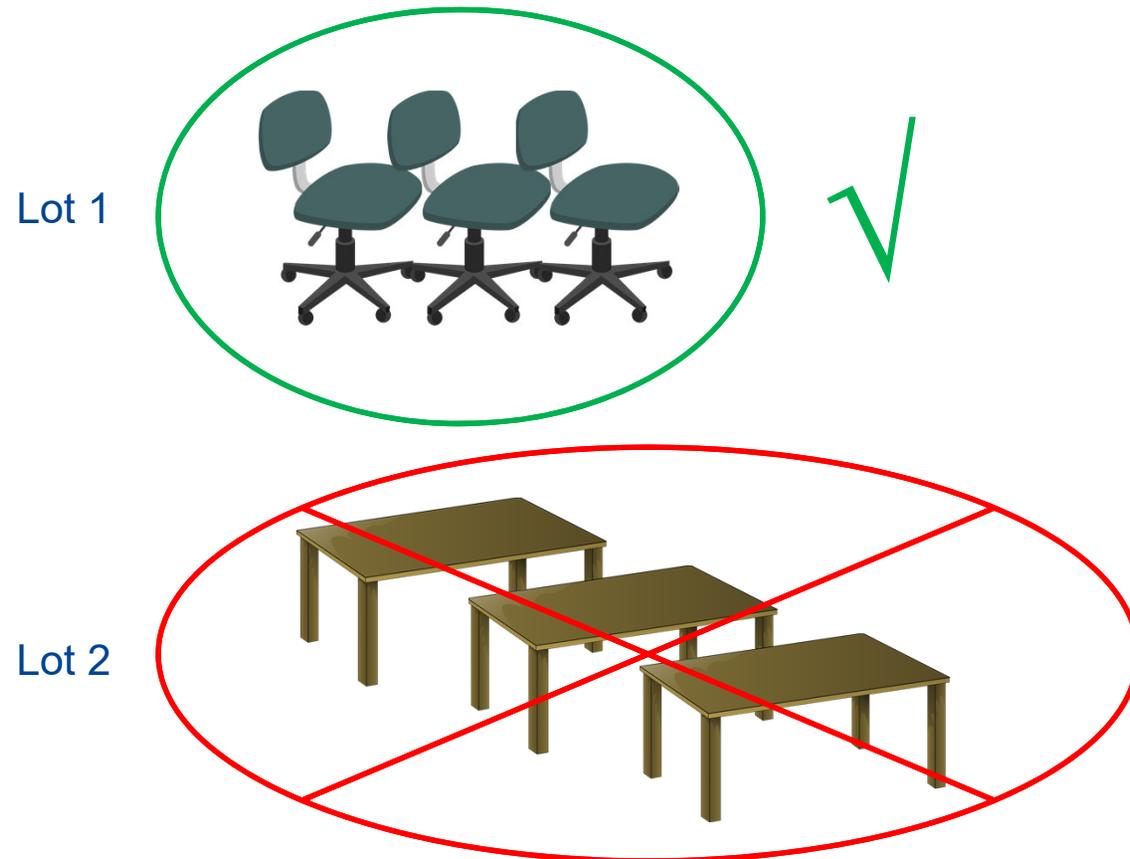
## 2. CONSIDERATIONS BEFORE SUBMITTING A TENDER

- Access to the market – participation in procurement procedures is open on equal terms to all natural and legal persons from the EU and third countries, which have a special agreement with the EU in the field of procurement. It is also open to international organisations.
- Scope of the contract – volume, deadlines, quality requirements, etc.



## 2. CONSIDERATIONS BEFORE SUBMITTING A TENDER

- Lots - when an invitation to tender is divided into lots economic operators **may submit tenders for one lot only, or any combination of lots, or for all of the lots.**



## 2. CONSIDERATIONS BEFORE SUBMITTING A TENDER

### Legal considerations:

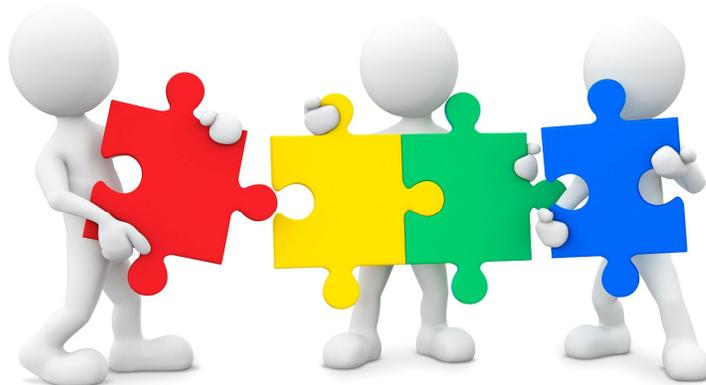
- The submission of a tender implies that the tenderer:
  - **accepts** the General Terms and Conditions of the BEREC Office;
  - **waives** its own terms of business;
  - **accepts** to be bound by its tender for nine months from the deadline for the submission of tenders;
  - **accepts** to receive notification of the outcome of the procedure by electronics means.
- Invitation to tender **does not oblige the BEREC Office to award** the contract.

## 2. CONSIDERATIONS BEFORE SUBMITTING A TENDER

- The successful tenderer will be governed by either of the following types of contract:
  - **Direct contract;**
  - **Framework contract.**
- The procurement documents include a draft contract made up of:
  - **Special Conditions:** on completion of the tendering procedure, this draft will be modified as necessary in line with the successful tender (e.g. prices).
  - **General Terms and Conditions.**
- The BEREC Office is exempt from all taxes and duties, including VAT.

## Two types of collaboration

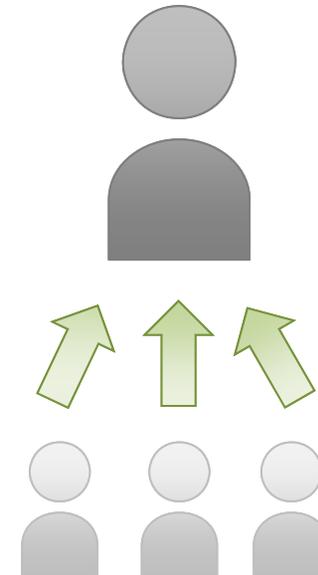
### Joint tenders



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In case of joint tender/subcontracting the total ability to fulfill the requirements will be evaluated as well as each economic operator separately regarding particular criteria.

### Subcontracting

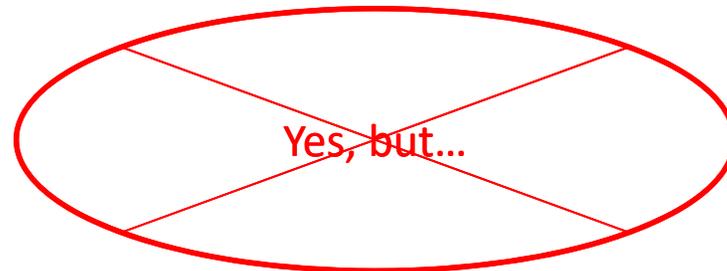


## 4. PREPARATION OF TENDERS

- Tenders may be drawn up in **any of the official languages** of the European Union;
- The BEREC Office undertakes to protect the tenderers' commercial interests by treating all the information contained in their tenders as confidential;
- In case of questions related to tender please be attentive to observe indicated deadlines for submitting questions – 6 working days before the submission deadline;
- When submitting tender please be attentive to submit all required documents according to the invitation to tender.

## 4. PREPARATION OF TENDERS

- Mandatory questions - These questions require an unconditional answer.



- Particular attention must be paid to the elements within the procurement documents identified as “minimum requirements”
  - fixed requirement (e.g. “must”, “have to”, etc.)
  - requirement meaning “at least” (e.g. “no less”, “can be more”)
  - requirement meaning “no more than” (e.g. “the duration may not exceed ...”)

*Failure to comply with minimum requirements leads to the rejection of the tender.*

## 5. OPENING AND EVALUATION OF TENDERS

- **Opening** of tenders in general is strictly limited to the following aspects:
  - Verification that the deadline for submission has been complied with;
  - Verification that the envelopes were not opened;
  - Announcement of the tenders received;
  - Prices or costs (only in case of the lowest price/cost award method).

## 5. OPENING AND EVALUATION OF TENDERS

- **Evaluation of tenders**

- **Exclusion stage** – mostly compliance with criteria in Article 136(1) and Article 141(1) of the Financial Regulation of the EU;
- **Selection stage** – minimum capacity levels are checked;
- **Evaluation stage** – includes technical and financial evaluation;
- **Award stage:**
  - The lowest price method;
  - The lowest cost method;
  - The best price-quality ratio.

*If a tenderer is not contacted, this should not be regarded as a positive nor negative sign. Tenderers will always be informed of the outcome of the invitation to tender!*

- **Notification of results** – notification letter is sent simultaneously to all tenderers by electronic means
- **10 day standstill period** before signature of contract
- **Contract signature.** If the successful tenderer fails to provide requested documentary evidence within set time limits BEREC Office may award the next best tenderer or cancel the procedure altogether.

### **BEREC Office procurement Guidebook for economic operators**

[https://berec.europa.eu/eng/berec\\_office/public\\_procurement/7498-guidebook-for-economic-operators-participating-in-procurement-procedures-of-the-agency-for-support-for-berec-berec-office](https://berec.europa.eu/eng/berec_office/public_procurement/7498-guidebook-for-economic-operators-participating-in-procurement-procedures-of-the-agency-for-support-for-berec-berec-office)

### **EU Official languages**

[https://europa.eu/european-union/about-eu/eu-languages\\_en](https://europa.eu/european-union/about-eu/eu-languages_en)

### **BEREC Office website**

<https://berec.europa.eu/>



**Thank you!**

**Q & A**

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