



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY  
Deputy Director-General for Health

Brussels, sante.ddg1.c.3(2020)4285581

**SENSITIVE\***

*RELEASABLE TO: Need to know basis*

**Subject: Call for tenders SANTE/2020/C3/037 - for the development, production, priority-purchasing options and supply of COVID-19 vaccines for EU Member States**

Dear Madam/Sir,

The European Commission (referred to below as *the contracting authority*) is planning to award the contract(s) resulting from the above procurement procedure. The procurement documents consist of this invitation letter and tender specifications with their annexes. These documents are enclosed in this e-mail.

The contract is subject to a negotiated procedure without prior publication of a contract notice in case of extreme urgency brought by unforeseeable circumstances (referred to in Article 164(1) (d) and Annex I, Point 11.1(c) of the Financial Regulation<sup>1</sup>).

### **1. Submission of request to participate/tenders.**

If you are interested in this contract you should submit a tender in one of the official languages of the European Union. In principle, only invited economic operators may submit a tender. However, an invited economic operator may form a joint tender with other economic operators. In this case, the tender may be submitted by the leader of the consortium. Any tender received from a legal person not invited to tender will be rejected.

The tender must be submitted by e-mail at [SANTE-PROCUREMENT@ec.europa.eu](mailto:SANTE-PROCUREMENT@ec.europa.eu). The subject of e-mail should be marked as follows: "CALL FOR TENDERS SANTE/2020/C3/037 – OFFER".

The time limit for receipt of the tender is on **24/07/2020 at 23h59 (CET)**. Receipt is understood as the time at which the tender is received by e-mail to the afore-mentioned address.

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\* Not for distribution. Do not read or carry openly in public places. Must be stored securely and encrypted in storage and transmission. Destroy copies by shredding or secure deletion. Full handling instructions: <https://europa.eu/db43PX>.

<sup>1</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).

A tender received after the time-limit for receipt of tenders will be rejected. The e-mail reception confirmation constitutes proof of compliance with the time-limit for receipt of tenders.

Tenders must be:

- perfectly legible so that there can be no doubt as to words and figures;
- where applicable, drawn up using the model reply forms in the tender specifications.

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

All costs incurred for the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.

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

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.

Up to the point of signature, the contracting authority may cancel the procurement procedure without the candidate or tenderer being entitled to claim any compensation. This decision must be substantiated and the candidate or tenderer notified.

The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is 4 months from the time-limit for receipt of the tender.

Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.

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

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

### **3.1 Submission phase (before the time-limit for receipt of tenders)**

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 by e-mail at [SANTE-PROCUREMENT@ec.europa.eu](mailto:SANTE-PROCUREMENT@ec.europa.eu).

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

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.

If applicable, any additional information including that referred to above will be sent by e-mail.

### 3.2 Opening of tenders

Once the contracting authority has opened the tender, it becomes its property and it shall be treated confidentially.

### 3.3 Evaluation phase (after the opening of tenders)

Except in duly justified cases, if the tenderer has failed to submit evidence or to make statements as required in the procurement documents, it 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.

The contracting authority may negotiate with the tenderer the tender it has submitted, in order to adapt it to the procurement documents and in order to find the most economically advantageous tender. The minimum requirements defined in the procurement documents are not subject to negotiation. During negotiations equal treatment of all tenderers will be ensured. The contracting authority reserves the right not to negotiate and to award the contract on the basis of the tender initially received.

### 3.4 Award phase

The tenderer will be notified of the outcome of this procurement procedure by e-mail. The notification will be sent to the e-mail address provided in the tender for the tenderer. The same e-mail address will be used by the contracting authority for all other communications with the tenderer. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

## **Data protection**

If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725<sup>2</sup> 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 call for tenders by the Head of Unit C3 "Health security and vaccination" of the European Commission's Directorate-General for Health and Food Safety. Details concerning the processing of your personal data are available

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<sup>2</sup> OJ L 295, 21.11.2018, p. 39

in the privacy statement at: [https://ec.europa.eu/info/data-protection-public-procurement-procedures\\_en](https://ec.europa.eu/info/data-protection-public-procurement-procedures_en).

The tenderer's personal data may be registered in the Early Detection and Exclusion System (EDES) if the tenderer is in one of the situations mentioned in Article 136 FR. For more information, see the Privacy Statement on [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm) ).

## **5. Means of redress**

The tenderer may submit any observations concerning the procurement procedure to the contracting authority through the functional mailbox [SANTE-PROCUREMENT@ec.europa.eu](mailto:SANTE-PROCUREMENT@ec.europa.eu). If the tenderer believes that there is maladministration, it may lodge a complaint to the European Ombudsman within two years of the date from which they become aware of the facts, which form the basis for the complaint (see <https://www.ombudsman.europa.eu>).

Within two months of notification of the outcome of the procedure (*award decision*), tenderers may launch an action for its annulment. Any request the tenderer may make and any reply from the contracting authority, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time limit for launching an action for annulment nor open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is the General Court of the European Union:

General Court  
Rue du Fort Niedergrünewald  
L-2925 Luxembourg  
tel.: (+352) 4303 1 fax: (+352) 4303 2100  
URL: <http://curia.europa.eu>

*Signed electronically in Ares*

Anne BUCHER

### Annexes to the invitation to tender:

→ Tender specifications and annexes