

TENDER RULES

OBJECT OF THE PROPOSED CONTRACT:

Information & Communication Technology (ICT) Equipment & Services for Expertise France in Papua New Guinea (PNG)

LEGAL REPRESENTATIVE OF THE CONTRACTING AUTHORITY:

Jérémie PELLET, Chief Executive Officer of EXPERTISE FRANCE

DATE AND TIME OF THE APPLICATION DEADLINE:

09/10/2023 at 10:00am Paris time / 6:00pm Port Moresby time

CONTENTS

ARTICLE 1: OBJECT AND SCOPE OF THE TENDER	4
1.1 Object of the tender.....	4
1.2 Scope of the tender.....	4
1.3 Provisional schedule of the tender	4
1.4 Language & currency.....	4
1.5 Composition of the Tender Dossier	4
1.6 Modification of the Tender Dossier	5
ARTICLE 2: GENERAL CHARACTERISTICS OF THE PROPOSED CONTRACT	5
2.1 Form of the proposed contract.....	5
2.2 Amount.....	5
2.3 Duration of the contract	5
2.4 Similar services.....	5
ARTICLE 3: CANDIDATE PARTICIPATION CONDITIONS	5
3.1 Candidate presentation conditions.....	6
3.2 Grounds and conditions of exclusion.....	6
3.3 Minimum prerequisites in terms of economic, technical and professional capacity	6
<i>Economic and Financial Capacity</i>	<i>6</i>
<i>Technical and Professional Capacity</i>	<i>6</i>
3.4 Specific requirements regarding consortia	7
<i>Grounds for the exclusion of consortia.....</i>	<i>7</i>
<i>Form of the consortium</i>	<i>7</i>
3.5 Subcontracting	7
<i>Presentation of a subcontractor.....</i>	<i>7</i>
<i>Grounds for exclusion in the case of subcontracting</i>	<i>7</i>
ARTICLE 4: PRESENTATION OF THE TENDERS AND SUBMISSION PROCESS	7
4.1 Application documents	8
4.2 Bid documents	8
4.3 Tender validity period	9
4.4 Tender submission process.....	9
<i>Submission Deadline</i>	<i>9</i>
<i>Electronic submission</i>	<i>9</i>
ARTICLE 5: EVALUATION OF APPLICATIONS	10
5.1 Request for supplementary information regarding the application.....	10
5.2 Eligibility of applications.....	11
5.3 Admissibility of applications.....	11
ARTICLE 6: EVALUATION OF BIDS	11
6.1 Rejection of late bids.....	11
6.2 Negotiations	11
6.3 Evaluation of the eligibility of the bids.....	11
6.4 Analysis of the bids for selection of the most optimal bid.....	12

ARTICLE 7:	AWARD OF THE CONTRACT	12
7.1	Verification of grounds for exclusion: transmittal of supporting documentation.....	13
7.1	Other documents to be provided by the successful tenderer	13
7.3	Contract signing	13
ARTICLE 8:	PROCESSING OF PERSONAL DATA	13
ARTICLE 9:	ADDITIONAL INFORMATION.....	14
ARTICLE 10:	OPTIONS FOR LEGAL CHALLENGES AND DEADLINES.....	15

ARTICLE 1: OBJECT AND SCOPE OF THE TENDER

1.1 Object of the call for tender

For the purposes of this call for tender:

- The **contracting authority** is Expertise France.
- The **Tender Dossier** is the documentation that Expertise France provides to interested economic operators about this call for tender.
- A **tenderer** is an economic operator (or several economic operators organised into a consortium) wishing to take part in this tender process and that submits a tender.
- The **tender** that tenderers need to submit must be composed of two elements, an “**application**” and a “**bid**”.
- The **contractor** is the tenderer who will be awarded the contract through this tender process.
- The **contract** is the agreement between the contracting authority and the contractor regarding the provision of services by the contractor to the contracting authority.

The contract in question is a supply contract regarding “Information & Communication Technology (ICT) Equipment & Services for Expertise France in Papua New Guinea (PNG)”.

The Draft Contract is part of the Tender Dossier.

The specifications of the needs to be satisfied are set out in a Technical Specifications document that is part of the Tender Dossier.

1.2 Call for tender type

This tender is subject to the French Public Procurement Code (*Code de la commande publique, CPP*) as set up by Ordinance no. 2018-1074 of 26 November 2018, establishing the legislative components of the CCP, and of Decree no. 2018-1075 of 3 December 2018, establishing the regulatory components of the CCP.

The tender procedure is an open call for tender in application of Articles L. 2124-2, R. 2161-2, R. 2161-3, R. 2161-4 and R. 2161-5 of the CCP

1.3 Provisional schedule of the tender

Estimated date	Stage
09/10/2023	Tender submission deadline
27/10/2023	Rejection Letters sent to unsuccessful tenderers
10/11/2023	Award of the contract to the successful tenderer

1.4 Language & currency

All of the documents of this tender will be in English.

The contract will be in Papua New Guinean Kina (PGK).

1.5 Composition of the Tender Dossier

The Tender Dossier is composed of the following tender documents:

- These Tender Rules
- The Draft Contract (specific and general conditions)
- The Terms of Reference (Technical Specifications)
- The Tender (Submission) Form (“Expression of Interest” Form)
 - o The third-party form
 - o The Sworn Declaration relating to Exclusion Criteria and the Absence of Conflicts of Interest

TENDER RULES

- The GDPR compliance form
- The financial annex and unit price schedule to be completed by the tenderer

1.6 Modification of the Tender Dossier

Modifications may be made by the Contracting Authority to the Tender Dossier up to 6 days prior to the application submission deadline.

Candidates must prepare their tenders based on the latest modified documents of the Tender Dossier. Should any candidate have submitted a tender prior to the deadline, this candidate is authorised to resubmit it based on the latest modified documents of the Tender Dossier prior to the deadline.

Candidates that have created an account on the public procurement platform and have downloaded the tender dossier will:

- Have access to the questions and answers document
- Receive a notification on any possible modification to the Tender Dossier
- Have access to the clarification requests and rectifications

It is thus very important to ensure that the email address used by the Tenderer to download the tender dossier is consulted very regularly as this is the email address that will be used to provide the notifications.

The Contracting Authority can in no way be considered liable for situations in which a candidate would have provided a faulty email address, would not have consulted this email address at suitable times, or if the candidate did not receive the Contracting Authority's communications due to the use by candidates of search engines to gain information about ongoing call for tenders.

ARTICLE 2: GENERAL CHARACTERISTICS OF THE PROPOSED CONTRACT

2.1 Form of the proposed contract

The proposed contract will be a Purchase Order (PO)-based Framework Contract (FWC). It will be entered into with a single Contractor.

2.2 Amount

The maximum amount value of the Contract is 3,000,000 PGK exclusive of GST.

There is no minimum amount value.

2.3 Duration of the contract

The FWC is entered into for a total maximum duration of 48 months from its award date. It is entered into for an initial confirmed 12-month period that can be tacitly renewed at the same conditions up to three times for successive 12-month periods each, unless the contracting authority expressly informs the Contractor of its intention not to renew the Contract and if this notification is done two months prior to the expiration of the first initial confirmed period. Renewal of the contract must not in any way be construed as meaning that the Contractor's obligations are modified or postponed. Unless provided for otherwise, all periods stipulated in the FWC are calculated in calendar days.

2.4 Similar services

In application of Article R.2122-7 of the CCP, the Contracting Authority can negotiate similar services contracts with the selected Contractor without having to open these contracts up to external competition. The period during which such contracts may be entered into may not exceed three years from the award date of the first contract, object of this tender.

ARTICLE 3: CANDIDATE PARTICIPATION CONDITIONS

3.1 Candidate presentation conditions

Different candidates cannot be represented by the same person (Article R. 2142-4 of the CCP).

A candidate cannot be present in several offers at once, such as presenting an individual tender as well as as a tender as a member of a consortium, or several tenders as a member of several consortia.

In the event of an application being made by a consortium, each member of the consortium must provide all the documents and information regarding its legal, professional, technical and financial capacity. The consortium's capacities will be assessed on an overall basis.

3.2 Grounds and conditions of exclusion

In application, among other things, of:

- French Law no. 2016-1691 of 9 December 2016 on transparency, anti-corruption and the modernisation of economic activities;
- Chapter II of the French Monetary and Financial Code setting out conditions for the freezing of assets and the prohibition of providing funds to certain prohibited entities (in particular Article L. 562-4 and Article L. 562-5);
- Relevant requirements emanating from compliance by Expertise France with European Union indirect management procedures (Pillar 7 relating to exclusion from financing);¹

candidates or their representative in any of the situations set out in Articles L.2141-1 to L.2141-10 of the French Public Procurement Code, or which are on any official exclusion list, shall be excluded from the tender procedure, whether their situation is established by means of their own declarations or through the application of “due diligence” measures by the contracting authority.

However, where the exclusion decision is at the discretion of the contracting authority, it shall invite the candidate(s) liable to exclusion to present their observations in order to establish, via all means and within a reasonable period not exceeding 10 days, that the measures required to rectify the failings noted in the exclusion decision have been taken and, if applicable, that their ongoing participation in the tender will not undermine equality of treatment with the other tenderers.

If the operator finds itself to be in a position of exclusion during the tender, it shall notify the contracting authority without delay of this. The contracting authority will then exclude this operator on these grounds.

3.3 Minimum prerequisites in terms of economic, technical and professional capacity

The contracting authority imposes the following minimum capacity levels on candidates:

Economic and Financial Capacity

- A cumulative turnover of no less than 10,000,000 PGK over the previous five years in the technology sector in Papua New Guinea
- An annual turnover of no less than 2,000,000 PGK in the technology sector during the previous year in Papua New Guinea.

Technical and Professional Capacity

- Over 5 years operating in the technology sector in Papua New Guinea
- At least 5 full-time equivalent (FTE) staff 100% dedicated to technology in Papua New Guinea

In the event of a candidate being a consortium of multiple economic operators, the application will be assessed on an overall basis:

¹ Expertise France has been “pillar assessed” by the European Union Commission as an organisation that can manage EU funds according to the highest standards of technical and financial management, hence enabling Expertise France to be awarded funding directly from the EU.

TENDER RULES

- Each consortium member will need to provide all the documents required under these Rules.
- In order to demonstrate the candidate's overall professional, technical and financial capacity, it will need to demonstrate the professional, technical and financial capacity of each of its constituent economic operators.

Moreover, the candidate's application will need to include an authorisation document by the lead company from its co-contractors, which may be issued via a translated version of form "DC1" (Designation of a leading company from a co-contractor) of the French Ministry of the Economy, Finance & Industrial and Digital Sovereignty.²

3.4 Specific requirements regarding consortia

Grounds for the exclusion of consortia

Where the grounds for exclusion from the tender procedure concern one of the consortium members, the contracting authority shall request its replacement by an entity not subject to the grounds for exclusion, to take place within 10 days of the lead company receiving this request. Failing this, the consortium shall be excluded from the tender;

Form of the consortium

In the event that the consortium would win the contract, the lead company would be jointly and severally liable towards Expertise France for the execution of the contract by each of the consortium members.

3.5 Subcontracting

In the event that the Tenderer intends to subcontract part of the services to a third party, it is to be noted that this can only be done with the prior, written consent of the contracting authority.

Presentation of a subcontractor

Subcontractors are to be presented using a translated version of form "DC4" (Subcontracting Declaration)³ duly completed by the subcontractor and the candidate, incorporating a statement of the subcontractor's professional, technical and financial capacity, in addition to a sworn declaration that the subcontractor is not subject to any prohibition or presents a conflict of interest.

Grounds for exclusion in the case of subcontracting

Entities subject to grounds for exclusion cannot be accepted as subcontractors.

Where the subcontractor subject to grounds for exclusion is presented at the application phase, the contracting authority shall request its replacement by an entity not subject to the grounds for exclusion, to take place within 10 days of the candidate receiving this request. Failing this, the candidate shall be excluded from the tender.

ARTICLE 4: PRESENTATION OF THE TENDERS AND SUBMISSION PROCESS

Tenderers must submit a tender composed of all of the requested documents indicated hereafter.

The tender will be composed of two parts:

- An application

² Form DC1 is available at:

https://www.economie.gouv.fr/files/directions_services/daj/marches_publics/formulaires/DC/imprimés_dc/DC1-2019.doc

³ Form DC4 is available at:

https://www.economie.gouv.fr/files/directions_services/daj/marches_publics/formulaires/DC/imprimés_dc/DC4-2019.doc

TENDER RULES

- An offer

The documents must be signed by the Tenderer, the Consortium Leader or every Consortium Members.

4.1 Application documents

The candidates must submit the following application documents:

- 1 The attached Tender application form;
- 2 The completed Sworn Declaration relating to Exclusion Criteria and the Absence of Conflicts of Interest
- 3 Professional qualification certificates. Should the candidate fail to provide professional certificates, it must provide evidence of its professional capacity via other means.
- 4 A description of the economic and financial resources that meet the participation conditions set out below:
 - Revenue declarations for the last five available financial years;
 - Currently valid insurance certificates for general liability insurance and/or professional liability insurance
 - Candidate declaration form (as provided).

The candidates must also provide:

- 5 Proof of registration;
- 6 Certificate of compliance with Papua New Guinea's Internal Revenue Commission (IRC);
- 7 Any other certificate relating to compliance with compulsory organisations such as superannuation funds
- 8 In the event of insolvency proceedings, a copy of the judgments regarding the insolvency

In the event that the tenderer is a consortium: each member of the consortium must provide all of the above mentioned documents.

As mentioned above, any subcontractor must be presented using form DC4 or equivalent. All of the documents provided required of a candidate must also be provided for the proposed subcontractor.

4.2 Bid documents

The candidates must provide the following bid documents.

- 1 The draft contract, duly completed in Word format or equivalent, initialled and signed
- 2 The duly completed financial annex in Excel format or equivalent*; in addition, the unit price schedule is to be printed, dated, initialled and signed
- 3 A technical addendum (the "technical offer") describing the different equipment or services. This could include:
 - A description of the equipment and services that meet Expertise France's immediate needs
 - A description of the equipment and services that could meet Expertise France's additional needs, including justifications and certifications regarding the costs for these equipment and services
 - A method statement regarding the performance standards, guarantees and quality levels that the tenderer commits to.

***Warning:**

There are a number of points to consider prior to filling out the financial annex:

- Only the second tab (Unit Price Schedule) is to be filled out by the candidate.
- The first tab (Financial Annex) is not to be modified as it picks up information from the second tab.
- The document must not be modified in its structure and must be detailed in full. It is possible however to change the height of the lines for added visibility and to add additional lines on the second tab.
- Cells in yellow must be filled out by the candidate.

TENDER RULES

- If Expertise France comes to the conclusions that errors were made by the tenderer with regards to the multiplication or addition of costs, Expertise France will rectify the cost breakdown accordingly. Only the amount as rectified will be taken into account in the evaluation of the bid.
- The Financial Annex is not a contractual document. It is only a simulation based on a scenario of quantities to-be-purchased to evaluate the candidate's offer on financial grounds.

4.3 Tender validity period

The validity of the tenders submitted shall be at least 120 days from the submission deadline.

4.4 Tender submission process

Submission Deadline

Tenders will need to be submitted at the latest on the date and hour indicated in the cover page of this document.

Only tenders that will have been received before the deadline will be considered. Tenders received after the deadline will not be examined. The submission will be marked on the registry of submissions and be rejected.

Electronic submission

In order to access the tender consultation space or to submit their application, candidates must connect to the French government public procurement platform (*Plateforme des Achats de l'Etat (PLACE)*) at:

<https://www.marches-publics.gouv.fr>

Electronic submission is compulsory. Submissions in paper format will be rejected.

The procedure for submitting a tender is detailed on the site: <https://www.marches-publics.gouv.fr>.

Candidates/tenderers can find a downloadable user guide that specifies the terms and conditions for using the platform, including the prerequisites and electronic certificates.

Should they want to, candidates can contact the help desk by telephone at +33.1.76.64.74.07 during French opening hours (from 9 AM to 7 PM Paris time) to obtain a technical assistance to conduct these operations.

The cost of accessing the platform and of providing an electronic signature will be borne by the candidates.

Candidates/tenderers are invited to test the configuration of their workstations and to conduct a trial on the platform by submitting a test tender, to ensure that their IT systems can operate properly for the purposes of submitting a tender.

The website also provides guidance on how to make a submission. Several documents and information is available on the "help" section of PLACE:

- User manual
- Telephone assistance
- Self-training session for candidates
- Frequently asked questions
- Computer tools

Tenderers must at the minimum have an Internet browser. It is not necessary to have an electronic signature tool.

TENDER RULES

To provide its tender, the candidate/tenderer will transmit its documents according to the following formats: PDF, RTF, ZIP, Microsoft Office suite, LibreOffice, or OpenOffice. All other computer file established in another format will be rejected.

After the submission of the tender on the platform, a notification message on the platform will indicate that the submission was completed with success. Following this, a confirmation email will be sent to the candidate to the candidate/tenderer confirming the receipt of the tender at its specific date and time. The date and time indicated in this confirmation email will be considered as the reference date and time.

Should there be no notification message or confirmation email, this means that the submission was not transmitted to the Contracting Authority.

The candidate/tenderer must ensure that the messages sent by the PLACE platform, in particular nepasrepondre@marches-publics.gouv.fr, are not treated as junk mail or spam.

NOTE:

All tender files must be free of computer viruses and must have been previously treated to this end by the tenderer using the latest version of an antivirus software. The same applies to all other files exchanged during this public procurement procedure.

The contracting authority may place any file containing a virus in a security quarantine. It will therefore be deemed never to have been received.

NB: Bidders' attention is drawn to the time required to deliver large volume electronic files. The average downloading time may vary according to various parameters, such as the technical capacity of the device, the type of internet connection, traffic on the network, etc.

To the extent that the date and time of completed upload constitutes the legal reference for submission of electronic tenderers, tenderers are invited to allow sufficient time for all electronic submissions.

Even though its tender for this public procurement procedure will have been submitted electronically, the tenderer undertakes, in the event that its offer has been accepted, to provide the signed paper documents to the contracting authority. In this regard, it also undertakes that the natural person providing the electronic signature also provides his or her handwritten signature without making any modifications to the documents, to be forwarded to the contracting authority in this format. Lastly, the tender undertakes to accept notification in paper format, in accordance with standard practices.

ARTICLE 5: EVALUATION OF APPLICATIONS

As per the possibility provided by Article R.2161-4 of the CCP, the Contracting Authority will proceed with the examination of the bid documents (see Article 6 hereafter) before proceeding with the examination of the application documents.

Therefore, examination of the application documents will only be conducted by the Contracting Authority for the tenderer considered to be selected for the contract.

5.1 Request for supplementary information regarding the application

Before examining applications, should the contracting authority note that requested documents or information are missing or incomplete, it may ask the candidates in question to complete their application pack within a deadline applicable to all such candidates. The deadline will be specified in the request for clarification.

TENDER RULES

Applications that are incomplete or which remain incomplete following a request for clarification will be eliminated.

5.2 Eligibility of applications

In accordance with Article 3 of this document covering the conditions for participation, the Evaluation Committee of Expertise France analyses the eligibility of applications based on the following criteria:

- Candidate's certificate of incorporation or certificate of registration to carry out business in Papua New Guinea
- Candidate's compliance with its tax obligations
- The applicant must not be in any of the situations set out in Articles L. 2141-1 to L. 2141-6 and L. 2141-7 to L. 2141-11 of the French Public Procurement Code, nor be on any official exclusion list, whether their situation is established by means of their own declarations or through the application of due diligence measures conducted by the contracting authority
- The candidate or its representative must not be in a situation of conflict of interest vis-à-vis the contracting authority and/or any beneficiary of the contract

5.3 Admissibility of applications

Applications not demonstrating professional capacity and/or which do not meet the minimum Economic and Financial Capacity and Technical and Professional Capacity levels required in this Call for Tender will be eliminated by the Evaluation Committee.

ARTICLE 6: EVALUATION OF BIDS

The bid selection procedure will be conducted by the Evaluation Committee of Expertise France in accordance with the following procedure:

6.1 Rejection of late bids

The Bid Opening Committee (meeting in a non-public session) lists the bids received, the identity of applicants and the composition of the bids submitted.

Bids received after the deadline will be immediately rejected.

6.2 Negotiations

After conducting an initial analysis of the bids, the Evaluation Committee may organise negotiations with all or some of the bidders in accordance with the principle of equality of treatment. Tenderers will be informed through PLACE of the conditions through which such negotiations would be organised.

The negotiations cannot be in regards to the minimum requirements, nor on the evaluation criteria mentioned in this documents.

However, the contracting authority reserves the right to award the tender without negotiation on the basis of the initial bids received.

6.3 Evaluation of the eligibility of the bids

In the event of negotiations

After examination by Expertise France's Evaluation Committee, bids deemed unsuitable will be eliminated. The Contracting Authority may decide that irregular or unacceptable bids, as long as they are not abnormally low, can be the object of a negotiation procedure.

TENDER RULES

At the end of the negotiations, final bids deemed unsuitable, irregular or unacceptable will be eliminated. With regards to irregular bids, before proceeding to such an elimination, the Contracting Authority may provide the tenderer(s) in question with an invitation to provide a regular bid within a given deadline.

In the absence of negotiations

The Evaluation Committee examines all bids received and, in accordance with Article R.2152-1 of the CCP, will reject bids deemed to be unsuitable, irregular or unacceptable will be rejected. With regards to irregular bids, before proceeding to such an elimination, the Contracting Authority may provide the tenderer(s) in question, as long as the bid is not abnormally low, with an invitation to provide a regular bid within a given deadline.

In the event of an abnormally low bid

In accordance with Articles R.2152-3 and R.2152-4 of the CCP, if a bid appears to be abnormally low to the Contracting Authority, the Contracting Authority may write to the tenderer in question to ask for the clarifications deemed necessary and verifies the justification provided.

Tenderers must be able to provide all of the necessary justifications on the structure of their bid requested by the Contracting Authority. If the information provided does not satisfy in providing justification of a price or of a cost, the bid can be rejected.

6.4 Analysis of the bids for selection of the most optimal bid

After having verified that the bids received are suitable, regular and acceptable, the Evaluation Committee of Expertise France analyses the bids from selected bidders in accordance with the following criteria.

Criteria and subcriteria	Maximum number of points
Criterion 1: Financial Officer Price of the equipment and services based on the financial simulation provided.	40
Criterion 2: Technical Offer	60
- Subcriterion 2.1: Quality and suitability of the equipment and services proposed to meet Expertise France's pre-determined needs (section II of the Technical Specifications)	30
- Subcriterion 2.2: Quality and suitability of the equipment and services that could meet Expertise France's additional needs (section III of the Technical Specifications)	10
- Subcriterion 2.3: Quality and suitability of the method statement regarding performance standards, guarantees and quality (section IV of the Technical Specifications)	10
- Subcriterion 2.4: Time-performance in terms of the delivery time schedule (to be indicated in the Unit Price Schedule)	10
TOTAL	100

ARTICLE 7: AWARD OF THE CONTRACT

The Contract shall be awarded to the tenderer whose bid is the most economically advantageous and whose application meets all of the requirements.

The bid deemed the most economically advantageous will be the one that obtains the highest overall score as per the evaluation of the bids.

TENDER RULES

The candidates/tenderers that have not been awarded the Contract will receive a Rejection Letter in accordance with the terms of Article R.2181-1 and subsequent articles of the CCP.

7.1 Verification of grounds for exclusion: transmittal of supporting documentation

If necessary, the successful tenderer will be contacted to provide additional supporting documentation ascertaining that it does not provide grounds for exclusion.

7.1 Other documents to be provided by the successful tenderer

The successful tenderer will be required to provide the following documents:

- 1 The signed contract, if necessary to be signed by all the Consortium Team Members
- 2 In the event that not all Consortium Team Members sign the Contract, a Delegation document signed by all Consortium Team Members
- 3 The Delegation of Authority of the natural person or persons who is/are signing the Contract
- 4 If applicable, the Subcontracting Form (DC4 or equivalent) signed by the subcontractor and the Tenderer, along with all the supporting documentation regarding the capacities of the subcontractor when the Tenderer will rely on such capacities

7.3 Contract signing

The contract will be signed by the successful tenderer using the draft contract document provided by the Contracting Authority.

ARTICLE 8: PROCESSING OF PERSONAL DATA

Under Article 13 of Regulation (EU) no. 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), the candidates/tenderers are hereby informed that their personal data (in particular first name, family name, e-mail address and connexion data) collected through PLACE (<https://www.marches-publics.gouv.fr>) may be subject to processing in the context of this tender procedure and in the execution of the contract with the selected contractor.

For processing of personal data performed through PLACE, the Directorate of State Public Procurement (*Direction des achats de l'Etat*) of the French Ministry of Action and Public Account and Expertise France are both co-controllers of personal data.

For processing of personal data performed outside the scope of PLACE services, Expertise France, the contracting authority, is the controller of personal data.

Identity and contact details of the data controller and its representative

For the PLACE platform:

French Ministry of Action and Public Account
Direction des Achats de l'Etat
59, boulevard Vincent Auriol
75703 Paris Cedex 13
Represented by the Director of State Public Procurement

Operational data controller:

The Department of Public Procurement, represented by its director.

Contact details of the Data Protection Officer:

le-delegue-a-la-protection-des-donnees-personnelles@finances.gouv.fr

For the contracting authority:

TENDER RULES

Expertise France
40, Boulevard de Port Royal
75005 Paris
Represented by the Chief Executive Officer

Operational data controller:
The IT Department, represented by its director

Contact details of the Data Protection Officer:

informatique.libertes@expertisefrance.fr

The legal basis under which such processing is performed are set out in c) and e) of Article 6.1 of the GDPR, namely:

- The processing is necessary in order to comply with a legal obligation by which Expertise France is bound;
- The processing is necessary for performance of a public-interest assignment or which falls within the scope of the public authority entrusted to Expertise France.

The purposes of the processing are as follows:

- The management and monitoring of this tender procedure;
- The management and monitoring of the award of a public procurement contract.

The recipients or category of recipients of the personal data are exclusively authorised personnel of the Contracting Authority, ministries and state operators responsible for awarding and executing this contract, including any service providers assisting them with their activities.

Retention period: the data will be held throughout the award process and execution of the contract, including the DUA (duration of administrative usefulness) applicable to the contract.

Under Articles 15 to 21 of the GDPR, persons whose personal data is collected enjoy a right of access, rectification and deletion with regard to such data. They also enjoy the right to restrict and refuse processing on legitimate grounds. The information and other rights of data subjects may be exercised by contacting the Data Protection Officer of Expertise France.

Persons whose personal data is collected under this procedure may submit a complaint to CNIL (*Commission Nationale de l'Informatique et des Libertés*), the French National Commission on Information and Freedoms.

ARTICLE 9: ADDITIONAL INFORMATION

Questions regarding the Tender Dossier

During the consultation phase, candidates/tenderers must address their questions and requests for additional information through PLACE (<https://www.marches-publics.gouv.fr>) at the latest 5 working days prior to the submission deadline.

Answers to these questions or requests for additional information received in due time will be provided at the latest 2 working days prior to the submission deadline.

If a candidate asks any questions, all candidates will receive an e-mail asking them to consider one or more documents provided in response to the questions concerned.

Questions regarding the use of PLACE

PLACE has an online helpdesk available from the homepage of the platform.

TENDER RULES

Should they want to, candidates can contact the help desk by telephone at +33.1.76.64.74.07 during French opening hours (from 9 AM to 7 PM Paris time) to obtain a technical assistance to conduct these operations.

ARTICLE 10: OPTIONS FOR LEGAL CHALLENGES AND DEADLINES

The entity to which legal challenges may be lodged is the Paris Administrative Court (*Tribunal Administratif de Paris*), located at 7, rue de Jouy, F-75004 Paris; e-mail: greffe.ta-paris@juradm.fr

Information about lodging a legal challenge may be obtained from the Registrar (*Greffe*) of the Paris Administrative Court (*Tribunal Administratif de Paris*), located at 7, rue de Jouy, F-75004 Paris; e-mail: greffe.ta-paris@juradm.fr