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| --- | --- |
| **TENDER RULES** | |
|  | |
|  | **OBJECT of the proposed contract:**  EVENTS & LOGISTICS SUPPORT SERVICES FOR EXPERTISE FRANCE IN PAPUA NEW GUINEA | |
|  | **LEGAL REPRESENTATIVE OF THE CONTRACTING AUTHORITY:**  Jérémie PELLET, Chief Executive Officer of EXPERTISE FRANCE | |
|  | |
|  | **DATE AND TIME OF OFFER SUBMISSION DEADLINE:**  **20 MARS 2025 @ 12.00am (PARIS TIME)** | |

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1. **Object and scope of the 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.

## Object of the tender

The tender covers the award of a services contract regarding

EVENTS & LOGISTICS SUPPORT SERVICES FOR EXPERTISE FRANCE IN PAPUA NEW GUINEA

The scope of the needs to be satisfied is set out in the Technical Specifications (Terms of Reference) document that is part of the Tender Dossier.

## Scope of the tender

This tender is subject to the French Public Procurement Code (*Code de la commande publique*, CPP) in its applicable version under 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.

Adapted procedure in application of articles L. 2123-1 et R. 2123-1 to R. 2123-7 of CCP.

This consultation is part of the other specific contracts of Article R2131-14 and R2131-15 of CCP that may be published in adapted procedure. CPV: from 79950000-8 to 79956000-0 [Services for organising exhibitions, trade fairs, conferences, seminars, events, festivals, celebrations and fashion shows].

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## Provisional schedule of the tender

|  |  |
| --- | --- |
| **Estimated date** | **Stage** |
| 20/03/2025 | Bid submission deadline |
| 24/03/2025 | Interviews/Negotiations and requests for optimised bids |
| 31/03/2025 | Optimised bid submission deadline |
| 7/04/2025 | Rejection letters sent to non-selected candidates |
| 10/04/2025 | Contract award |

## Tender language – currency

All the tender documents must be written in English.

The Contracting Authority will conclude the contract will be in Papua New Guinea Kina (PGK).

## Composition of the tender dossier

The Tender Dossier is composed of the following tender documents:

1. These Tender Rules (the “Rules”);
2. The Draft Contract (specific and general conditions) and any annexes;
3. The Terms of Reference (Technical Specifications) and any annexes;
4. The Tender (Submission) Form (“Expression of Interest” Form)

* 5A - The third-party form ([bank] beneficiary profile)

1. The Due Diligence form
2. The GPDR compliance form
3. DAJ\_GU006ENG\_v01 - PLACE user guide for companies.

## Modification of the tender documents

Modifications may be made by the Contracting Authority to the Tender Dossier up to 5 days prior to the tender 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.

1. **General characteristics of the proposed contract**

## 

## Form of the contract

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

## Amount

The maximum amount value of the FWC is:

PGK 5,000,000 excl. GST.

PGK 500,000 GST (10%)

PGK 5,500,000 incl. GST.

This FWC does not specify a minimum amount. Expertise France is therefore not committed to any minimum level of purchase within the scope of the FWC.

Only the performance of the FWC through purchase orders is binding on Expertise France.

## Term of the contract

The FWC is entered into for an initial duration of one year starting from its award date.

The FWC may be expr tacitly renewed by mutual agreement of the Parties up to a maximum duration of 4 years from its award date under the same conditions.

## Allotment

This tender is not divided into lots (batches).

## 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.

## Renewal

As mentioned above, the FWC may be expressly renewed upon mutual agreement of the Parties up to a maximum duration of 4 years from its award date under the same conditions.

## Optional tranches

The contract does not contain any optional tranches.

1. **Candidate participation conditions**

## Candidate presentation conditions

Different candidates cannot be represented by the same entity (Article R. 2142-4 of the French Public Procurement Code).

A candidate cannot be present in several offers at once, such as presenting an individual tender as well as a separate 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 of economic operators, each member of the consortium must provide all the documents and information certifying their legal, professional, technical and financial capacity. The consortium's capacities will be assessed on an overall basis.

## Grounds and conditions of exclusion

As per:

* The French Law no. 2016-1691 of 9 December 2016 on transparency, anti-corruption and modernisation of the economy, the so-called “*Sapin 2*” law;
* Chapter II of the French Monetary and Financial Code setting out provisions for the freezing of assets and the prohibition of making funds available (notably Article L. 562-4 and Article L. 562-5);
* Relevant requirements emanating from accreditation for managing delegated EU funds (Pillar 7 relating to exclusion from accessing financing):

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 procedure, whether their situation is established by means of their own declarations or through the application of vigilance 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 laying behind exclusion have been taken and, as applicable, that their participation in the tender will not undermine equality of treatment among the bidders.

Where an operator finds itself to be in a position of exclusion during the procedure, it shall notify the contracting authority without delay, which shall apply exclusion on these grounds.

## 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 PGK 3,000,000 over the past 3 years
* An annual revenue of no less than PGK 1,000,000 over the past year

## *TECHNICAL AND PROFESSIONAL CAPACITY*

* At least 5 relevant references in the subject matter including at least 1 relevant reference in Papua New Guinea.

*In the event that the candidate is a consortium:*

Each consortium member must provide all the required documents under these Rules. In order to demonstrate its professional, technical and financial capacity, the candidate may ask for due consideration to be given to the professional, technical and financial capacity of one or several economic operators. In such cases, it must demonstrate the capacities of the other economic operator(s) from which it benefits for contract implementation.

In the case of a temporary consortium, the aforementioned participation conditions will be assessed on an overall basis. 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.[[1]](#footnote-1)

## Specific requirements for consortia of economic operators

## *Grounds for the exclusion of consortia*

Where the grounds for exclusion from the tender procedure is in regard to 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 liable towards Expertise France for the execution of the contract by each of the consortium members.

## Subcontracting

For the avoidance of doubt, where the experts are not directly employed or contracted by the tenderer/contractor but through a third party, the latter is a sub-contractor.

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)[[2]](#footnote-2) 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.

1. **Presentation of 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
* An offer

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

## 

## Application documents

Candidates must submit the following application documents:

1. Proof of compliance with registration obligations in Papua New Guinea: Proof of registration with the Investment Promotion Authority (IPA).
2. The completed tender application (“expression of interest”) form;
3. The completed GDPR compliance verification form, used to verify that the bidder has implemented appropriate technical and organisational measures such that data processing complies with relevant data protection laws and regulations (GDPR and French data protection legislation), thereby guaranteeing the rights of data subjects;
4. Relevant certificates or equivalent demonstrating compliance with tax obligations:
   * Tax identification number or equivalent;
   * Certificate of compliance with tax obligations or equivalent (if applicable[[3]](#footnote-3))
5. The completed “Due Diligence” form, which will enable the Contracting Authority to conduct a due diligence check on the contractor to ensure it does not fall under an exclusion list
   * In the event that the candidate is a consortium, this due diligence form needs to be completed for all co-contractors
   * In the event that the tender is subcontracting part or all of the services to a third party, this due diligence form needs to be completed for all subcontractors
6. A description of the technical resources that meet the participation conditions set out in the section on “Minimum prerequisites in terms of economic, technical and professional capacity” in Article 3 above
   * List of references relevant to the object of the contract for projects of similar size, stating the names and phone numbers of the competent contact persons;
7. A description of the economic and financial resources that meet the participation conditions set out above:
   * Revenue declarations for the last three available financial years;
8. In the event of insolvency proceedings, a copy of the judgments regarding the insolvency

## Bid documents

Candidates must submit a complete bid file containing the following documents:

1. The draft contract, duly completed signed and dated, and in annex:
2. An offer containing the following information:
   * Technical offer (method statement)
   * Financial offer (mark-up fee expressed as a percentage on disbursements)

## Bid validity period

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

## Bid submission process

## *Bids submitted in paper format*

Bids submitted in paper format will be rejected.

## *Electronic submission*

In order to access the tender consultation space or to submit their bid, tenderrers must connect to the French government procurement platform at:

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

Electronic submission is mandatory. Any submission via other means will be rejected.

The tender submission procedure is detailed on the website [www.marches-publics.gouv.fr](http://www.marches-publics.gouv.fr).

On this site, candidates / tenderers will find can find a downloadable user guide that specifies the terms and conditions for using the platform, including the technical prerequisites and electronic certificates.

Should they want to, candidates / tenderers 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 on how to complete all the necessary tasks.

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.

It is brought to the tenderers’ attention that they must at least have internet browser software. It is not mandatory to have an electronic signature system.

In order to submit the tender, candidates / tenderers must deposit the files in the following computer formats: PDF, RTF, ZIP, Microsoft Office suite, LibreOffice suite or Open Office suite. Any computer file in a different format will be declared null and void.

**NOTE:**

All tender files must be free of computer viruses and must have been previously checked 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: The tenderers’ attention is drawn to the time required to deposit 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 tenders, 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 physical person providing the electronic signature also provides his or her handwritten (‘wet’) signature without making any modifications to the documents, to be sent to the contracting authority in this format. Lastly, the tenderer undertakes to accept notification in paper format, in accordance with standard practices.

1. **EVALUATION OF applications**

Applications are selected by the Evaluation Committee of Expertise France in accordance with the following procedure.

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

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

## 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.

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

**Rejection of late applications - Opening bids**

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

Tenders received after the deadline will be immediately rejected.

## 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 compliance with its registration obligations
* 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 checks 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
* The candidate must be able to demonstrate adequate implementation of appropriate technical and organisational measures such that data processing conforms with relevant data protection laws and regulations (GDPR and French data protection legislation), thereby guaranteeing the rights of data subjects

## 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.

1. **EVALUATION OF BIDS and Award**

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

## Rejection of late bids - Opening bids

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

Tenders received after the deadline will be immediately rejected.

## Bid analysis

After having verified that the bids received are regular[[4]](#footnote-4), acceptable[[5]](#footnote-5) and appropriate,[[6]](#footnote-6) (see below), the Evaluation Committee of Expertise France analyses the bids from selected bidders in accordance with the criteria mentioned hereafter.

## Rejection of irregular, unacceptable and inappropriate bids

The Evaluation Committee examines all bids received and, in accordance with Article R.2152-1 of the French Public Procurement Code, rejects irregular, unacceptable and inappropriate bids, after having implemented the regularisation procedure set out in Article R.2152-2 of the CCP (that allows the Contracting Authority to provide an opportunity for tenderers to complete the documents/information required within a given deadline, before elimination).

## Comparison of bids for selection of the most economically beneficial bid

After having verified that the bids received are regular, acceptable and appropriate, 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: Technical Offer** | **60** |
| * Subcriterion 1.1: Overall quality and suitability of the method statement | 20 |
| * Subcriterion 1.2: Quality of the internal organisation and resources to ensure effective and responsive events & logistics support | 10 |
| * Subcriterion 1.3: Ability to handle requests after hours, on weekends or on public holidays if necessary; | 10 |
| * Subcriterion 1.4: Ability to quickly proceed with payments to vendors and other beneficiaries; | 10 |
| * Subcriterion 1.5: Quality of the network of approved vendors that can be mobilised to perform the services | 10 |
| **Criterion 2: Financial Offer**  Price of the services based on markup-fee percentage on disbursements | **40** |
| **TOTAL** | **100** |

Bids having obtained a technical score of less than 30 out of 60 will be deemed to be inappropriate.

## Negotiations

After conducting an initial analysis of the bids, the Evaluation Committee may negotiate with all or some of the bidders in accordance with the principle of equality of treatment.

However, the contracting authority reserves the right to award the tender without negotiation.

## Award process

An **overall score (OS out of a maximum of 100 points)** obtained by adding together the technical and financial scores (**OS=FS+TS**) will be attributed to each bid that has been assessed for its technical and financial content.

The bidder who obtains the highest overall score will be deemed to have made the most beneficial economic offer and will be awarded the contract (unless the application is considered inadmissible or ineligible).

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.

The contracting authority may decide not to pursue the tender for reasons of public interest.

1. **Processing of personal data in the context of this tender and for the purposes of contract monitoring**

Under Article 13 or 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 applicants/bidders are notified that personal data, notably name, first name and e-mail address collected when using under the French government procurement platform (https://www.marches-publics.gouv.fr) in the context of this tender procedure and execution of the associated contract, may be processed.

For processing performed with PLACE services, the *Ministère de l’action et des comptes publics* (Ministry of Public Accounts) – the procurement department of the State and of Expertise France, the contracting authority, are co-controllers of personal data.

For processing 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:

*Ministère de l'action et des comptes publics* (Ministry of Public Accounts)

59, boulevard Vincent Auriol

75703 Paris Cedex 13

Represented by the Director of 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](mailto:le-delegue-a-la-protection-des-donnees-personnelles@finances.gouv.fr)

## For the contracting authority:

Expertise France

40, Boulevard de Port Royal

75005 Paris

Represented by the Managing Director,

Operational data controller:

The IT Department, represented by its director

## Contact details of the Data Protection Officer:

[informatique.libertes@expertisefrance.fr](mailto: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.

1. **ADDITIONAL INFORMATION**

Any request for additional information about technical or administrative matters must be forwarded via the government procurement platform at least 5 business days prior to the bid submission deadline.

Expertise France undertakes to provide a response 2 business days at most before the bid 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.

1. **Appeal channels and deadlines**

The entity responsible for the appeals process is:

Paris Judicial Court,

Parvis du Tribunal de Paris 75 859 PARIS Cedex 17

Email: [tj-paris@justice.fr](mailto:tj-paris@justice.fr).

Tel: 0144325151.

Information about lodging an appeal may be obtained from: [tj-paris@justice.fr](mailto:tj-paris@justice.fr).

1. Form DC1 is available at: <https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat> [↑](#footnote-ref-1)
2. Form DC4 is available at:

   <https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat> [↑](#footnote-ref-2)
3. If the tax authorities of the tenderer’s country of origin do not usually provide such a document, the tenderer should specify this. [↑](#footnote-ref-3)
4. A bid is deemed irregular if it does not contain all of the documents/information required in the bid [↑](#footnote-ref-4)
5. A bid is deemed unacceptable if the estimated price is over budget [↑](#footnote-ref-5)
6. A bid is deemed inappropriate if does not meet the requirements as specified in the technical specifications. [↑](#footnote-ref-6)