

**Public buyer :** Ecole Nationale de l'Aviation Civile  
Siège Administratif  
7 avenue Edouard Belin CS 54005  
31055 Toulouse Cedex 4

**Department :** DFPV-T

# Instructions to Tenderers

Courtesy translation

**Consultation Number :** 202500FCS091

**Subject of consultation :** Supply of spare parts for aircraft and simulators

**Award Procedure:** Open Tender

**Deadline :** 19/01/2026 - 12:00

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## Article 1 - Identification

This framework agreement is issued by:

### **National School of Civil Aviation (ENAC)**

Address: 7 Avenue Edouard Belin

Postal Code: 31055

City: TOULOUSE

SIRET: 193 112 562 00015

Telephone: +33 (0)5 62 17 40 00

It is represented by its Director General or an authorized representative.

### **Presentation of ENAC**

ENAC is the school of the Directorate General of Civil Aviation (DGAC).

ENAC offers :

- Various training programs in France and abroad: engineering, airline pilot, air traffic controller, civil aviation technician, flight dispatcher, post-master programs, etc.
- Continuing education or advanced training courses
- Research projects
- International activities that lead ENAC to host foreign students and trainees

ENAC consists of an administrative headquarters in Toulouse and 8 campuses, including one specialized in fleet maintenance. The school is geographically located on 9 sites:

- Southern and Southwestern zone: Montpellier, Carcassonne, Castelnaudary, Toulouse, Muret, and Biscarrosse
- Eastern zone: Saint Yan and Grenoble
- Île-de-France zone: Melun

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## Article 2 - Purpose of the framework agreement

The purpose of the framework agreement is the supply of spare parts and equipment for aircraft and simulators.

The framework agreement concerns supplies.

CPV code for the consultation: Main value: **347310000 – Spare parts for aircraft**

## Article 3 - Conditions of the consultation

### 3.1 Award procedure

The framework agreement is awarded under the **open tender procedure**, in application of Articles R2124-2 (1°), R2161-2 to R2161-5 of the French Public Procurement Code.

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### 3.2 Lot division

The supplies are divided into the following lots:

**Lot 1:** Supply of airframe spare parts for BEEHCRAFT Baron 58 aircraft

**Lot 2:** Supply of airframe spare parts for SOCATA TB10 and TB20 aircraft

**Lot 3:** Supply of airframe spare parts for CEAPR CAP10 aircraft

**Lot 4:** Supply of airframe spare parts for DIAMOND DA40D and DA42TDI aircraft

**Lot 5:** Supply of engines and spare parts for CONTINENTAL AEROSPACE TECHNOLOGY JET-A (CDxxx for DIAMOND aircraft)

**Lot 6:** Supply of onboard equipment and spare parts for aircraft and simulators (excluding GARMIN brand) (Honeywell, Ull, Becker, Mid Continent...)

**Lot 7:** Supply of onboard equipment and associated spare parts, exclusively GARMIN brand for aircraft and flight simulators. This lot includes the possibility of supply under the "Standard Exchange" formula

**Lot 8:** Supply of LYCOMING and CONTINENTAL (AVGAS) engines and their accessories and spare parts

**Lot 9:** Supply of HARTZELL, MAC-CAULEY, MT-PROPELLER, and SENSENICH propellers, associated accessories (governors...), and all related spare parts

**Lot 10:** Supply of airframe spare parts for ELIXIR aircraft

**Lot 11:** Supply of engines and spare parts for AUSTROENGINE engines

**Lot 12:** Supply of engines and spare parts for ROTAX 912IS engines

This document applies to all lots

**Bidders are free to submit an offer for each lot.** The number of lots that may be awarded to the same bidder is not limited. Each framework agreement will be awarded to a maximum of **five economic operators** (subject to a sufficient number of offers).

### **3.3 Form and scope of the framework agreement**

The lots of the framework agreement are multi-award.

For each lot, the supplies are subject to a framework agreement with a maximum amount. These framework agreements will lead to the conclusion of subsequent contracts.

Subsequent contracts will be standard contracts.

The maximum amount for the total duration of the framework agreement per lot is:

Lot 1: €3,700,000 excl. VAT

Lot 2: €3,000,000 excl. VAT

Lot 3: €250,000 excl. VAT

Lot 4: €1,000,000 excl. VAT

Lot 5: €2,000,000 excl. VAT

Lot 6: €300,000 excl. VAT

Lot 7: €1,700,000 excl. VAT

Lot 8: €2,300,000 excl. VAT

Lot 9: €900,000 excl. VAT

Lot 10: €3,000,000 excl. VAT

Lot 11: €3,000,000 excl. VAT

Lot 12: €3,000,000 excl. VAT

### **3.4 Sections**

Not applicable.

### **3.5 Duration**

The framework agreement (lots 1 to 12) is concluded for a period of **four years** starting from **16 February 2026**, or from its date of notification if later.

### **3.6 Place of performance**

The place of performance of the services covered by the consultation is: **general warehouse of Castelnauary**, and exceptionally on the sites of **Melun or Muret**.

### **3.7 Variants**

#### **3.7.1 Mandatory variants**

The buyer does not require the submission of mandatory variants.

#### **3.7.2 Optional variants**

Bidders are not authorized to submit variants on their own initiative.

### **3.8 Possible additional services**

No possible additional services are foreseen.

### **3.9 Social considerations**

In order to facilitate the professional integration of disadvantaged groups, the provisions of Article L.2112-2 of the French Public Procurement Code are applied by including in the CCP a clause on integration through economic activity.

#### **3.10 Environmental considerations**

With a view to environmental protection, the provisions of Article L.2112-2 of the French Public Procurement Code are applied by providing for performance conditions that include environmental elements.

## **Article 4 - Information for bidders**

### **4.1 Content of the consultation documents**

The consultation documents made available are as follows:

- The present consultation regulations
- The special conditions document (CCP)
- The commitment form (per lot)
- The response framework (per lot)
- The Estimated Quantitative Detail (DQE) per lot

## 4.2 General principles on electronic exchanges

### 4.2.1 Methods of withdrawal and consultation of documents

In accordance with Article R.2132-2 of the French Public Procurement Code, the contracting authority makes the consultation file available free of charge, exclusively by electronic means, on the State's procurement platform (PLACE) ([www.marches-publics.gouv.fr](http://www.marches-publics.gouv.fr)).

This site is freely accessible and allows the exchange of documents within the framework of the consultation. Bidders must respond **EXCLUSIVELY by electronic means**.

Bidders may authenticate themselves on the site and, in particular, provide an email address allowing certain electronic correspondence, notably for the sending of possible supplements, clarifications, or corrections.

The contracting authority guarantees the integrity of the documents posted online.

The bidder must refer to the IT tools and user guide available on the site <https://www.marches-publics.gouv.fr> for any action on said site.

These two documents describing the use of the site <https://www.marches-publics.gouv.fr> form an integral part of the consultation regulations.

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### 4.2.2 Conditions for submissions of bids

For this consultation, only electronic submissions are authorized at the following address:  
**<https://www.marches-publics.gouv.fr/entreprise>**

In application of Article R.2151-6 of the French Public Procurement Code, the bidder must submit its offer in a single transmission. In the case of successive submissions, only the last submission received before the deadline for receipt of bids will be accepted.

Each submission is considered an offer. Therefore, if the bidder needs to complete its application and/or offer before the deadline, it must proceed with a new full submission including all required documents for the application or offer. Previous submissions will be rejected without being examined. No paper, fax, or email submissions will be accepted.

Electronic submission of bids is carried out exclusively on the **PLACE platform**:  
**<https://www.marches-publics.gouv.fr/entreprise>**

Submission is made only by using the platform's bid submission functionality. To do so:

- The candidate accesses the consultation by clicking the button "Access this consultation" from the "Actions" column of the dashboard.
- Then, the candidate must select the "Submission" tab.

The "Secure Messaging" functionality of PLACE must not be used by the candidate to submit its bid. It is reserved for exchanges and other questions with the buyer before the deadline for submission of offers.

Network access costs and the use of electronic signatures are borne by each candidate/bidder.

Candidates or bidders will find in the “Help” section of PLACE several documents and information:

- Downloadable user guide specifying the conditions of use of the State procurement platform, including technical prerequisites and electronic certificates.
- DUME operating procedure for operators.
- Telephone assistance.
- Self-training module for operators.
- Frequently Asked Questions.
- Links to reference documents.
- IT tools.

Candidates or bidders are invited to test the configuration of their workstation and respond to a test consultation to ensure proper functioning of their IT environment.

They must also allow sufficient time for submission to be effective within the deadline set by the buyer, particularly when files are large and/or the network has low bandwidth.

**Bids whose upload started before the deadline but finished after the deadline are eliminated by the buyer.**

Furthermore, the platform automatically disconnects the user after more than thirty minutes of inactivity.

Candidates or bidders may ask questions about the consultation documents.

After submission on the platform, a message indicates that the operation was successfully completed, and an acknowledgment of receipt is sent to the candidate/bidder by email, providing a certain date and time of submission, with reference to the final date and time of receipt.

The absence of a confirmation message or electronic acknowledgment of receipt means that the response has not reached the buyer.

The economic operator must ensure that messages sent by the State Procurement Platform (PLACE), notably **nepasrepondre@marches-publics.gouv.fr**, are not treated as spam

### **Presentation of Files and File Formats**

Accepted formats are: .pdf, .doc, .xls, .ppt, .odt, .ods, .odp, as well as image formats .jpg, .png, and documents in .html format.

The candidate or bidder must not use active code in its response, such as:

- Executable formats, including: .exe, .com, .scr
- Macros
- ActiveX, Applets, scripts

The size of each file submitted by companies must not exceed 1 GB

### **Timestamping**

Bids (applications and/or offers) transmitted electronically are timestamped. Bids received after the deadline set by this consultation are considered late and rejected.

In case of unavailability of the platform, the deadline for submission may be modified

### **Paper / Physical Electronic Backup Copy**

The candidate or bidder may send a backup copy within the deadline for submission of applications or offers.

This backup copy, transmitted to the buyer on paper or physical electronic medium, must be placed in an envelope bearing the following mentions:

- “Backup copy”
- Title of the consultation
- Name or corporate name of the candidate

The backup copy may only be opened in the following two cases:

- Detection of malicious software in applications or offers transmitted electronically.
- Application or offer received electronically that is incomplete, late, or could not be opened, provided that transmission began before the submission deadline.

If malicious software is detected, the backup copy is discarded by the buyer.

The opened backup copy is retained in accordance with Articles R.2184-12 and R.2184-13 of the Public Procurement Code. If not opened or discarded due to malicious software detection, it is destroyed.

The candidate or bidder who delivers its backup copy in person against receipt must do so at the following address: **7 avenue Edouard Belin, CS 54005, 31055 Toulouse Cedex 4**

### **Electronic Backup Copy**

Submission of an electronic backup copy is authorized in this consultation.



The candidate or bidder may send an electronic backup copy within the deadline for submission of applications or offers.

Submission of the electronic backup copy must comply with the requirements of the **Order of 22 March 2019** relating to the minimum requirements for electronic communication means used in public procurement (Annex 8 of the French Public Procurement Code).

In this respect, the candidate may use:

- Either an integrated solution meeting all of the above requirements.
- Or several solutions whose combination meets all of the above requirements.

The candidate may thus use a solution allowing identification, designation of the recipient of the submission, timestamping of the bid, and uploading to a secure storage platform.

Before the deadline for submission of applications or offers, the buyer must receive the necessary data to securely access the electronic backup copy if required.

Where the submission contains personal data, the storage platform used by the economic operator must comply with the **General Data Protection Regulation (GDPR)** (or benefit from an equivalent protection regime if hosted in a non-EU country).

In any case, the solution chosen by the operator must guarantee deletion of the data within a period not exceeding the validity of the offers in this consultation.

The electronic backup copy may only be opened in the following two cases:

- Detection of malicious software in applications or offers transmitted electronically.
- Application or offer received electronically that is incomplete, late, or could not be opened, provided that transmission began before the submission deadline

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### **Antivirus**

The candidate or bidder must ensure that transmitted files are free of viruses. Receipt of any file containing a virus will render the offer inadmissible. If a virus is detected, the submission will be considered as never received, and candidates will be notified using the information provided during their identification.

## **4.3 Electronic Exchanges Relating to this Consultation (Application and Offer)**

### **4.3.1 Date and Time of Receipt of Bids**

Only bids received no later than the deadline date and time indicated above may be opened. Bids received or submitted after this date and time will not be opened. Late bids and “backup copies” are recorded in the register of submissions and are rejected.

### 4.3.2 Requests for Additional Information and Questions

During the consultation phase, candidates may submit their questions and requests for additional information via the State Procurement Platform (PLACE): <https://www.marches-publics.gouv.fr..> Responses to requests for additional information received in due time, no later than 10 days before the deadline for receipt of offers, are transmitted to economic operators no later than 6 days before the deadline for receipt of offers

### 4.3.3 Modification of Consultation Documents

Modifications may be made to the consultation documents no later than 6 days before the deadline for receipt of offers. Such modifications are communicated only to economic operators duly identified when withdrawing the consultation documents.

Candidates must respond on the basis of the latest modified file. If a candidate has submitted an offer before the modifications, they may submit a new one based on the latest modified file, before the deadline for submission of offers

### 4.3.4 Extension of the Deadline for Receipt of Offers

When a response necessary for the preparation of the offer is not provided 6 days before the deadline for receipt of offers, or in the event of significant modifications to the consultation documents, the deadline for receipt of offers is extended proportionally to the importance of the modifications made, under the conditions provided for in Article R.2151-4 of the French Public Procurement Code.

### 4.4 Site Visit

Not applicable

## **Article 5 - Application**

### 5.1 Details on Groups of Economic Operators and Subcontracting

No specific form of grouping is required. In the case of a joint grouping, the representative is jointly liable for the performance of the contract with each member of the grouping for their contractual obligations towards the buyer.

The presentation of a subcontractor must be made using the **DC4 form (Declaration of Subcontracting)** duly completed by both the subcontractor and the candidate, including details of the subcontractor's professional, technical, and financial capacities, as well as a sworn statement that the subcontractor is not subject to any prohibition from participating in public procurement. The DC4 form is available at: <https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat>

### 5.2 Grounds of exclusion

In accordance with the provisions of the French Public Procurement Code relating to mandatory exclusions and exclusions at the discretion of the buyer, persons falling under any exclusion grounds are excluded from the procedure.

When an economic operator finds itself, during the procedure, in a situation of exclusion, it must immediately inform the buyer, who excludes it for this reason.

In the case of exclusion at the discretion of the buyer, the economic operator must present, at the buyer's request, its observations to establish that it has taken the necessary measures or that its participation in this consultation is not likely to undermine equal treatment.

When the exclusion ground concerns one of the members of a grouping, the buyer requires its replacement by a person not subject to exclusion, within ten days of receipt of this request by the representative of the grouping. Failing this, the grouping is excluded from the procedure.

Persons subject to exclusion cannot be accepted as subcontractors. When a subcontractor subject to exclusion is presented at the application stage, the buyer requires its replacement by a person not subject to exclusion, within ten days of receipt of this request by the candidate. Failing this, the candidate is excluded from the procedure.

### **5.3 Présentation of the application**

Candidates may choose to present their application:

- In the form of a **European Single Procurement Document (ESPD/DUME)** electronically, using the DUME service or the PLACE platform.
- In the form of a standard application using the **DC1 and DC2 forms**.

#### **5.3.1 Application in the form of DUME**

Candidates may submit their application by completing the DUME form accessible:

- From the PLACE platform.
- From the following URL: <https://dume.chorus-pro.gouv.fr>

The following sections of the form must be completed:

- Part II (information concerning the economic operator)
- Part III (grounds for exclusion)
- Part IV (selection criteria)
- And, where applicable, Part V (reduction of the number of qualified candidates).

Additional information on the electronic DUME is available at: <https://communaute.chorus-pro.gouv.fr/pour-les-entreprises/>

If a grouping of economic operators submits its application in the form of a DUME, each member of the grouping must provide a separate DUME.

If the candidate relies on one or more subcontractors or other operators to apply, it must complete Part II-C of the electronic DUME and provide for each subcontractor a separate electronic DUME containing the information in Sections A and B of Part II, as well as those in Part III and, where applicable, Parts IV and V. The candidate must also submit the **DC4 form (Declaration of Subcontracting)** duly completed by both the subcontractor and the candidate.

If the candidate does not rely on subcontracting to apply but intends to subcontract part of the contract, it must complete Part II-D of the electronic DUME and provide the information in Parts II-A and B and III for each subcontractor, and submit a DC4 form duly completed by both the candidate and the subcontractor if the latter is known.

### 5.3.2 Application in the form of DC1 and DC2

Candidates must submit the following information:

- **Letter of application or DC1 form** (downloadable at: <https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat>), or equivalent, duly completed and dated. In the case of a grouping of economic operators, the DC1 form must be completed for each member of the grouping.
- **Declaration of the candidate or DC2 form** (downloadable at: <https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat>), or equivalent, duly completed and dated. In the case of a grouped application, the DC2 form must be completed by each member of the grouping.

Thus, in the case of a grouping of economic operators:

- The DC1 form must be completed for each member of the grouping.
- The DC2 form must be completed by each member of the grouping.

### 5.4 Minimum levels of participation

The buyer does not impose minimum capacity levels on candidates.

### 5.5 Essentials tasks

The buyer does not require that certain tasks be carried out by one of the members of the grouping.  
The buyer does not require that certain essential tasks be carried out directly by the contractor.

### 5.6 Examination of applications

The buyer examines applications before offers: supporting documents concerning aptitude and capacities are provided at the buyer's request and before the examination of offers.

If the buyer finds, before examining the applications, that documents or information requested are missing or incomplete, it may ask the concerned candidates to complete their application file within a uniform deadline applicable to all. This deadline is specified in the request for completion.

Incomplete applications, or those still incomplete after a request for completion, are eliminated.

The buyer has not set minimum capacity requirements as a condition of participation: applications that do not demonstrate professional aptitude or clearly lack the professional, technical, or financial capacities required for this consultation are eliminated

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### 5.7 Verification of Participation Conditions: List of Supporting Documents

Candidates are not required to provide supporting documents when the buyer can obtain them:

- Directly through an electronic information system managed by an official body.
- From a digital storage space, provided that the application file contains all necessary information to consult this system or space and that access is free of charge.

The candidate is not required to provide supporting documents already submitted to the buyer in the context of a previous consultation and still valid. In such cases, the candidate must indicate the relevant proof and the reference of the consultation(s) for which the proof was already provided.

If it is impossible to obtain the supporting documents directly from the administrations or organizations, the buyer requests them from the candidate.

Supporting documents concerning aptitude and capacities include:

- A declaration concerning total turnover and turnover relating to the services covered by the contract, achieved during the last three available financial years.
- A presentation of a list of the main services performed during the last three years, indicating the amount, date, and public or private recipient. Service performance is evidenced by attestations from the recipient or, failing that, by a declaration from the economic operator. If, for a justified reason, the candidate is unable to produce the information and documents requested by the buyer, it is authorized to prove its economic and financial capacity by any other means considered appropriate by the buyer

## **5.8 Verification of Grounds for Exclusion**

In application of Article R.2144-4 of the French Public Procurement Code, the buyer requires only the bidder to whom it is intended to award the public contract to prove that it is not subject to any grounds for exclusion..

## **Article 6 - Offer**

### **6.1 Presentation of the offer**

The content of the offer includes:

- The commitment form (per lot).
- The candidate's offer, including the completed technical memorandum framework (per lot).
- The Estimated Quantitative Detail (DQE) per lot.

In addition, for each subcontractor presented in the offer, the candidate must attach, in addition to the annex:

- The subcontractor's professional and financial capacities.
- A declaration from the subcontractor stating that it is not subject to a prohibition under Article R.2193-1 paragraph 2 of the French Public Procurement Code.

In accordance with Article R.2144-7 of the French Public Procurement Code, the selected candidate cannot be definitively designated as the holder of the framework agreement unless it produces, within the allotted time, the supporting documents, proofs, supplements, or explanations required by the contracting authority

### **6.2 Examination of offers**

Inappropriate, irregular, or unacceptable offers are eliminated. However, the buyer may allow all concerned bidders to regularize irregular offers within an appropriate timeframe, provided that they are not abnormally low and that such regularization does not alter the substantial characteristics of the offers.

The buyer may request bidders to clarify the content of their offer. This request may not result in negotiation or modification of the offer

### **6.3 Award criteria**

#### **Selection criteria for applications:**

1. Professional and financial capacities.
2. Technical capacities.

These capacities will be assessed with regard to the candidate's overall annual turnover, which must be at least equal to the maximum amount, its human resources, and its references. The candidate's turnover must be at least equal to **50% of the annual amount of the contract (per lot)**.

#### **Selection criteria for offers (common to all lots):**

1. **Technical value (weighting: 20%)**
  - Methodology and organization proposed for the performance of services (10%): communication methods, order tracking, methodology for urgent orders, handling of equipment or parts under warranty (processes and organizational chart), etc.
  - Adequacy of human resources (10%): description of staff, skills dedicated to the performance of services (customs, carriers, etc.).
2. **Price of services (weighting: 75%)**
3. **Corporate Social and Environmental Responsibility (weighting: 5%)**
  - Social policy towards staff assigned to the performance of services, delivery methods, fleet used, etc.

The price criterion will be assessed based on the amount of the **Estimated Quantitative Detail (DQE)** for each lot. The DQE provides the contracting authority with a basis for comparing candidates' financial offers.

An offer responding to less than **80% of the items listed for the lot** will be declared irregular and rejected. For each lot, offers will be compared on the items common to all retained offers.

#### **Calculation method used for scoring the price criterion:**

Offer score=(Lowest offer amount/Offer amount to be scored)×Scoring base

- **Lowest offer amount** = price of the lowest offer (excluding abnormally low offers).
- **Offer amount to be scored** = price of the offer being evaluated.
- **Scoring base** = maximum score that can be obtained.

The **technical value criterion** and the **CSR criterion** will be assessed based on the completed technical memorandum framework and the candidate's technical memorandum.

The final score will be obtained by adding all weighted scores.

Candidates' attention is drawn to the fact that particular care will be given to the accuracy and completeness of the responses provided in the technical memorandum

#### **6.4 Validity Period of Offers**

Offers are valid for **six months** from the deadline for submission of bids.

If necessary, the buyer may request candidates or bidders to extend the validity period of their offers. To do so, the buyer sends its request for agreement to all candidates or bidders via the PLACE platform. The request specifies the duration of the extension of the validity period.

If a candidate or bidder does not agree to maintain its offer, the buyer continues the procedure only with those candidates or bidders who have accepted the extension of the validity period of their offer.

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#### **6.5 Samples**

Not applicable.

### **Article 7 - Award**

The framework agreement is awarded to the bidder whose offer is **economically the most advantageous**, with regard to the award criteria set out in this consultation regulation.

Unsuccessful bidders are informed of the rejection of their offer under the conditions set out in Article R.2181-1 et seq. of the French Public Procurement Code.

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#### **7.1 Verification of Grounds for Exclusion: Submission of Proofs**

The bidder to whom it is envisaged to award the framework agreement is not required to provide proofs relating to grounds for exclusion that the buyer can obtain:

- Directly through an electronic information system managed by an official body.
- From a digital storage space, provided that the application file contains all necessary information to consult this system or space and that access is free of charge.

Candidates are not required to provide proofs already submitted to the buyer in the context of a previous consultation and still valid. In such cases, they must indicate the relevant documents and the reference of the consultation(s) for which they were already submitted.

If it is impossible to obtain the proofs directly from the administrations or organizations, the buyer requests them from the candidate.

The bidder to whom it is envisaged to award the framework agreement must provide, within the deadline specified in the electronic notification informing them that their offer is likely to be retained, the following documents:

- The commitment form (ATTR11) and its possible annexes, to be completed and signed electronically, where applicable by all members of the grouping of economic operators.
- Where applicable, if not all members of the grouping sign the commitment form, the authorization document signed by all members of the grouping.
- The power of the signatory(ies) to bind the person they represent (individual contractor or grouping of economic operators).
- Where applicable, in case of subcontracting, the subcontracting declaration (DC4 or equivalent) signed by both the subcontractor and the bidder, and information relating to the subcontractor's capacities when the bidder relies on them.
- Bank account details.
- In case of judicial reorganization, or an equivalent procedure governed by foreign law, a copy of the judgment(s) pronounced.
- Where applicable, if the bidder employs foreign workers, the nominative list of foreign employees subject to the work authorization provided for in Article L.5221-2 of the French Labor Code. This list must include all information specified in Article D.8254-2 of the Labor Code (1° Date of hiring; 2° Nationality; 3° Type and serial number of the work authorization document).
- Where the bidder is established in France: its unique identification number enabling the buyer to access relevant information via an electronic system referred to in Article R.2143-13 (1°) of the CCP.
- Where the bidder is established in France: for companies in the process of registration – a receipt of filing of declaration with a business formalities center (CFE).
- Where the bidder is established in France: if the bidder is a subsidiary, where applicable, a tax compliance certificate proving payment of corporate tax or VAT by the parent company or the subsidiary.
- Where applicable, if not available on PLACE, certificates issued by the competent administrations and organizations, including:
  - Certificate of compliance with tax obligations (income tax, corporate tax, and/or VAT).
  - Certificate under Article L.243-15 of the Social Security Code, known as the “attestation de vigilance.”



- For any employer with at least twenty employees, where applicable, the certificate issued by AGEFIPH (Association for the Management of the Fund for the Professional Integration of Disabled Persons), concerning compliance with Articles L.5212-1 to L.5212-11 of the Labor Code relating to the employment of disabled workers.

**Ground for exclusion related to failure to comply with the obligation to establish a greenhouse gas emissions report (BEGES):** Bidders must present, at the buyer's request, their greenhouse gas emissions report (BEGES) established in accordance with Article L.229-25 of the Environmental Code. In the absence of submission within the deadline set by the buyer, the buyer reserves the right to exclude the concerned bidder(s) from the procedure.

## **7.2 Prohibition of award**

Any candidate to whom the buyer cannot award the contract, pursuant to a prohibition arising from a directly applicable text (international agreements, European regulation), is excluded from the procedure....)

## **7.3 Finalization**

The buyer and the successful bidder may finalize the components of the framework agreement. This finalization may not have the effect of modifying substantial elements of the offer or of the present framework agreement.

## **7.4 Signature**

The framework agreement is signed electronically or manually by the successful bidder using the commitment form (ATTRI1) sent by the buyer.

Each document requiring a signature must be signed individually. A signed compressed folder does not constitute a valid signature of the documents it contains. Whatever the format of the compressed folder, each document requiring a signature must be signed separately.

Further information on electronic signatures can be obtained:

- On PLACE (user guide – company user).
- In the “very practical” guide on the digitalization of public procurement (economic operators’ version) available on the website of the Legal Affairs Directorate of the Ministry of Economy and Finance.

In application of the Order of 22 March 2019 on electronic signatures in public procurement contracts, the signatory must comply with conditions relating to:

1. The electronic signature certificate.
2. The electronic signature tool (also called “electronic signature creation device”).

The electronic signature must be based on a qualified certificate, compliant with Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS).

Authorized signatures:

- Advanced electronic signature with qualified certificate (level 3).
- Qualified electronic signature (level 4).

**First case:** Qualified certificate issued by a qualified trust service provider meeting the requirements of the European eIDAS regulation. A qualified trust service provider is one that provides one or more qualified trust services and has obtained qualified status from the supervisory body (Article 3.20 of the eIDAS regulation). Lists of trusted providers are available:

- On the website of ANSSI (French National Cybersecurity Agency).
- On the European Commission website: <https://ec.europa.eu/digital-single-market/en/news/cef-esignature-trusted-list-browser-now-available>

When the signatory uses a certificate issued by a qualified trust service provider meeting the requirements of the eIDAS regulation and the electronic signature creation tool provided by the buyer’s procurement profile, no proof is required regarding the electronic signature verification procedure.

**Second case:** Certificate issued by a certification authority, French or foreign, meeting equivalent requirements of the European eIDAS regulation, particularly those in Annex I. The signatory must provide, when submitting the signed document, the user manual and all necessary elements enabling free verification of the validity of the electronic signature, in accordance with Article 5 of the Order of 22 March 2019 on electronic signatures in public procurement contracts, including, where applicable, an explanatory notice in French.

Any costs for acquiring the signature certificate are borne by the candidates. A qualified electronic signature certificate issued under the Order of 15 June 2012 on electronic signatures in public procurement (certificate compliant with the General Security Reference Framework – “RGS”) remains valid until its expiry.

**Requirements relating to the signature tool:** The signatory uses the electronic signature tool of their choice (software, online service such as the buyer’s procurement profile, electronic signature system, etc.) to apply the signature with the certificate used. The tool must comply with regulatory formats (XAAdES, CAdES, or PAdES) and must generate signature tokens.

If another tool is used instead of the buyer's procurement profile, it must comply with the requirements of the European eIDAS regulation, particularly those in Annex II. The signatory must provide the user manual enabling the buyer to carry out the necessary verifications.

Whatever tool is used, it must neither modify the signed document nor compromise its integrity.

The signatory, holder of the signature certificate, must have the authority to bind the company. This may be either the company's legal representative or a person with delegated signing authority.

In the case of a grouping of economic operators, either all members of the grouping sign, or the representative (mandataire) who must provide proof of the necessary authorizations to represent the other members of the grouping.

## **Article 8 - Language**

Documents and information must be drafted in French or, failing that, accompanied by a French translation. In the case of an application submitted in the form of a DUME (ESPD), it must be drafted in French.

## **Article 9 - Litigation**

The competent court is the Administrative Court of Toulouse:

**Tribunal Administratif de Toulouse**

68 Rue Raymond IV

31000 Toulouse

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