**< Letterhead of contracting authority >**

< Date >

<Name & address of the entity >

**Our ref: < reference >**

**INVITATION TO TENDER FOR AMENDMENT OF CONTRACT < Contract title >, <Contract number >**

Dear <contact name>,

I am pleased to inform you that [your firm] [the consortium led by you] is invited to take part in the negotiated procedure for the above contract.

**Negotiated procedure**

For full details regarding the negotiated procedure, please consult the PRAG, section 2.6.8 which can be accessed through the following web link <https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG>. The negotiated procedure may consist of several rounds. If successful, the outcome of the negotiated procedure will be an amendment to the contract [contract number].

**Scope of the amendment**

[Provide here the necessary background information.

[Services or works consisting in the repetition of similar services or works provided these are in conformity with a basic project for which the original contract was awarded after publication of a contract notice. As per Point 11.1 (e) Annex 1 FR, the possibility to use this negotiated procedure has been announced in the original contract notice, which has also indicated the total estimated amount of subsequent services or works.

Explain here the similar services or works needed and if the duration of the existing contract needs to be extended.

[Please note that the maximum amount available for the additional services is EUR [amount] and the maximum extension of the period of implementation is [number] months]]

[In case of supplies, for additional deliveries intended as the extension of existing supplies or installations, where a change of supplier would oblige the contracting authority to acquire equipment having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance (Point 11.1 (f)(i) Annex 1 FR).

Explain here the additional deliveries needed.]]

**Tender dossier**

The complete tender dossier includes:

* documents provided by the Contracting Authority

[select what is applicable

Draft contract addendum and amended Special Conditions

[if any update is required: Annex I General conditions for service contracts]

Annex II to the addendum - Amended Terms of Reference]

* documents to be submitted by you based on the existing contract in force and/or the templates in the PRAG

[Annex III to the addendum - Amended Organisation and Methodology

[if any update is required: Annex IV to the addendum - Statement of exclusivity and availability of key expert(s) for the extension period [if applicable: and/or : the CV(s) and statement(s) of exclusivity and availability of proposed replacement(s) with at least equal qualifications]]

Annex V to the addendum - Amended budget breakdown

Declaration(s) on honour (annex A14a) signed by you and every consortium member]

[For direct management: Documents provided by the Contracting Authority are available at the TED eTendering website. <https://etendering.ted.europa.eu/general/page.html?name=home>]

**Submission of tender**

[For direct management:

Your tender must be submitted exclusively via the electronic submission system (eSubmission)[[1]](#footnote-1) accessible via TED eTendering. A tender submitted in any other way (e.g. e-mail or by letter) will be disregarded.

The time-limit for receipt of tenders is [date and time] mentioned in eTendering. You will receive an automatic notification in your mailbox that gives you access to the tender dossier in eTendering.

In order to submit a tender using eSubmission, you will need to register in the European Commission's[Participant Register](https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register)[[2]](#footnote-2)- an online register of organisations participating in EU calls for tenders orproposals. By registering you will obtain a Participant Identification Code (PIC, 9-digit number) which acts as a unique identifier in the above register.  If you are already registered in the Participant Register, you shall reuse the existing PICs when preparing this tender in eSubmission.]

[For indirect management:

Tenders must be sent before [date and time] to the contracting authority

**EITHER** by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip[[3]](#footnote-3) to:

[<Address of contracting authority*>*]

**OR** **hand delivered** by the participant in person or by an agent **directly** to the premises of the contracting authority in return for a **signed and dated receipt**, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

[<Address of contracting authority including opening hours *>*]

]

Please ensure that the submitted tender contains all the information and documents required by the contracting authority at the time of submission as set out in the tender dossier.

After submitting a tender, but before the deadline for receipt of tenders, you may withdraw your tender[[4]](#footnote-4), or withdraw it and replace it with a new one[[5]](#footnote-5).

[For direct management:

A withdrawal receipt will be provided by eSubmission as proof of withdrawal.]

[For indirect management:

Any such written notification of amendment or withdrawal must be prepared and submitted in accordance with the requirements under this section. The outer envelope (and the relevant inner envelope) must be marked ‘Amendment’ or ‘Withdrawal’ as appropriate.]

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

**Legal effects of the invitation to tender and submission of a tender.**

This invitation to tender is in no way binding on the contracting authority. The contracting authority's contractual obligation commences only when the amendment to the contract is signed by both parties.

Up to the signature of the amendment, the contracting authority may cancel the procurement procedure without you being entitled to claim any compensation. Any such decision must be substantiated and you will be notified.

**Award phase**

[For direct management:

The tenderer will be notified of the outcome of this procurement procedure by e-mail. The notification will be sent to the e-mail address provided in the eSubmission application for the tenderer under the section *Contact Person*. After submission of the initial tender the e-mail address can be changed in the F&T portal as described in the eSubmission guide (see the section “Manage roles in Funding & Tenders portal”)1.

The same e-mail address will be used by the contracting authority for all other communications during the procedure. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly. ]

[For indirect management:

The successful tenderer will be informed in writing that its tender has been accepted.]

In case the outcome of the negotiated procedure is that the amendment to the initial contract can not be awarded, the contracting authority may decide to launch a subsequent round in the negotiated procedure. In case of a subsequent round of the negotiated procedure, you will be informed [for direct management: by a message generated in the eSubmission platform, sent to your mailbox and to your F&T Portal account] [for indirect management: in writing].

**Appeals**

If you believe that you have been harmed by an error or irregularity during the award process, you may file a complaint. See Section 2.12. of the practical guide.

**Data Protection**

[For direct management:

If processing your reply to the invitation to tender involves the recording and processing of personal data (such as names, contact details and CVs), these personal data will be processed[[6]](#footnote-6) solely for the purposes of the management and monitoring of the tender and the contract by the data controller without prejudice to possible transmission to the bodies in charge of monitoring or inspection tasks in application of EU law. In addition, as the contract relates to an external action in Partner Countries outside the EU and as the EU, represented by the European Commission, is acting as contracting authority on behalf and for the benefit of the Partner Countries, transmission of personal data may occur to the Partner Country, solely for the purpose of the European Commission complying with its obligations under the applicable legislative framework and under the financing agreement concluded between the EU and the Partner Country with regard to this tender procedure. Details concerning processing of your personal data are available on the privacy statement at

https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General[[7]](#footnote-7)

In cases where you are processing personal data in the context of participation to a tender (e.g. CVs of both key and technical experts) and/or implementation of a contract (e.g. replacement of experts) you shall accordingly inform the data subjects of the details of the processing and communicate the above mentioned privacy statement to them.

[For DG INTPA The controller of call for tenders is the head of legal affairs unit of DG International Partnerships]

[For DG NEAR The controller of call for tenders is the head of contracts and finance unit R4 of DG Neighbourhood and Enlargement Negotiations]

[For any other DG The controller of your call for tender is <please add the name of your controller[[8]](#footnote-8)>.]]

[ For indirect management.

Processing of personal data related to this tender procedure by the contracting authority takes place in accordance with the national legislation of the state of the contracting authority and with the provisions of the respective financing agreement.

The tender procedure and the contract relate to an external action funded by the EU, as represented by the European Commission. If processing your reply to the invitation to tender involves transfer of personal data (such as names, contact details and CVs) to the European Commission, they will be processed solely for the purposes of the monitoring of the procurement procedure and of the implementation of the contract by the European Commission, for the latter to comply with its obligations under the applicable legislative framework and under the financing agreement concluded between the EU and the Partner Country without prejudice to possible transmission to the bodies in charge of monitoring or inspection tasks in application of EU law.

For the part of the data transferred by the contracting authority to the European Commission, the controller for the processing of personal data carried out within the Commission is

[For DG INTPA the head of legal affairs unit of DG International Partnerships.]

[For DG NEAR the head of contracts and finance unit R4 of DG Neighbourhood and Enlargement Negotiations]

[For any other DG <please add the function of your controller >.]

Details concerning processing of your personal data by the European Commission are available on the privacy statement at:

<https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General>

In cases where you are processing personal data in the context of participation to a tender (e.g. CVs of both key and technical experts) and/or implementation of a contract (e.g. replacement of experts) you shall accordingly inform the data subjects of the possible transmission of their data to EU institutions and bodies and communicate the above mentioned privacy statement to them.]

**Early detection and exclusion system**

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system, and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

For more information, you may consult the privacy statement available on <http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm>

Yours sincerely

< Name >

1. For detailed instructions on how to submit a tender please consult the eSubmission Quick Guide available at: <https://ec.europa.eu/info/funding-tenders/opportunities/docs/esubmission/quickguidepp_en.pdf>. [↑](#footnote-ref-1)
2. https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register [↑](#footnote-ref-2)
3. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-3)
4. A submitted tender can be withdrawn directly in the "Procurement/My Submission(s)" area in the F&T Portal. For detailed instructions on how to withdraw a tender please consult the above referred eSubmission Quick Guide. [↑](#footnote-ref-4)
5. In order to submit a new version, the tenderer must create a new tender in eSubmission and include all the information and documents required in the procurement documents with the submission of a tender, even if some of them have already been included in the replaced tender. [↑](#footnote-ref-5)
6. Pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (‘Regulation 2018/1725’), Official Journal L 205 of 21.11.2018, p. 39. [↑](#footnote-ref-6)
7. This link will lead you to the ‘privacy statement’ published as annex A13 to the practical guide general annexes. [↑](#footnote-ref-7)
8. The data controller may be the unit or directorate in charge of the contract, or the entity declared to the Data Protection Officer as data controller for all procurements in a given DG. [↑](#footnote-ref-8)