

The fact of submitting a request to participate /tender in response to a Europol call for tenders implies that you:

- a) Accept all terms and conditions as stipulated in the procurement documents;
- b) Waive your own terms of business;
- c) Accept the draft contract;
- d) Accept to receive notification of the outcome of the procedure by electronic means.

The Invitation is in no way binding on Europol. Europol's contractual obligation commences only upon signature of the contract with the successful tenderer.

Up to the point of signature of the contract, Europol may cancel the procurement procedure without the candidates or tenderers being entitled to claim any damages or compensation. This decision must be substantiated and the candidates or tenderers notified.

In case candidates/tenderers would like to raise objections or ask questions about the procurement documents they should comply with the procedure indicated in **point 4 below**.

### **1.4. Language of the request to participate/ tender**

Europol's working language is English. Requests to participate/tenders must be submitted in one of the official languages of the European Union. Since Europol's working language is English, Europol would highly appreciate to receive requests to participate/tenders written in English.

## **2. Access to procurement, exclusion, selection and award criteria**

### **2.1. Access to procurement**

Participation in procurement procedures is open on equal terms to all natural and legal persons falling within the scope of the Treaties. This includes all legal entities registered in the European Union (EU) and all natural persons having their domicile in the EU. Participation is also open to all natural and legal persons registered or having their domicile in a non-EU country which has an agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

The rules of access to procurement do not apply to subcontractors<sup>7</sup>. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

Participation in procurement procedures shall also be open to international organisations.

### **2.2. Exclusion criteria**

Candidates/tenderers must not be in any of the situations listed in articles 136 and 141 of the Financial Regulation applicable to the general budget of the Union<sup>8</sup>.

The candidate/tenderer shall be requested to sign a Declaration on honour on exclusion and selection criteria. The template of the declaration is included in the procurement documents.

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<sup>7</sup>However, entities on whose economic and financial capacity the tenderer relies in order to fulfil the required minimum levels of capacity must have access to procurement. Please refer to Section 3.3 of this document.

<sup>8</sup> Regulation (EU, EURATOM) No 2018/1046 of the European Parliament and of the Council.