

**PUBLIC SUPPLIES MARKET**

**CONSULTATION REGULATION**

Consultation n°2017-081834

**Purchase of two Biobanks and software**

**Deadline for receipt of tenders: August 21, 2017 at 12:00 am**

Competitive Dialogue pursuant to Articles 75 and 76 of Decree 2016-360 of March 25, 2016, and Article 42 of Ordinance 2015-899 of July 23, 2015, on public procurement.

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**1 – SUBJECT OF THE CONTRACT**

The aim of the contract is to purchase two Robotic Biobanks at -20 ° C and -80 ° C and their software to develop a long-term storage platform for clinical specimens, strains of microorganisms and products derived from Research as well as the use of the latest techniques of freezing, sorting, traceability + software allowing for the communication between the robotic Biobanks and Sero'Box Serology Management software.

**2 – PROCUREMENT PROCEDURE-FORM OF THE CONTRACT**

**Definition of the procedure**

This is a contract awarded concluded according to the formalized competitive dialogue procedure subject to the provisions of Articles 75 and 76 of Decree 2016-360 of March 25 ,2016, and of Article 42 of Ordinance 2015-899 Of July 23, 2015, on public procurement.

**Allotment**

The present procedure consists of 2 lots:

**Lot n ° 1: Supply and installation of two robotic Biobanks, one at -80 ° C and one at -20 ° C**

**Lot n ° 2: Supply and installation of software allowing for the communication between the robotic Biobanks and Sero'Box Serology Management Software**

A contract will be awarded to a company or a consortium.

Candidates may apply on one lot or on both lots.

Only one contract holder will be retained per lot.

**3 – COMPLETION TIME**

The contracted materials must be delivered, installed and fully operational within 6 months of the date of the contract notice.

**4 - VALIDITY OF OFFERS**

The period of validity of tenders shall be of 150 days from the closing date for the receipt of tenders.

**5 - VARIANTS**

Variants are not allowed.

**6 - OPTIONS**

Not applicable

**7 – SUPPLEMENTS TO THE CONTRACT DOCUMENTS**

The competitors do not have to supplement the general administrative clauses, nor the specific administrative and technical clauses.

It is specified that in the event of discrepancies between the different documents in the consultation file, these documents prevail at the consultation stage, in the same order as indicated in the contract CCP.

In the event that a candidate considers that an imprecision remains or has been led to choose a certain interpretation of the consultation file, he may ask for written explanations and a reply will be sent to all the candidates.

**8. MODIFICATION OF THE CONSULTATION FILE**

The IHU Méditerranée Infection retains the right to make detailed changes to the consultation file no later than one month and a half before the date fixed for the submission of tenders. The candidates will then have to reply on the basis of the amended file without being able to raise any complaint in this respect.

If, during the examination of the file by the candidates, the deadline for the receipt of tenders is postponed, the previous provision shall apply according to this new date.

In order to obtain any additional information they may deem necessary during the course of their study, applicants must send a written request or an e-mail to:

**IHU Méditerranée Infection**

Professeur Pierre-Edouard FOURNIER

pierre-edouard.fournier@univ-amu.fr

19-21 Boulevard Jean Moulin

13005 MARSEILLE – France

A reply will then be sent to all companies that have withdrawn the consultation file.

**9. PERIOD OF VALIDITY OF TENDERS**

The period of validity of the tenders shall be fixed in the act of commitment.

**10 - DOCUMENTS PROVIDED TO CANDIDATES**

The consultation file is sent free of charge, in a single copy, to each candidate who requests it in advance, at the following e-mail address: (enter generic e-mail address).

The file is also available free of charge on the IHU website at the following address: http://www.mediterranee-infection.com, select the British flag for the English version, then the tab "Call for tenders".

It may also be obtained at the following address: IHU Méditerranée Infection - Executive Secretariat/ Secrétariat de Direction - Legal Department - 19-21, boulevard Jean Moulin 13005 Marseille - Monday to Friday from 9 a.m. to 12 a.m. and from 2 p.m. to 5 p.m.

**11 – CONTENT OF THE LETTERS**

The tenders will be written in English together with the associated submission documents.

**We would like to remind that the signatory(s) must be empowered to hire the candidate.**

**The file submitted by the candidates will include the following documents:**

***CANDIDACY:***

- Declaration of the candidate (form DC2)

- Letter of application (DC1)

- Declaration made under honor dated and signed certifying compliance with social and fiscal obligations

- Declaration made under honor attesting that the candidate does is not concerned by any of the cases mentioned in Articles 50 to 54 of Decree 2016-360 of March 25, 2016, on public procurement

- Presentation of the company: organization, financial structure, human resources...

- List of 3 (three) **controllable references** of contracts of the same type (organization, contact persons, telephone number)

- Information that the candidate deems useful in order to present the functioning of his company

The applicant must also provide the following documents (Article 50 of Decree 2016-360 of March 25, 2016):

- An attestation from the judicial record allowing the buyer to verify that the candidate is not in a case of prohibition of tender mentioned in 1 ° a and c of 4 ° of article 45 of the order of July 23, 2015,

- The candidate established abroad shall produce a **record from the relevant register** or, failing that, an equivalent document issued by the competent judicial or administrative authority in his country of origin or establishment, **attesting to the absence of cases of exclusion.**

- **Certificates issued by the competent administrations and bodies.** An order of the ministers concerned shall fix the list of the taxes, contributions, or social contributions that should result in the issuance of a certificate as well as the list of competent administrations and bodies.

This allows the buyer to verify that the candidate is not in a case of prohibition of tender mentioned in 2 ° of article 45 of the order of July 2,3 2015, as referred above,

- The candidate established abroad shall produce **a certificate drawn up by the administrations and bodies of his country of origin or establishment**,

- Where applicable, the candidate shall also produce the documents mentioned in Articles [R. 1263-12](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072050&idArticle=LEGIARTI000030420544&dateTexte=&categorieLien=cid), [D. 8222-5](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072050&idArticle=LEGIARTI000018500620&dateTexte=&categorieLien=cid) or [D. 8222-7](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072050&idArticle=LEGIARTI000018500626&dateTexte=&categorieLien=cid) or [D. 8254-2 à D. 8254-5](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072050&idArticle=LEGIARTI000018500748&dateTexte=&categorieLien=cid) of the Labor Code,

**- The production of a record from the relevant register, such as a K recors, a K bis record, a D1 record or, failing that, an equivalent document issued by the competent judicial or administrative authority of the country of origin or establishment of the candidate, attesting to the absence of cases of exclusion.**

This allows the buyer to verify that the candidate is not in a case of prohibition of tender mentioned in 3 ° of article 45 of the order of July 23, 2015, as referred above,

- When the candidate is in legal redress, **the candidate produces the copy of the judgment(s) pronounced.**

- Where the competent authorities of the applicant's country of origin or establishment do not issue supporting documents equivalent to those mentioned above, or where they do not mention all cases of prohibition of tenders, they may be replaced by **a declaration under honor or, in countries where such a procedure does not exist, by a sworn statement made by the person concerned before a judicial or administrative authority, notary or a qualified professional body in his country of origin, or of establishment.**

- The buyer may require candidates to attach a French translation of the documents written in another language which they submit pursuant to this article.

***OFFER:***

- Deed of commitment and its annexes (ATTRI1) completed, dated and signed by the qualified representative (s) of the company or grouping,

- Proposal of price: Decomposition of the overall price and lump sum or detailed quotation corresponding to the lot (s) on which the candidate tenders,

- Administrative Clauses (C.C.A.P.) and the Technical Clauses (C.C.T.P.), to be accepted without modification, dated and signed,

- Sustainable Development File,

- Technical documentation of the proposed equipment as well as the terms and conditions of the warranty and after-sales service, presented in free format.

Documents must be submitted in batches.

In addition, the successful candidate may only be awarded the contract if he produces the NOTI2 form or the social certificates (URSSAF) and tax certificates (Taxes) within 7 days following the date of the buyer’s request.

The forms can be downloaded from the official website of the Directorate of Legal Affairs / Direction des Affaires Juridiques (DAJ) http://www.economie.gouv.fr/daj/formulaires.

**Amendments pertaining to the contract holder**

The holder is required to notify the IHU, without delay and in writing, of any change affecting the status of the company (name change, merger, absorption, etc.) including changes in the name of the bank account on which shall be effected by payment of the sums due under this contract.

**In the event of a change of name of the contract holder:**

In the event of a change in its name, the holder must inform the IHU in writing and provide a Kbis record mentioning this change as soon as possible, together with a Basic Bank Account Number if applicable.

**In the case of a new business arising from the merger or absorption of the holder:**

The transfer of the market to the company resulting from the merger or absorption of the incumbent company cannot take place without the prior authorization of the IHU and the express confirmation by the buyer (modification of Article 139 of decree 2016-360, signed special act).

The holder must inform the IHU as soon as possible and produce all the documents and information requested by the administration concerning the new business to which the contract is assigned, including: a copy of the legal announcement, entitlement of the person empowered to bind the company, the Basic Bank Account Number, Kbis record, tax and social certificates, signed declaration made under honor indicating that the buyer is not subject to bans to compete, justifications of references identical to those requested in the notice of invitation to tender concerning the contract, etc.

**Subcontracting**

If the contractor intends to entrust the performance of certain services to one or more subcontractors in the course of the contract, the latter must obtain from the buyer the acceptance of each subcontractor and the approval of their conditions of payment.

To this end, the company submits all the necessary elements, as referred to in Article 134 of Decree No 2016-360 of March 25, 2016, in support of its subcontract application.

**12 - CONDITIONS FOR SENDING OR SUBMISSION OF TENDERS – DEMATERIALIZATION**

Each candidate must produce a complete file in English which will contain all the documents (application + offer).

The tenders may be submitted by post, by deposit on the spot (IHU site) or by the dematerialized route to the following address: appel.offre@mediterranee-infection.com

Attention: The candidate submits his application **in one go**. If more than one application is successively submitted by the same candidate, **only the last application received by the buyer within the deadline for submission of tenders shall be opened.**

Candidates are not required to provide the information requested under Article 49 of Decree 2016-360 of March 25, 2016, on public procurement, which the IHU Méditerranée-Infection can obtain directly via an electronic information system administered by an official body, provided that all the information necessary for accessing that system is included in the application file and that the access to those be free of charge (URSSAF, Service des Impôts des Entreprises (SIE), etc.).

**The successful candidate may only be awarded the contract if he produces the NOTI 2 form or the social forms (URSSAF) and tax forms (Impôts/ Taxes) within 7 days from the date of the buyer's request.**

**12.1 Filing by mail**

Tenders and supporting documents will be sent in sealed envelopes and the envelope will be marked as follows:

|  |
| --- |
| «Offer for the purchase of two Biobanks and their software»Consultation n° 2017-081834DO NOT OPEN before the fold opening session |

The offer may be:

• **sent by registered mail with acknowledgment of receipt to the following address:**

**IHU Méditerranée Infection**

Secrétariat de direction

Service Juridique

19-21 Boulevard Jean Moulin

13005 MARSEILLE – France

**• or deposited against receipt at the address below from 9 am to 12 pm and from 2 pm to 5 pm:**

**IHU Méditerranée Infection**

Secrétariat de direction

Service Juridique

19-21 Boulevard Jean Moulin

13005 MARSEILLE – France

In any case, the offer must imperatively reach the IHU Méditerranée Infection – Marseille

**No later than August 21, 2017, at 12:00 am**

**(Paris time)**

**Bids that would be received or delivered after this time and deadline will not be opened, they will be returned to the candidate.**

**12.2 Filing electronically**

Pursuant to Articles 40 to 42 of Decree 2016-360 of March 25, 2016, on public procurement, the candidates must send their tender to the following e-mail address: appel.offre@mediterranee-infection.com

This dematerialized file must contain:

- A CANDIDATE file containing the information relating to the candidate’s application;

- A TENDER file containing documents relating to the tender offer.

**The details of the dematerialized procedure are listed in Annex 1 to this consultation regulation.**

Furthermore, upon receipt of the application form by the IHU, the IHU will inform the candidate that the application has been received.

**13. SELECTION OF APPLICATIONS AND COMPETITIVE DIALOGUE**

**13.1 Provisional timetable (Day/Month/Year)**

20.06.2017: Opening of the market

21.08.2017: Closing of applications

22.08.2017 to 25.08.2017: Selection Committee and Information of unsuccessful and successful candidates

28.08.2017 to 22.09.2017: Competitive Dialogue with the selected candidates

25.09.2017 to 04.10.2017: Information of the candidates on the closing of exchanges and invitation to present their final offer on the basis of the solution(s) submitted and specified by each candidate during the dialogue

05.10.2017 to 11.10.2017: Selection Committee

The buyer verifies that the final offers include all the elements required and necessary for the realization of the project

12.10.2017 to 18.10.2017: Additional period if the buyer needs more details, clarifications, improvements or additions pertaining to the final offer

19.10.2017 to 23.10.2017: Notification to unsuccessful candidates and successful candidate by e-mail

From 08.11.2017: Signature of the contract with the successful candidate

From 09.11.2017 to 08.12.2017: Contract award notice

**13.2 Conduct of the dialogue procedure**

The consultation procedure retained is that of the Competitive Dialogue in accordance with the provisions of Articles 42 of Ordinance 2015-899 of July 23, 2015, and Articles 25 and 75 of Decree 2016-360 of March, 25, 2016 on public procurement.

The competitive dialogue procedure will be conducted as follows:

On the basis of tenders submitted by candidates, the purchaser will select candidates according to criteria he has determined in advance (Article 15.2 of the Consultation Regulation and Article 2.1.2 of the CCP).

The buyer will inform unsuccessful candidates and invite simultaneously and in writing candidates admitted to tender or to participate in the dialogue.

Thus, according to Articles 75 and 76 of Decree 2016-360 of March 25, 2016, the competitive dialogue must make it possible to define or develop one or more solutions to meet the needs of the buyer and on the basis of which the participants in the dialogue are invited to submit an offer.

All aspects of the procurement can be discussed with the selected participants.

The buyer continues the dialogue until he is able to identify the solution(s) that are likely to meet his needs.

The dialogue is conducted in accordance with the principle of equal treatment of all participants.

The exchanges will be made by e-mail with the following persons:

Professor Michel DRANCOURT

Directeur adjoint / Assistant director

michel.drancourt@univ-amu.fr

And

Professor Pierre-Edouard FOURNIER

Service URMITE

pierre-edouard.fournier@univ-amu.fr

Then, when he considers that the dialogue has come to an end, the buyer informs the remaining participants and invites them to present their final offer on the basis of the solution (s) they have presented and specified during the course of the dialogue. He checks that final offers include all the elements required and necessary for the realization of the project.

In addition, clarifications, improvements or additions may be requested from participants on their final offer. However, such requests may not have the effect of altering the essential aspects of the final offer, in particular the requirements set out in the consultation documents, where the amendments are likely to distort competition or have a discriminatory effect.

At the request of the buyer, the successful candidate may be required to clarify aspects of his tender or to confirm the commitments contained in the latter.

However, those applications may not have the effect of altering fundamental elements of the tender or of the essential characteristics of the public contract, the variation of which is likely to distort competition or to have a discriminatory effect.

Finally, the purchaser makes a final decision taking into account the criteria specified in Article 15.2 of the Consultation Regulation and Article 2.1.2 of the CCP and chooses the successful candidate for this contract.

The buyer informs the unsuccessful candidate(s) and notifies the successful candidate of the contract. The public contract shall therefore take effect on the date of receipt of the notification.

**13.3 Equality between candidates**

Each candidate is heard on equal terms.

The buyer cannot give certain candidates information that could benefit them compared to others.

The buyer cannot reveal to the other candidates admitted to participate in the dialogue proposed solutions or confidential information communicated by one of the candidates in the discussion without the consent of the latter.

In particular, the buyer will conduct the dialogue individually with each candidate and solutions will be dealt with in a systematic way independent from the solutions proposed by the other candidates.

In addition, the level of detail of the documents to be presented to the buyer and the convocation period for the dialogue sessions will be the same for all candidates.

A selection committee, set up by the IHU, will intervene during the procedure to analyze the candidatures and to select the candidatures received and after the competitive dialogue; the selection committee will select only one candidate.

**13.4 Dialogue sessions**

Convocations will be sent by e-mail and will indicate the modalities of the dialogue session.

The date and place of the dialogue session shall be communicated by the purchaser within a reasonable time, with a period of notice not less than seven (7) working days.

**14. Subcontracting**

If the company intends to entrust the performance of certain services of the market to one or more subcontractors, the latter must obtain from the buyer the acceptance of each subcontractor and the approval of their terms of payment. To this end, the company submits in support of its proposal all the necessary elements as mentioned in Article 134 of Decree 2016-360 of March 25, 2016.

**15 - JUDGMENT OF TENDERS**

**15.1 Selection of applications**

Any competitor who wishes to attend may participate in the consultation. Only candidates whose technical and financial capacities have been found to be sufficient and fulfilling the market access conditions set out in Articles 44 and 48 of Decree No 2016-360 of March 25, 2016, on public procurement will be examined.

**15.2 Judgment and classification of offers**

The tenders will be judged under the conditions laid down in Articles 62 and 63 of Decree No 2016-360 of March 25, 2016, taking into account the most economically advantageous tender as well as the criteria set out in Article 2 of the Technical clauses documents and the weighting of the criteria mentioned below for each lot.

**Lot 1: Supply and installation of two robotic Biobanks, one at -80 ° C and one at -20 ° C**

**Technical value, including in particular the storage capacity (> 900,000 tubes for the Biobank at -80° C and> 2.2 million tubes for the Biobank at -20° C) and the sorting of samples, automation with 2D barcode, robot identification of the precise position of the tubes, robots capable of fetching tubes according to the different criteria entered beforehand (patient name, type of sampling, sampling date, sample *synergie* number...): 50%**

**The technical value also includes maintenance.**

**Price of the services: 30%**

**After-sales service: 20%**

**Lot 2: Supply and installation of a software allowing communication between robotic Biobanks and Sero'Box Serology Management software**

**Technical value, including in particular the compatibility of the proposed software with the computer system used by the IHU laboratory: 50%**

**The technical value also includes maintenance.**

**Price of the services: 30%**

**After-sales service: 20%**

Inappropriate, irregular and unacceptable offers will be eliminated.

The other offers will be ranked in descending order. The choice of the formalized procedure is the competitive dialogue, taking into account the technical specifications of the equipment purchased, the candidates who have been selected will be able to exchange with the buyer on the offer. Then, after the discussions and negotiations, the candidates will propose a final offer and the buyer will choose the best offer corresponding to his needs.

In addition, if the candidate has requested to take into account the professional, technical or financial capacities of one or more subcontractors in the application, he will have to provide their request (s) for acceptance and approval of their terms of payment in his tender.

**Methods of criteria calculation:**

**• For price, technical value and after-sales service:**

The price proposed by the candidates will be marked on 3 points according to the criterion of the most economically advantageous tender.

For technical value and after-sales service, candidates will be scored on 1 point for each of the criteria mentioned below and the criteria given in Article 2 of the Specifications will also be taken into account.

Thus, for each sub-criterion, the candidates will obtain a number of points by applying the following evaluation grid:

**Lot 1: Supply and installation of two robotic Biobanks, one at -80 ° C and one at -20 ° C**

|  |  |
| --- | --- |
| Appreciation | Number of points out of 10 |
| Automated freezers: -20 ° C with a storage capacity of more than 2.2 million samples and -80 ° C with a storage capacity of more than 900 000 samples | 1 pt |
| 2D barcode automated freezers and magnetic card reader | 1 pt |
| Biobanks compatible with 2D tubes 1.8 mL | 1 pt |
| Each freezer is equipped with a robot to store the samples (storage and sorting) | 1 pt |
| Each freezer is equipped with a robot to identify the exact position of each sample and to fetch samples on demand according to certain criteria | 1 pt |
| Maintenance | 1 pt |
| Delivery time | 1 pt |
| Price | 3 pts |

Each candidate will get a score out of 10.

**Lot 2: Supply and installation of software allowing for communication between robotic Biobanks and Sero'Box Serology Management software**

|  |  |
| --- | --- |
| Software allowing for an interface with the software SERO'BOX (software of the IHU) | 5 pts |
| Maintenance | 1 pt |
| Delivery time | 1 pt |
| Price | 3 pts |

Each candidate will get a score out of 10.

* **Final ranking:**

The final mark will be obtained at the end of the dialogue between the buyer and the selected candidates who have met the aforementioned criteria.

Thus, this rating will be obtained by the addition of the price rating, the technical rating and the after-sales service rating.

**16 – Further information**

In order to obtain any additional information they may deem necessary during the course of their study, the candidates must send a written request to the following address no later than 1 month before the closing date for submission of tenders:

**IHU Méditerranée Infection**

Monsieur Pierre-Edouard FOURNIER

pierre-edouard.fournier@univ-amu.fr

19-21 Boulevard Jean Moulin

13005 MARSEILLE – France

The information will be communicated by Mr. Pierre-Edouard FOURNIER or Mr. Michel DRANCOURT no later than 15 days before the deadline for submission of tenders. The reply will then be sent in writing to all competitors who have withdrawn a consultation file.

***Technical information :***

Professeur Michel DRANCOURT

Directeur adjoint/ Assistant Director

michel.drancourt@univ-amu.fr

Professeur Pierre-Edouard FOURNIER

Service URMITE

pierre-edouard.fournier@univ-amu.fr

***Administrative procedure:***

Sonia DJEZZAR

Responsable juridique et administrative / Legal and administrative officier

sonia.djezzar@mediterranee-infection.com

**ANNEXE 1: DEMATERIALIZED PROCEDURE**

**Phase 1: Withdrawal of the Consultation Document (DCE)**

The dematerialized procedure is carried out through one of the following sites:

* [www.boamp.fr](http://www.boamp.fr)
* <http://ted.europa.eu/TED/misc/releaseCalendar.do>
* <http://www.mediterranee-infection.com/article.php?larub=126&titre=la-fondation-recrute>

These websites can be accessed freely; the contract notice can be consulted and the consultation documents can be downloaded. Candidates therefore have the possibility to withdraw the consultation document directly in its entirety.

The consultation document can also be requested from the following e-mail address: appel.offre@mediterranee-infection.com

Candidates will be able to ask questions and exchange with the managers concerned by the offer to the following e-mail addresses:

* michel.drancourt@univ-amu.fr
* pierre-edouard.fournier@univ-amu.fr

These people will be the referents for this contract throughout the formalized procedure of competitive dialogue.

**Phase 2: Presentation of the DCE documents:**

In order to be able to unzip and read the documents made available by the IHU Méditerranée Infection, the candidates must have the appropriate software to read the following formats:

* .zip.
* Word
* Excel
* Pdf
* DWG

Clarification:

- Existence of sensitive or confidential documents, which will only be transmitted on paper: NO

- Existence of large documents which will only be transmitted on paper or electronic medium: NO

**Phase 3: Submission of applications and offers by dematerialized route**

The electronic transmission of the letters will be made to the following e-mail address: appel.offre@mediterranee-infection.com

Schematically, the candidate:

- Constitutes his letter,

- Sign it,

- Specifies the date,

- Sends it by e-mail to the following address: appel.offre@mediterranee-infection.com

In the course of the procedure, the candidate is therefore bound by the present rules of the consultation as well as by the conditions of use of the sites mentioned at the beginning of the procedure.

The buyer is committed to the integrity of the documents put online. The same documents are available on paper and kept on the premises of the IHU’s executive office and in this case, are the prevailing version in this form.

Moreover, the fact that a candidate has consulted or obtained electronically documents placed online by the IHU does not preclude him from submitting his application and his offer in paper **or** electronic form.

For candidates wishing to submit their tenders in dematerialized form, the transmission of applications and tenders by electronic means is carried out under the conditions defined below:

Tenders submitted by the candidate in electronic form must be submitted in a widely available format:

* .zip
* Word
* Excel
* Pdf
* DWG
* DAO AUTOCAD

.exe formats and macros are not allowed.

For contracts with unit price schedules and overall price and price decompositions: the unit price list (BPU) and the overall price and lump sum decompositions (DPGF) will only be provided in.xls format and the format response in .doc, where applicable.

The candidate is requested not to use macro-instructions in the documents transmitted and to ensure that his / her application and / or tender are not too large.

Applications and tenders transmitted by electronic means must be sent in such a way as to authenticate the candidate's signature.

The **categories of signature certificates used to sign electronically** must comply with the cross-sectoral safety frame of reference and be referenced on a list drawn up by the Minister responsible for State Reform.

This cross-sectoral security frame of reference and the list of categories of electronic signature certificates are published in electronic form at the following address:

<http://www.entreprises.minefi.gouv.fr/certificats/>.

In the case of grouped applications, the representative shall ensure the security and authenticity of the information transmitted on behalf of the members of the grouping.

The submission of applications and tenders is time-stamped and is the subject of a certain date of receipt and gives rise to an acknowledgment of receipt.

**Out-of-Time Management:**

Any electronic transmission that reaches beyond the filing date and time will be deemed to be out of time.

The letters received after this date and time, for whatever reason, will not be opened. The candidate will be informed. Only letters received before the deadline will be opened.

**Phase 4: Questions on the specifications:**

The candidates have the opportunity to ask questions to the IHU for the duration of the call for tenders.

The candidates who have used this route will receive the response of this service by e-mail. Indeed, the transmission of the letters is time-stamped and is the subject of a certain date of reception and gives rise to an acknowledgment of receipt.

Additional information shall be communicated no later than 15 days before the final date for submission of tenders.

**Phase 5: Anti-virus:**

The candidates must ensure that the files do not contain any viruses before they are transmitted. Any file constituting the bid or tender must be pre-processed by the candidates by an anti-virus.

Any electronic document sent by a candidate in which a computer virus is detected by the IHU can be the subject of a security archive without the document being read. This document is therefore deemed never to have been received and the candidate is informed of this procedure.

**Phase 6: Letter Opening Order - Backup Copy**

The letters transmitted by paper will be numbered in chronological order of arrival with a "p" identifier put for paper transmission; the letters transmitted by electronic means will be numbered in chronological order of arrival with an "e" identifier put for electronic transmission.

The IHU Méditerranée-Infection will initially open the paper letters in order of arrival, then it will open the electronic letters in order of arrival.

**Backup copy**

**A back-up copy** can be sent within the deadline for submission of the application and tender. The letter is clearly marked as "backup copy".

The backup copy is opened in the following cases:

1 - When a malicious computer program has been detected by the IHU in the electronic application or tender. The trace of this malevolence is preserved.

2 - When an application or an offer has been transmitted electronically but has not reached the IHU within the filing deadline or could not be opened by the IHU, provided, in both cases, that the backup copy was received by the IHU before the deadline.

NB: if the letter containing the backup copy is not opened, it is destroyed by the IHU.

In the case of an open invitation to tender or open competition, if an application submitted electronically is rejected, pursuant to Article 52 of the Public Procurement Code, the corresponding tender is deleted from the purchaser's files without having been read. The candidate is informed. If the electronic transmission was accompanied by a backup copy, the backup copy is destroyed without being opened.

In the case of open tendering or open competition, when the application and the tender are sent on an electronic physical medium, if the application is not accepted, the support bearing the corresponding tender shall be destroyed without having been read.

**Phase 7: Specificity of the electronic signature - Contract attribution phase**

The electronic submission must be sent in such a way as to authenticate the signature of the candidate to whom the contract is intended to be awarded. In order to guarantee the good execution of this dematerialized procedure, the candidate submitting his letter in a dematerialized way must take into account the indications mentioned below.

* Authentication and electronic signature:

In accordance with the order of June 15, 2012, on electronic signature in public contracts, all documents for which a signature is required must be signed by the candidate by means of an electronic signature certificate.

**The holder of the certificate of signature must be a person empowered to bind the company or duly authorized by it. In the latter case, a delegation of authority or signature must also be attached to the proposal, drawn up by the person legally empowered to bind the company.**

Attention: A digitized (scanned) handwritten signature is in no case valid as an electronic signature within the meaning of article 1316-4 of the Civil Code (the electronic signature "consists in the use of a reliable identification process guaranteeing its link with the act to which it is attached "). To give legal value to a digitized document, it must contain an electronic signature. In other words, no electronic document should bear a digitized handwritten signature. Only the electronic signature must be used.

Note: A signed zip is equivalent to the signature of the documents it contains. In the case of a zipped file, each document for which a signature is required must be signed separately.

The costs of certification are the responsibility of each candidate.

It is up to the candidate to verify when filing his letter that his certificate of electronic signature is valid.