



---

## DONATION OF EFSA ASSETS

**Reference:** EOI/EFSA/CORSER/2023/01

**Subject:** Expression of interest for donation of furniture

**Project/Process code:** EPA05.05-L3

**Expression of interest purpose:**

1. specify what EFSA will donate under the agreement resulting from this procedure;
2. announce the criteria which EFSA will use to identify the recipients;
3. guide interested candidates in the preparation and sending of their expression of interest;



## PROCEDURE TIMETABLE

Milestone	Date <sup>1</sup>	Comments
Launch date	01/03/2023	
Information visit	04/05/2023 at 10:00 and 11/05/2023 at 10:00	At the EFSA premises at Via Carlo Magno 1/A, I – 43126 Parma.  In order to attend the information visit, candidates must communicate the full name, date of birth, nationality and ID or passport number of their representatives at least two working days in advance to <a href="mailto:EFSAProcurement@efsa.europa.eu">EFSAProcurement@efsa.europa.eu</a> .
Deadline for sending request for clarification to EFSA	16/05/2023 at 14:30	Requests for clarification may only be sent in writing via email to <a href="mailto:EFSAProcurement@efsa.europa.eu">EFSAProcurement@efsa.europa.eu</a> . EFSA is not obliged to reply to clarifications received less than 6 working days before the deadline for submission of offers.
Deadline for EFSA to reply to clarification questions	18/05/2023	
"Receipt Time Limit" - Closing date and time for receipt of expression of interest	<b>24/05/2023 at 14:30</b>	
Notification to the selected candidates	Estimated: June 2023	The outcome of the procedure will be communicated to all candidates exclusively using the e-mail address indicated in their expression of interest. Please check regularly the inbox in question.
Donation agreement signature	Estimated: June 2023	

<sup>1</sup> All times are in the time zone of the country of the EFSA.



## **PART 1 WHAT DOES EFSA WANT TO DONATE THROUGH THIS EXPRESSION OF INTEREST?**

### **1.1 OBJECTIVES AND CONTEXT OF THE INVITATION FOR EXPRESSION OF INTEREST**

EFSA is a European agency funded by the European Union that operates independently of the European legislative and executive institutions (Commission, Council, and Parliament) and EU Member States.

It was set up in 2002 following a series of food crises in the late 1990s to be a source of scientific advice and communication on risks associated with the food chain. The agency was legally established by the EU under the General Food Law - Regulation 178/2002<sup>2</sup>.

The Agency will shortly need to change some of its furniture equipment to better adapt to its new shared desking modality in its offices. As a result, EFSA will have a number of furniture items that it no longer requires and in line with its environmental and social commitment it wishes to offer them for donation to registered charities.

### **1.2 SUBJECT OF THE DONATION, TIMELINE AND ESTIMATED VOLUME**

EFSA considers that it will offer for donation a number of items of furniture which will be available for collection approximately from June 2023 until September 2023. The items being offered are listed in the Catalogue in Annex I of this document. The items and respective indicative quantities are being offered as detailed in the Catalogue in Annex I on an 'as seen' basis (i.e. the Agency is unable to give any warranty as to the quality or condition of items).

Registered charities are invited to express their interest for the items listed as per the guidance provided in this document.

This invitation does not constitute any obligation on the part of the Agency. The Agency's obligation commences only upon signature of a donation agreement with the successful charity. EFSA reserves the right not to proceed with the donation of items at any time without providing a reason and without paying any compensation before a donation agreement is concluded.

EFSA reserves the right throughout this procedure to update the list of items (including indicative quantities available) in the Catalogue in Annex I in line with its relocation and disposal requirements. Following each update the Agency will publish the updated version of the Catalogue on its external website with the date of the recent update. Interested parties are therefore encouraged to regularly monitor the Agency's website for future updates. Should an update of the catalogue affect an expression of interest already submitted by a registered charity, the parties concerned will be informed accordingly and will be given an opportunity to revise their expression of interest.

### **1.3 INFORMATION VISIT**

EFSA will allow registered charities to inspect the typology of the items being offered at the EFSA premises at Via Carlo Magno 1/A, I - 43126 Parma, Italy on **04/05/2023 at 10:00** and **11/05/2023 at 10:00**.

It is to be noted that as the items could also be found in other locations, it may not be possible to view all items in their entirety. Registered charities wishing to attend an information visit with the intention to inspect the items are advised to contact [EFSAProcurement@efsa.europa.eu](mailto:EFSAProcurement@efsa.europa.eu). In addition, interested parties should provide their contact details (including names of visitors, e-mail address,

---

<sup>2</sup> Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as amended by Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain.



nationality and ID or passport number) to arrange a visit at least two working days in advance. For operational reasons a maximum of three people per registered charity will be allowed to attend a visit. Persons attending the visit will be provided with precise logistical details in due time.

## 1.4 DONATION AGREEMENT DETAILS

**Nature of agreement** donation

**Place of performance:** items to be collected at EFSA premises or local warehouse

## 1.5 PERSONAL DATA PROTECTION

Processing of personal data in the context of this contract shall comply with Regulation (EU) 2018/1725 ('the EDPR')<sup>3</sup>. The EDPR constitutes the specific data protection legal framework applicable to EU institutions, bodies, offices and agencies, including EFSA and is aligned with the rules and principles under the General Data Protection Regulation (EU) 2016/679 (GDPR), applicable in the European Union.

In terms of the EDPR, EFSA acts as the controller for processing of personal data under the contract and the selected contractor, any consortium partner and subcontractor, as the processor or sub-processor.

Processing of personal data by EFSA as contracting authority (controller)

Information on the processing of personal data by EFSA as contracting authority in charge of the present procurement procedure is available in the [Privacy Statement](#) on the EFSA website.

Please note that your personal data as a interested candidates may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 136 of the Financial Regulation. The relevant Privacy Statement is available on the European Commission's website, here:

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm#BDCE](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE).

For further information on data protection, please refer to the [EFSA guidance for tenderers](#) on the EFSA website, page 13.

## PART 2 HOW WILL RECIPIENTS BE IDENTIFIED?

### 2.1 GROUNDS FOR EXCLUSION

Criterion No. 2.1	Requirements and requested evidence
<b>1</b>	<b>Eligibility – access to EU Market</b>
	Requirements:

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1725>



	<p>Only expressions of interest from <b>candidates</b> established in eligible countries will be allowed to the next step of the evaluation. Please refer to the <a href="#">EFSA Guidance for tenderers</a> for further details<sup>4</sup>.</p> <p>By submitting an expression of interest, candidates confirm that they are not subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)<sup>5</sup>. EFSA reserves the right to refer to publicly available information to check whether an organization is subject to EU restrictive measure. The prohibition of being subject to EU restrictive measures applies throughout the whole performance of the contract.</p>
	Requested evidence:
	<b>Administrative data forms (including LEF):</b> available <a href="#">here</a>

Criterion No. <b>2.1</b>	Requirements and requested evidence
<b>2</b>	<b>Exclusion</b>
	Requirements:
	Candidates must not be in one of the exclusion situations listed in article 136 of the Financial Regulation, explained in the <a href="#">EFSA Guidance for tenderers</a> .
	Requested evidence:
	No evidence is required with your offer in order to demonstrate this.

## 2.2 SELECTION CRITERIA

Criterion No. <b>2.2</b>	Requirements and requested evidence
<b>1</b>	<b>Selection</b>
	Requirements:
	<p>The items listed in Annex 1 (Catalogue of items to be donated) will be donated (subject to signature of donation agreement) to:</p> <ul style="list-style-type: none"> <li>Registered charities: public and private entities belonging to one of the following categories (not in order of priority):</li> </ul>

<sup>4</sup> Please note that Procurement procedures of EFSA are not covered by the WTO Multilateral Government Procurement Agreement (GPA).

<sup>5</sup> The EU Official Journal contains the list of entities subject to restrictive measures and is regularly updated.



	<ul style="list-style-type: none"> <li>○ non-profit associations and entities registered in the appropriate register of associations;</li> <li>○ foundations and other public or private non-profit organizations with legal personality</li> <li>○ unrecognised associations, as referred to in Article 36 of the Italian Civil Code, which have their own statutory instrument from which it is possible to unequivocally infer the absence of profit-making purposes</li> <li>○ voluntary civil protection organisations entered in the appropriate registers, operating in Italy or abroad for humanitarian purposes;</li> </ul> <p>complying with all the conditions stated in this document and providing all the required supporting documentation.</p>
	Requested evidence:
	<ul style="list-style-type: none"> <li>• <b>Partita IVA</b></li> <li>• <b>Registered Statute</b></li> </ul>



### **PART 3 SUBMISSION OF EXPRESSIONS OF INTERESTS**

Before submitting an expression of interest, registered charities should consider an information visit to physically inspect the items being offered (see point 1.3 above for further details).

Registered charities wishing to express their interest may submit the documents listed below either electronically or by post or courier service. Documents to be submitted:

1. **Administrative data form, including LEF and registered statute**, available [here](#).
2. **A completed and signed expression of interest application** annexed to this document (**Annex 2**) clearly specifying items (incl. Catalogue reference) and respective quantities to which this expression of interest relates;

#### Electronic submission

Scanned copies of the above listed documents or electronically signed documents should be submitted by e-mail to: [EFSAProcurement@efsa.europa.eu](mailto:EFSAProcurement@efsa.europa.eu)

The date of submission of expression of interest shall be the date expression of interest is received by e-mail.

#### Submission by post, by courier service or by hand

The above listed documents should be sent to the following address:

European Food Safety Authority - EFSA  
For the attention of –Giorgia Ciani,  
Finance Unit (Procurement Team)  
Via Carlo Magno 1/A, I – 43126  
Parma,  
Italy

The date of submission of expression of interest shall be the date of dispatch by post or by courier. The evidence shall be constituted by the postmark or the date of the deposit slip at EFSA, to the address indicated above.

The documents can be delivered by hand at EFSA premises no later than 12.30 hours (Italian time) on the date indicated in the letter inviting candidates to submit an expression of interest.

EFSA will not reimburse any cost incurred in the preparation and submission of expressions of interest. Note that successful registered charities will have to collect the items and transport them at their own costs. All related costs shall be borne by the charity.

**The selection of registered charities to whom a donation agreement will be offered will be at the Agency's discretion, taking into consideration the order in which the parties submitted their expressions of interest.**

Successful registered charities with whom the Agency will conclude a donation agreement will be responsible for its staff or agents collecting the items from the Agency's premises and for their compliance with all relevant IT health and safety laws.

#### **Donation agreement details**

Selected registered charities will be notified of the Agency's decision on the items which will be donated to them. This notification of the offer of donation will stipulate a deadline by which the selected charity will have to agree with the Agency on a mutually acceptable collection date. Failure to agree on a



collection date within the stipulated deadline, as well as failure to collect the items on the agreed collection date may result in the offer of donation being revoked. Registered charities are reminded that they will have to arrange for collection and transportation of the items from the Agency's premises at their own cost. A copy of the donation agreement (Annex 3) will be sent electronically to the selected registered charities for their signature by an authorised representative.

The donation agreement can be signed using either of the below two options:

**1) Qualified Electronic Signature (*recommended*):**

In case you have the possibility to sign the contract using a qualified electronic signature (QES), please have the contract signed electronically by your authorised representative(s). Note that only the QES within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted. **Please ensure that your QES is visible on the signed document(s).**

As EFSA will sign the contract electronically, we strongly encourage you to also sign with QES. In this case, both parties can sign the same original and there will be no need for you to send any paper documents by post.

Documents signed with a QES benefit from the highest level of security and legal certainty under the eIDAS Regulation. More background information is available here: <https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eSignature+-+Businesses>

Before returning your QES signed document, please check the signature and validity of the certificate with one of the following tools:

- DSS Demonstration validation tool available at <https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation> can help you check the validity of a certificate by indicating the number and type of valid signatures in a document.

- EU Trusted List Browser can be consulted in order to check whether the electronic signature provider and the trust service it provides are part of European Union Trusted List:

<https://webgate.ec.europa.eu/tl-browser/#/>

- To make sure you use a QES compliant to eIDAS Regulation, you need to check that both the service provider and the qualified certificate generation service used are included in the EU Trusted List Browser.

Please send your QES signed contract by email only to: [EFSAProcurement@efsa.europa.eu](mailto:EFSAProcurement@efsa.europa.eu)

**2) Handwritten signature:**

In case you do not have the possibility to sign the contract using a qualified electronic signature (QES), please print the contract and have it signed and dated by your authorised representative(s) using an original blue ink, hand-written signature.

Please send the signed original by post to the below postal address:

European Food Safety Authority  
Finance Unit – Procurement Team  
Ms Giorgia Ciani  
Via Carlo Magno 1/a  
I – 43126 Parma  
Italy

We also kindly request that you send a scan of the blue in hand-written signature page as an advance copy via email to [EFSAProcurement@efsa.europa.eu](mailto:EFSAProcurement@efsa.europa.eu):

**Regardless of the signature option you chose, EFSA will sign the contract electronically and return the counter-signed version to you by email only.**

On collection, the representative of the registered charity collecting the items on their behalf will be required to countersign a document by way of receipt.

**Access, inspections, audits and processing of personal data**



You are informed that for the purposes of safeguarding the financial interest of the European Union, your personal data may be transferred to internal audit services, to the Court of Auditors, to the EDES Panel and/or to the European Anti-Fraud Office (OLAF). Please note that your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 136 of the Financial Regulation<sup>6</sup>. The relevant Privacy Statement is available on the European Commission's website, here:

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm#BDCE](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE).

If processing a reply to call for expression of interest involves the recording and processing of personal data (such as name, address), such data will be processed pursuant to Regulation (EU) 2018/1725<sup>7</sup> 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. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the call for tenders by the contracting authority. Details concerning the processing of your personal data are available in the privacy statement at: [https://ec.europa.eu/info/data-protection-public-procurement-procedures\\_en](https://ec.europa.eu/info/data-protection-public-procurement-procedures_en).

Detailed information on the processing of personal data in the context of EFSA procurement procedures is provided in the [Privacy Statement](#) available on EFSA's website.

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, you can contact the data controller at [EFSAProcurement@efsa.europa.eu](mailto:EFSAProcurement@efsa.europa.eu) by explicitly specifying your request. Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 136 of the Financial Regulation. For more information, see the Privacy Statement on [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm) ).

---

<sup>6</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

<sup>7</sup> OJ L 295, 21.11.2018, p. 39



**Annex 1 – Catalogue of items to be donated**

**Annex 2 – Template for expression of interest**

**Annex 3 - Draft donation agreement**

The donation agreement which results from this expression of interest will be based on the model annexed to this expression of interest.