MEMORANDUM OF UNDERSTANDING

Procurement procedure:
(hereafter "the procurement procedure")

Name of Institution, Agency or Other Body:
(hereafter "my Institution")

1. Directorate General Informatics of the European Commission (DIGIT) has informed my Institution of its intention to launch the procurement procedure. In view of the general-purpose nature of the supplies and/or services to be acquired under the resulting framework contract(s), other EU Institutions, Agencies and/or Other Bodies are invited to join the procurement procedure.

2. DIGIT has now:
   - provided a copy of the Orientation Document it has approved for the procurement procedure,
   and
   - invited them to join the procurement procedure, should they wish to do so.

In so doing, DIGIT has also reminded that, following Article 123(3), 7th subparagraph, of the Rules of Application of the Financial Regulation\(^1\) (RAP), it is not possible for other EU Institutions, Agencies and/or Other Bodies to join the procurement procedure and/or the resulting framework contract(s) after the publication of the full list of participating Institutions in the contract notice.

3. In my capacity as Authorising Officer by Delegation/Subdelegation, I have decided that my Institution will join the procurement procedure from the beginning.

4. In this context, I am aware of the following:

   (1) As per Article 159(3), 2nd subparagraph, RAP, but notwithstanding the provisions of Articles 157(2), 3rd subparagraph, and 158(2), 5th subparagraph, RAP, the award decision for the procurement procedure will be taken by DIGIT’s Authorising Officer.

   (2) The participation of my Institution as an awarding authority in the procurement procedure entails a commitment to use the results thereof, i.e. in order to meet the legitimate expectations of prospective tenderers. Therefore, I understand that the signature of this memorandum of understanding means that my Institution will be automatically included in the framework contract(s) resulting from the procurement procedure from its signing by the Commission and I hereby give power of attorney to this purpose. I also undertake to implement the measures necessary to be able to use the contract. [Optional wording (delete if not applicable): However, due in particular to current overlapping contractual commitments of my Institution, the contract will at the earliest enter into force for my Institution on .... (precise date)].

   (3) My Institution must use the resulting framework contract(s) as stipulated therein. Also I understand that DIGIT will set a global ceiling mentioned in the award decision and allocate from this an indicative quota, which will in turn be based on the volumes announced by my Institution at the survey stage. This quota may be reduced or increased based on the needs of all participating Institutions. My

Institution acknowledges that a quota increase is not automatically granted by DIGIT and that the initial quota may not be increased by more than 50%.

(4) My Institution undertakes:

(a) to inform DIGIT of any deviation in use which may significantly jeopardise the observance of the global ceiling and/or the indicative quota allocated to my Institution;

(b) not to place any order, where the corresponding amount would imply exceeding the indicative quota of my Institution without the Commission's prior authorisation;

(c) to meet my Institution's obligations under Article 123(4), 6th subparagraph, RAP and publish on my Institution’s relevant Internet website the information relating to the value and contractors of specific contracts based on the resulting framework contract no later than 30 June following the end of the financial year.

(d) to send every semester a report on the consumption under the resulting framework contract following the template provided by DIGIT (Annex 1). This report will reflect the situation as of 31/12 and 30/06 of each year.

or, alternatively, to use the IT tool for the follow-up of the consumption, when this tool is made available by DIGIT.

(e) to send every year a report on the implementation of the framework contract and the quality of the delivered supplies and services, following the template provided by DIGIT (Annex 2). This report will reflect the situation as of 31/12 of the corresponding year.

I am aware that in case my Institution does not fulfil the above-mentioned obligations, its further needs in terms of allocated quota might not be taken into account and it might not be invited to join future procurement procedures launched by DIGIT.

(5) My Institution remains responsible to settle in due course any situation which may hinder the correct implementation of the resulting framework contract(s), such as — for example — the existence of other contracts with overlapping subjects.

(6) DIGIT may have to refuse the present request to join the procurement procedure if my Institution does not return it to DIGIT within the deadline set, together with any other required information (such as anticipated volumes, contact persons, etc.) in the form required by DIGIT, or if my Institution does not supply any similar information required by DIGIT at a later stage.

Date:

Signature:

Annexes: 1. Consumption report (form)
2. Report on quality of implementation (form)

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2 This document must be signed by the Authorising Officer who would have been responsible for the file if the procurement procedure had been started by the Institution, Agency or Other Body on its own account.