TPLS
Third Party Logistics Support

EDA

Purpose and Functioning of the European Third Party Logistic Support (TPLS) Platform

PURPOSE AND GENERAL PRINCIPLES

1. The Platform, which will be operated by the European Defence Agency, is designed to serve as a forum for interaction between Contracting Authorities – in the meaning of States, regional or local authorities, bodies governed by public law, associations formed by one or several such authorities or one or several of such bodies governed by public law – and Economic Operators – in the meaning of potential or actual contractors, suppliers or service providers – to support the identification of the most appropriate solutions for mission and operation-related logistic support from external sources.

2. The Platform will primarily be operated as an internet based system and will consist of a publicly accessible area for Contracting Authorities to advertise their business opportunities, including ongoing and completed contracts, and a limited access area containing a database of Economic Operators structured along a Catalogue of Services covering the whole spectrum of logistic support which, in addition, comprises a compilation of model clauses for contractual arrangements, a request for quotation tool, models for the development of technical specifications and a business guide for Economic Operators as well as a guide of best practice for Contracting Authorities.

3. Contracting Authorities representing a participating Member State of the European Defence Agency will automatically have access to the limited access area of the Platform, whereas other Contracting Authorities will, before first using the Platform, be required to provide appropriate identification data and to accept their responsibilities in the use of the Platform.

4. Economic Operators wishing to have access to the limited access area of the Platform will have to register. In registering they will be required to provide necessary data to populate the database of Economic Operators and to accept their responsibilities in the use of the Platform.

5. The Platform will have no contracting capacity. Any contract deriving from the use of the Platform will be concluded between the respective Contracting Authorities and the successful Economic Operator according to the specific rules applicable to the contract.

6. The Platform will be supported by an Administrative Cell within the EDA to provide assistance to Contracting Authorities and Economic Operators using the Platform and an Advisory Group to be convened on a case by case basis to address questions the Administrative Cell cannot resolve internally. Any formal decisions to be taken in respect of the Platform will be submitted to the Steering Board of the EDA. The EDA will not accept any liability whatsoever with regard to the Platform or material on the Platform.

Public Access Area

7. Business Opportunities: Contracting Authorities can advertise their business opportunities, including contract notices, calls for expression of interest, prior information notices etc., on a dedicated internet page of the Platform. When making use of this service, Contracting Authorities will be required to ensure that the advertisement contains the necessary

information on the applicable tender procedures and on where and how to obtain the official documentation of the business opportunity.

In order to provide for the highest degree of competition, this internet page will be publically accessible. Contracting Authorities will be required to post their business opportunities in English language.

The Platform will in addition contain information on ongoing and completed contracts. In this respect the Contracting Authorities will be required to provide the Administrative Cell with necessary information on the contract awards.

8. Registering: Appropriate information on the applicable requirements and procedures for registering will be publicly accessible. Applications for registration will be submitted electronically to the Administrative Cell.

Limited Access Area

9. Database of Economic Operators: Registered Economic Operators will be admitted to a dedicated database operated and maintained by the Administrative Cell. This database will offer multiple search options in order to support both Contracting Authorities and registered Economic Operators in the identification of the most appropriate solutions for mission and operation-related logistic support from external sources.

In this respect, registered Economic Operators will be required to ensure that the data they provide will be correct, comprehensive, recent and accurate. The requested data will, besides the standard contact and certification information, include the nature of the service provided, information on the circumstances this service can be delivered in and, as applicable, preferences regarding sub-contractors.

Each registered Economic Operators will be required to review, on a regular basis, the data specifically related to it and validate the data as necessary in order to maintain the validity of the registration.

10. Catalogue of Services: In order to support the identification of the most appropriate solutions for mission and operation-related logistic support from external sources, the Catalogue of Services will be structured along the standard logistic functions and use, as appropriate, Common Procurement Vocabulary (CPV) codes as set forth in the current version of the respective EU regulation.

Registered Economic Operators will be required to base their entry into the Database of Economic Operators on the structure established by the Catalogue of Services.

The Catalogue of Services will periodically be reviewed and adjusted by the Administrative Cell.

11. Model Clauses for Contractual Arrangements: For the purpose of facilitating the setting up of contractual arrangements between Contracting Authorities and Economic Operators, the Platform will comprise a database of respective model clauses. In order to populate this database, Contracting Authorities and Economic Operators will be requested to provide appropriate input.

This database will provide contractual clauses of exemplary character and will be accessible to Contracting Authorities and registered Economic Operators. It will periodically be reviewed and adjusted by the Administrative Cell.

12. Request for Quotation Tool: For the purpose of allowing forecasts to expectable costs of a particular service, an electronic tool will be provided to request for quotations directly from specific Economic Operators.

13. Models for Technical Specifications: For the purpose of facilitating the technical shaping of business opportunities, a database of models for technical specifications will be established. In order to populate this database, Contracting Authorities and Economic Operators will be required to provide appropriate input.

It will contain illustrative technical specifications and will be accessible to Contracting Authorities and registered Economic Operators.

This database will periodically be reviewed and revised as necessary by the Administrative Cell.

14. Guide of Best Practice for Contracting Authorities: Contracting Authorities will have access to a Guide of Best Practice which will provide specific information on lessons learned in the field of related public procurement.

This Guide of Best Practice will periodically be reviewed and adjusted by the Administrative Cell.

15. Business Guide for Economic Operators: Registered Economic Operators will have access to a Business Guide which will provide specific information on how to prepare for dealing with Contracting Authorities.

The Business Guide for Economic Operators will periodically be reviewed and revised as necessary by the Administrative Cell.

Eligibility for Registration and Access

16. Contracting Authorities: Access to the Limited Access Area of the Platform will be granted to all Contracting Authorities representing a Member State of the European Union, or a third country, organisation or entity the European Defence Agency has concluded a respective administrative arrangement with. Access to the Limited Access Area of the Platform will also be granted to Contracting Authorities representing European bodies, such as the European Commission, the Council of the European Union and ATHENA.

For third countries participating in a particular mission or operation, access to the platform will be granted by means of specific requests to the Administrative Cell, for the duration of this participation. This access will comprise also the possibility to advertise business opportunities.

17. Economic Operators: Economic Operators having a technological or industrial base in the territories of the participating Member States of the European Defence Agency or in other countries referred to in 16 above, and not being excluded from the participation in a public contract according to applicable legislation on public procurement, will be entitled for registration. In exceptional cases and in full respect of 6 above, particularly if a specific service cannot be provided by such Economic Operators, other Economic Operators not fulfilling this criterion may be granted registration.

The application for registration will be reviewed by the Administrative Cell with respect to the criterion mentioned above, as well as in respect of the nature of the offered services. It will base its assessment on the information received from the applicant and, in addition, on openly accessible information from other sources, to include information from appropriate national authorities. Economic Operators failing to produce necessary evidence in support of the fulfilment of the access and eligibility criteria will not be entitled to register, however they will be informed about the outcome of the assessment and the reasons for denying them access.

Working Structure

18. Administrative Cell: The Administrative Cell will consist of personnel of the European Defence Agency. It will be responsible for all administrative tasks connected to the Platform, to comprise primarily the operation and maintenance of the Platform's specific features. Upon request, the Administrative Cell will also, within the limits of capacity and resources, provide

support and assistance to Contracting Authorities and Economic Operators regarding the use of the Platform.

19. Advisory Group: The Advisory Group will provide support and advice for those issues which cannot be resolved by the Administrative Cell. This will, in particular, comprise the assessment of applications for registration of Economic Operators from countries that are not covered by 16 above and, upon request by Contracting Authorities, the provision of advice on potential mission and operation-related TPLS solutions.

The Advisory Group, which will be convened on a case by case basis, will consist of representatives of Contracting Authorities and, if deemed necessary, relevant Economic Operators and will be chaired by a representative of the European Defence Agency. The chair will be entitled to invite representatives from a list of nominees as to actual needs, whereas at least two representatives of Contracting Authorities and, if deemed necessary, two representatives of Economic Operators will participate in the meeting. The chair will ensure the impartiality of representatives in the respective subject matters.

Representatives in the Advisory Group will be requested to act fully impartially and to ensure the absence of any facts or circumstances which might result in a conflict of interest. Should it become apparent, before or during the course of duties as a representative in the Advisory Group, that such impartiality is questioned or a conflict of interest might arise, the respective representative in the Advisory Group will be requested to withdraw.

20. Exchange of Experiences: In order to foster interaction, separate and conjoint when necessary, amongst Contracting Authorities and Economic Operators respectively, appropriate tools to exchange information and experience, including periodic meetings and dedicated internet-forums, will be established.

Information

21. Classified Information: All classified information will be handled in accordance with the respective national, international and European law applicable to the specific case.

22. Commercially Sensitive Information: Economic Operators will be requested to indicate if the information they provide is commercially sensitive. The Platform will, subject to respective national, international and European law, process such information in a way that it is accessible to Contracting Authorities only and will provide appropriate features to indicate its commercially sensitive nature. Contracting Authorities, as well as Economic Operators, will be required to treat Commercially Sensitive Information, subject to respective national, international and European law, in trust and confidence and to transfer, use and store such information on a need to know basis only.