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Submit the response to a public contract and exchange with the public purchaser

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For a public contract equal to or greater than **€40,000 HT**, all exchanges between the public purchaser and the applicant company must be dematerialized. It must therefore file its response by dematerialized means on a platform called buyer profile. Where the value of the contract is less than **€40,000 HT**, this platform is not mandatory and the buyer defines the means of transmission of the responses.

How do I submit the response to a contract? ^

The candidate's response to a public contract shall consist of an application dossier and a tender. It must be transmitted dematerialistically on the buyer profile where the public contract is of an amount equal to or greater than **€40,000 HT**.

Market less than € 40 000 excluding VAT

Below an amount of € 40,000 excluding VAT, the dematerialization of the procedure is not mandatory.

This means that the public purchaser is not required to use a buyer profile to receive applications and offers.

In this case, it is up to the buyer to define the means of transmission of the response. It may decide to use a dedicated mailbox with an acknowledgement of receipt indicating the date and time of receipt. It also has the possibility to choose to go through its buyer profile to facilitate the management and traceability of the exchanges.

Where the buyer has not provided for anything, the applicant company is free to use the format of its choice

Please note

Dematerialization is not mandatory for defense or security contracts, regardless of the amount.

Market equal to or greater than € 40 000 excl.

Tenders must be submitted in a **dematerialized** where the value of the public contract exceeds **€40,000HT**.

As a result, the use of email to transmit an offer is not possible. You have to go through the **buyer profile**. It is a dematerialization platform allowing buyers to make consultation documents available to economic operators electronically and to receive documents submitted by applicants. Only the buyer profile meets the required optimal privacy and security conditions.

All parts must be transmitted on the buyer profile except mock-ups, scale models, prototypes and samples which cannot be dematerialized.

Please note

Replies sent in paper format are inadmissible.

When must the application and tender be submitted? ^

The deadline for submitting the application and tender varies according to the type of contract.

Adapted Procedure Contract (Mapa)

In a Mapa, the public purchaser shall determine **freely** the time limit for receipt of applications and tenders.

However, this period must be *reasonable* and *conceited* to enable interested companies to prepare their application and to make a suitable offer.

The public purchaser takes into account several factors when setting the deadline:

- Subject matter of the intended contract
- Amount
- Urgency in concluding the contract
- Nature of benefits
- Need for on-site visit
- Magnitude of documents required from candidates

Too short a time-limit could be advantageous to the incumbent.

Formalized procedure

The time limits differ according to whether the contract is awarded by open call for tender, restricted call for tender or procedure with negotiation or competitive dialog.

Open call for tenders

The minimum time for receipt of **applications** and **offers** is 35 days. It may then be reduced to **30 days** in the case of transmission by electronic means.

That period shall begin on the day following the dispatch of the contract notice by the public purchaser via its dematerialization platform.

When a **emergency situation** as warranted (e.g. flood), the buyer may set a time limit of **15 days** minimum from the date on which the contract notice is dispatched.

Restricted RFQ

The restricted invitation to tender is a procedure in which only candidates who have been selected in a first stage may submit a tender.

For the **submission of applications**, the minimum time limits shall be as follows:

- For contracting authorities : the minimum time limit for receipt of applications shall be **30 days** from the date on which the contract notice is dispatched. When a **emergency situation** make this minimum period impossible to comply with, the contracting authority may reduce this period to at least 15 days from the date on which the contract notice is sent.
- For contracting entities (i.e. public companies operating in water, gas, electricity or transport): the minimum time limit for receipt of applications shall be **15 days** from the date on which the contract notice is dispatched.

For the **receipt of tenders**, the following time limits shall apply:

- For contracting authorities: the minimum time limit for receipt of applications shall be **30 days** from the date of dispatch of the invitation to tender. This period may be reduced to **25 days** if tenders are submitted by electronic means.
- For contracting entities (i.e. public companies operating in the water, gas, electricity or transport sectors): the deadline may be fixed by mutual agreement with the selected candidates, provided that this date is the same for all.

Procedure with negotiation

After a selection phase, negotiations between the public purchaser and the candidates can be initiated under the negotiated procedure.

- For contracting authorities : the minimum time limit for receipt of **applications** is **30 days** from the date on which the contract notice is dispatched. When a **emergency situation** makes this minimum period impossible to meet, this period may be reduced to 15 days. The minimum time limit of **receipt of tenders** is also **30 days**. It may be reduced to 25 days in the case of electronic transmission.
- For contracting entities (i.e. public companies operating in water, gas, electricity or transport): the minimum time limit for the receipt of **applications** is **15 days** from the date on which the contract notice is dispatched. For the reception of **offers**, the deadline may be fixed by mutual agreement with the selected candidates, provided that the deadline is the same for all.

Competitive Dialog

The competitive dialog is a mandatory 'restricted procedure', i.e. the buyer must examine the applications before soliciting tenders.

The minimum time limit for receipt of **applications** is **30 days** from the date on which the contract notice is dispatched.

Where the buyer considers that the dialog has ended, he shall inform the remaining participants and invite them to submit their final tenders.

The period shall be counted in **calendar days** including public holidays, Saturdays and Sundays.

It starts on **day after the day of dispatch** of the notice of advertisement and ends with the expiry of the last hour of the day on which it expires.

Warning

The deadline is set in the consultation regulation. After this period, tenders and applications submitted must be eliminated.

Is it possible to submit several successive offers? ^

Tenders must in principle be submitted in **once only**.

However, if several tenders are transmitted successively, only the last tender received is opened by the buyer.

It is therefore possible to **edit a previously submitted offer** submitting a new tender before the end of the response period. The amended tender must be sent in its entirety. This will be taken into account and offers previously received will be rejected without being opened.

FYI

This principle also applies in the case of successive transmissions of **applications** from the same candidate. If a document is missed or a wrong file is transmitted, a new deposit can be made before the deadline. Only the last application received within the deadline for submission is opened, irrespective of the method of transmission.

Should a backup copy of the electronic response be provided? ^

The **backup copy** is a copy of the **electronic response** of the candidate.

It may be carried out by the applicant company, but it is not compulsory. The public purchaser may not require the applicant company to make a backup copy.

How do I transmit a backup copy?

The backup copy can be transmitted in one of the following ways:

- **Paper medium** or **electronic physical medium** (USB flash drive, CD). The copy shall be placed in a fold marked 'backup copy'. It can be delivered against receipt to the address indicated by the buyer in the consultation documents, or sent by registered mail with acknowledgement of receipt by the Post Office.
- **Electronic channel**. This possibility may be allowed in the consultation documents. The copy shall be transmitted by means of tools guaranteeing certain minimum requirements. In particular, they must guarantee the identity of the purchaser, the exact time and date of receipt of the documents or access limited only to authorized persons. For example, a cloud platform or a digital vault.

The backup copy must include **same information as the original**.

The company wishing to send a backup copy must send it within the time limit indicated in the contract notice or in the consultation documents.

When is the backup copy used?

She's **open and used** only if a **abnormality or difficulty** have occurred during the submission of candidature dossiers and the transmission of tenders by electronic means. It therefore takes the place of electronic offering in the following cases:

- The buyer detects a virus in the offer submitted through the cloud.
- The electronic offer is received incomplete.
- The dematerialized tender is sent out of time and the company can prove that the start of the transmission took place before the deadline.
- The dematerialized offer cannot be opened by the buyer.

FYI

When the backup copy is not open or is discarded, it is destroyed.

Is signing of documents mandatory?

The forms for **application** (Single European Market Document (ESPD) or (DC1, DC2), do not have to be signed, either in handwriting or electronically.

The signature of **the offer** It is also not imposed by regulation. It is mandatory only for the final offer, which is the final contract (for example, a act of commitment (<https://entreprendre.service-public.gouv.fr/vosdroits/F23784?lang=en>) (ATTRI 1). This contract is optional at the stage of filing the reply, unless the buyer so requires.

The buyer can also offer an electronic signature.

Warning

The electronic signature certificate is paid for. It is marketed by qualified private electronic certification providers (<https://www.lsti-certification.fr/fr/certifications/eidas/>) . Because it may take several days to obtain, the request must be anticipated in relation to the response time (<https://entreprendre.service-public.gouv.fr/vosdroits/F32154?lang=en>) indicated in the contract notice.

An electronic signature is the equivalent of a handwritten signature for a dematerialized document.

To use the electronic signature, the company must satisfy **several preconditions** :

- It must have acquired a signing certificate that is nominative and the corresponding software application that is often offered by the buyer profile. It ensures the identity of the signatory and the integrity of the electronic document, i.e. it cannot be changed once signed. The certificate shall be issued for a period of 1 to 3 years to a natural person and not to a company. It is usually in the form of a USB stick.
- It must have specified its internal organization and designated the persons empowered to sign on its behalf: its holder must have the capacity to engage the business or have a delegation of power.

Please note

A signed printed document **by hand**, then scanned and transmitted electronically is equivalent to a simple copy. In order to be legally valid and have the same effect as the original, it will be necessary to prove that the copy is in conformity with the original.

Statute and miscellaneous references

Public order code: items R2132-1 to R2132-14 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037730737?lang=en)

Dematerialization of communications and exchanges of information

Public order code: item L2132-2 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037703583?lang=en)

Civil Code: Article 1367 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000032042456?lang=en)

Written evidence and electronic signature

Decree No. 2017-1416 of 28 September 2017 on electronic signature

(<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000035676246?lang=en>)

Order of 22 March 2019 on the electronic signature of public procurement contracts

(<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038318621/2020-10-05/?lang=en>)

Order of 22 March 2019 on the minimum requirements for electronic means of communication used in public procurement

(<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038318542?lang=en>)

Order of 14 April 2023 amending Annex 6 to the Public Procurement Code

(<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047476781?lang=en>)

Transmission of the backup copy by electronic means

Online services and forms

Government Procurement Platform (PLACE) (<https://entreprendre.service-public.gouv.fr/vosdroits/R14634?lang=en>)

Online service

Consult the Official Bulletin of Government Procurement Announcements (BOAMP)

(<https://entreprendre.service-public.gouv.fr/vosdroits/R14631?lang=en>)

Online service

FAQ

What is a public contract? (<https://entreprendre.service-public.gouv.fr/vosdroits/F33466?lang=en>)

Additional topics

Responding to the contract: preparing the application (<https://entreprendre.service-public.gouv.fr/vosdroits/F32144?lang=en>)

Respond to the contract in a grouping (co-contracting) or sub-contracting

(<https://entreprendre.service-public.gouv.fr/vosdroits/F32137?lang=en>)

Responding to the market: preparing the bid package (<https://entreprendre.service-public.gouv.fr/vosdroits/F32154?lang=en>)

"Very practical" guide to the dematerialization of public procurement (PDF - 1.4 MB)

(https://www.economie.gouv.fr/files/2020-06/Guide_OE_DEF28052020.pdf?v=1686298972?lang=en)

Ministry of Finance

Qualified electronic certification providers (<https://www.lsti-certification.fr/fr/certifications/eidas/?lang=en>)

LSTI - Agency authorized by the State to issue RGS certifications