



Terms of use for e- Procurement platform.

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Introduction

Read these conditions and the manuals before using the electronic system. The services can be used freely, although some require registration at no charge. More information on how we handle your data can be found in the following documents:

https://bosa.belgium.be/sites/default/files/content/documents/eproc_privacy_buyers_en.pdf

https://bosa.belgium.be/sites/default/files/content/documents/eproc_privacy_enterpr_EN.pdf

Some actions relating to our applications require some prior knowledge. You can acquire this knowledge by fully reading our [manuals and checklists](#).

Definitions

The website

The "website" refers to the website managed by the Federal Public Service Policy and Support (hereinafter FPS BOSA) <https://my.publicprocurement.be> with its additional components [e-Notification](#), [e-Tendering](#), [e-Auction](#), [e-Awarding](#) and [e-Catalogue](#) including the practice websites that can be accessed via <https://mydemo.publicprocurement.be> and the [ESPD-application](#) and its [demo version](#). The "website" also refers to all content and services offered by the FPS BOSA via the website.

Account

An account represents the authorisation of an individual user to log in to and use the services of this website and its related components and serves as the user's identity on this website.

The user

'The user', 'you' and 'your' refer to the individual person, the company or the organisation that visits or uses the website and its related components and/or services, has access to or uses any part of the account, or instructs the use of the account in the performance of their duties.

Services

The 'services' refer to the application offered on this website by the FPS BOSA, including, without limitation, e-mail services, download and upload services, signature services, auctions, forums,

publication modules, search engines and/or other means of exchange and communication designed to enable you to deal with public contracts.

Content

'Content' includes, without limitation, text, data, articles, images, photographs, graphs, designs and other materials that are available on the website; 'user content' refers to content written, created or uploaded by our users; 'your content' refers to all content you create on and/or via the website.

Confidential content

Confidential content is all non-public information disclosed by a user to other users that is marked as confidential or of which the receiving party knows or should reasonably know, in light of the circumstances of disclosure and the nature of the information, that it is confidential to the disclosing party.

FPS BOSA

'FPS BOSA', 'we', 'us' and 'our' refer to the Federal Public Service Policy and Support, as well as to its officials, representatives and other staff, including statutory and contract staff, and its subcontractors.

Applications

The services consist of applications, such as the public website, and an electronic system for communication and information exchange between contracting authorities and businesses. Under these conditions, the applications can be used freely, although some require prior registration.

Public Website

Via the website, everyone has free access to publications of market consultations, prior information notices, contract notices and award notices, as well as to information about the award of public contracts in general, including manuals, such as for the use of e-Notification and e-Tendering.

Electronic system for communication and information exchange between contracting authorities and businesses

This system allows contracting authorities to publish and award contracts in a fully electronic manner. Only contracting authorities / entities are authorised to publish public contracts via these modules.

Acceptance and application of conditions of use

By registering, the user accepts these conditions. If you do not agree to the conditions, you will not be entitled to access or use the services which require prior registration. In order to use the applications offered by this website, you must acknowledge that you have the required knowledge in this respect.

Authorisation

Contracting authorities / entities shall ensure that the electronic system for the award of public contracts is only used by persons competent or authorised to carry out one or more tasks. The FPS BOSA does not check whether registered users are actually competent or authorised and have user rights. For more information see item 6.

Proper use

Any use of the services must be made within the framework of the legislation on public procurement, and comply with this legislation, even if the application gives you the freedom to act otherwise. Examples:

- Improper use of a publication form.
- Setting a submission deadline that is too short.
- Disabling the signature module on e-Tendering where legislation requires a signature.

Any improper use is prohibited. Examples of improper use:

- To damage, render unusable, overload, infect with a virus or impede the operation of a server run by the FPS BOSA or its partners or of a network connected to it.
- Restricting or preventing the use of the services by other users that are not part of your organisation.

Under no circumstances may confidential content be disclosed to third parties. Only messages with an appropriate content may be posted on the website. Only legal content may be sent through the website. The user shall be responsible for the content they upload and any intellectual property rights associated with it.

Description of the responsibility of the business

Account management

The applications operate using a personal account and not a business account. You are responsible for the company data indicated in your personal account and for updating it. You are also responsible for protecting your username and password for our applications. You must do your utmost to ensure that this data is secure, and to prevent its circulation. If you do communicate this data, this is under your sole responsibility.

You are obliged to immediately change the password you have been given by the helpdesk or by our application (the only exception is the password you have been given with the invitation to take part in a restricted dossier. You cannot change this password).

You can only be logged into a specific account on one device at a time. On this device, you can only be logged into your account in one browser at a time. Before changing browsers, you must close the browser using the browser menu bar, not the cross.

Messaging

You are responsible for monitoring public contracts on the e-Notification platform, even if you are using messaging. Failure to receive a message or lack of information in the messaging cannot under any circumstances give rise to any compensation.

Electronic tender form

If the electronic tender form has been activated by the contracting authority / entity, as a business, you must fill in the correct data.

o Irrevocable registration of each action Although e-Tendering allows the deletion of documents, please note that each submission is considered a formal action. The submission area must NOT be regarded as a workspace where documents can be withdrawn or replaced without consequences;

on the contrary. Every action is registered and the deletion of documents must be confirmed by means of a deletion report and digital signature (*). Furthermore, documents will still be handed over to the contracting authority if the deletion report has not been signed on e-Tendering. However, the signed deletion report indicates that these documents should not be taken into account. (*) Only if the contracting authority / entity has made the signature mandatory in e-Tendering.

About e-Catalogue

As a business, you shall appoint the right people who will be able to access a file in e Catalogue, with a view to managing catalogues and orders in e-Catalogue. You shall notify this information to the contracting authority / entity in charge of the file.

As a business, you shall inform the contracting authority / entity in good time of any changes relating to the people who may access the files in e-Catalogue.

If orders are placed in e-Catalogue relating to one of your company's catalogues, you are responsible for supervising these orders, even if e-Catalogue sends out automatic notifications. Failure to receive a notification or lack of information in the notification cannot under any circumstances give rise to any compensation.

Description of the responsibility of the contracting authority

Account management

You are responsible for protecting your username and password for our applications. You must do your utmost to ensure that this data is secure, and to prevent its circulation. If you do communicate this data, this is under your sole responsibility.

You are obliged to immediately change the password you have been given by the helpdesk or by our application. As a contracting authority / entity, you have the choice to keep or change the automatically generated password for a restricted dossier (invitation to tender)

You can only be logged into a specific account on one device at a time. On this device, you can only be logged into your account in one browser at a time. Before changing browsers, you must close the browser using the browser menu bar, not the cross.

Use of e-Notification and e-Tendering

Although e-Notification makes numerous pre-programmed suggestions (such as using the e-Tendering platform by default, suggesting a possible submission deadline, etc.), you yourself must check the extent to which these suggestions correspond to your tender.

You are responsible for the content of the notice, the contract documents uploaded, the content of the opening report of the bids and any other basic aspects associated with the means of communication you use.

Electronic opening procedures cannot be organised on Friday afternoons (from 12 p.m. to 11:59 p.m.). The FPS BOSA has set aside this time slot for carrying out planned maintenance work. If you are nevertheless organising an opening procedure at this time, the FPS BOSA cannot guarantee that you will be able to use the e-Tendering application.

Opening procedure

Electronic opening procedures cannot be organised on Friday afternoons (from 12 p.m. to 11:59 p.m.). The FPS BOSA has set aside this time slot for carrying out planned maintenance work. If you are nevertheless organising an opening procedure at this time, the FPS BOSA cannot guarantee that you will be able to use the e-Tendering application.

After the opening procedure, you must immediately store the files you have received on a secure server you yourself manage.

Visibility of the file You are responsible for the visibility of your file. By default, the file is only visible to your organisation. The application offers the functions necessary for sharing it – if necessary – with the appropriate organisations.

Validity of electronic signature In case of doubt as to the qualified electronic signature, the candidate and/or tenderer shall be responsible for proving the validity of the signature. For this, they can call upon the certificate supplier. The contracting authority / entity shall then, based on the information obtained from the candidate and/or tenderer and possibly additional advice, assess the validity of the qualified electronic signature.

Archive management

After the archiving date for the file (check this in the file in e-Notification under the heading Management Data, and in e-Tendering under Parameters), the FPS BOSA will remove the file. In concrete terms, this means that the contract documents will no longer be available to businesses

and will even be deleted in full after 5 years. For e-Tendering, only the opening report of the bids will remain available after the file has been closed. The documents received (bid, digital signatures) will then be permanently deleted from our servers. The storage of the documents in accordance with the legislation on public procurement, the legislation on archives or other legislation is the sole responsibility of the contracting authority / entity.

Use of e-Sender packages

If you use e-Sender packages, you accept that certain functionalities must be used in a different manner, may give rise to delays (e.g. processing of notices) or may not be available.

Use of e-Catalogue

If you offer a contract via e-Catalogue, you yourself are responsible for the visibility of your file. By default, the file is only visible to your organisation. The application offers the functions necessary for sharing it – if necessary – with the appropriate organisations.

You are responsible for monitoring and managing the catalogues that are or have been uploaded in a file, even if e-Catalogue sends out automatic notifications in certain cases. Failure to receive a notification or lack of information in the notification cannot under any circumstances give rise to any compensation.

You are responsible for checking and approving the uploaded catalogues, and therefore for the accuracy and thoroughness of the information shown in the catalogue. All information relating to the articles, the purchasing department and the company is automatically taken from the final approved version of a catalogue. Consequently, if there is any incorrect information in the orders, e-Catalogue cannot be held responsible for any problem that may arise.

You monitor and approve the orders you create in e-Catalogue, even if e-Catalogue sends out automatic notifications in certain cases. Failure to receive a notification or lack of information in the notification cannot under any circumstances give rise to any compensation.

Use of e-Auctions

If you plan to organise electronic reverse auctions, you must first contact the FPS BOSA, the administrator of this application, to discuss the applicability, configuration and planning of the auctions.

Aside from the communication issued by e-Auctions to the participants selected by you, you are expected to have provided these participants with adequate information in the publication, the contract documents and the annex to the call for bids.

You are expected to supervise an auction while it is taking place and, if necessary, stop it under your own responsibility.

User management

Requests to join an organisation or operations on a profile must be approved by a superuser (person appointed within your organisation). If you have a superuser role, you are responsible for the use of the e-Procurement applications within your organisation. You must develop a structure within your organisation in which you will determine which departments will award public contracts. You must register these departments on the e-Procurement platform. You must then create an access management system: who is entitled to publish a notice, who can receive a bid, and so on. Lastly, you must circulate the communications from the FPS BOSA throughout your organisation. Please find below a non-comprehensive list of functions and characteristics that may help you with this.

- You are the primary point of contact between the (sub-)organisation and the FPS BOSA
- You can create sub-organisations
- You can accept/reject users to/from an organisation
- You can change a user's roles
- You can modify data about users and (sub-)organisations
- You can approve/reject the profiles created by the user (more precisely the modified roles)

You will receive an e-mail for each user action involving a request from a user to change their authorisations or involving the creation of a sub-organisation. You will still need to approve or reject this action on the website afterwards. The e-Procurement service will never process user requests on its own initiative. Users will be referred to the superuser, who in turn can perform the necessary actions (and/or call upon the helpdesk if necessary). If the user states that the superuser known to us no longer holds this role, the organisation needs to appoint a new superuser first. The new superuser can then perform the necessary actions (and/or call upon the helpdesk if necessary). The FPS BOSA cannot under any circumstances be held responsible for a lack of approval, or for the consequences of this. In addition, the FPS BOSA is not responsible for checking the roles people occupy. Indeed, our service cannot evaluate the job a worker carries out within an organisation. Finally, the FPS BOSA cannot be held responsible for the accuracy of data supplied by a user in User Management.

Disclaimer regarding the content

The FPS BOSA provides no guarantee as to the accuracy or updating of the content offered and uploaded by users on the website. Even if a certain text that is automatically generated and pre-programmed by the website is inaccurate, it is the responsibility of the user to ensure that the pre-programmed information is accurate, and to provide additional information in the text fields where necessary to correct the pre-programmed text. The same applies to possible erroneous information provided via the web services made available by the FPS BOSA, as this information is taken directly from the data available in the system, which is supervised by the different users themselves. The FPS BOSA is not responsible for the content of the ESPDs that are drawn up or completed with the aid of the ESPD application that it makes available at <https://espd.publicprocurement.be>. Nor is the FPS BOSA responsible for the availability, the content or the accuracy of the certificates created by businesses via the integration with the MyTelemarc application, the URLs of which are entered into the ESPD. In no event can the FPS BOSA be held liable for errors that may occur when using the MyTelemarc application, nor for any planned or unplanned service interruptions that may render it impossible to retrieve the requested certificates (or their URLs) from MyTelemarc. The FPS BOSA is not responsible for the availability, the content or the accuracy of the certificates created by businesses via the integration with the MyTelemarc application, the URLs of which are entered into the ESPD.

Availability and helpdesk

Availability

The FPS BOSA will make every effort to guarantee, to the extent possible, the availability of the website 7 days a week. However, access may be interrupted, specifically to carry out maintenance and updates, or for any other technical reason. In particular, the FPS BOSA reserves the right to interrupt access to the site (fully or partially) every day between 11 p.m. and 4 a.m. (CET) in order to carry out maintenance work on the application. Any other periods of interruptions due to maintenance work shall be notified on the homepage of the site <https://my.publicprocurement.be> under the heading System Information, and for e-Tendering in particular on <https://bosa.belgium.be/nl/themas/overheids-opdrachten/applicaties/onbeschikbaarheden-applicaties-voor-overheidsopdrachten>.

Helpdesk and technical problems

Notification obligation

Any technical problem you encounter must be documented (what action you have performed, screen and/or video shots, exact error messages, etc.) and notified within 60 minutes to the FPS BOSA at the following e-mail address or telephone number: e.proc@publicprocurement.be – +32 2 740 80 00. Possible technical problems:

- Unavailability of the platform
- Unavailability of a file
- Problems / difficulties when signing
- ...

Failure to notify a technical problem (in time) shall be deemed a waiver of any potential and future damage claims in this respect.

Condition for successful intervention

Each user must try out the configuration in advance (recommended: 5 working days in advance). If a problem with use is notified under 2 hours before opening the file and if the cause of the problem lies with the user (because of incorrect local configuration, incorrect use, etc.), the FPS BOSA cannot guarantee that it will be able to provide a solution before the opening date.

Possible causes of technical problems

Some modules on our websites depend on external software (Java, e-Contract software, Adobe and so on). If one or several of these components has/have been changed unexpectedly by these suppliers of external software, the FPS BOSA cannot guarantee the satisfactory operation of its own sites. The FPS BOSA undertakes to offer a solution as quickly as possible. For satisfactory use of our sites, you must regularly update your software, in particular:

- The operating software (operating system or OS)
- The browser
- The version of Java
- The eID software
- The software for reading PDF files

Because of the complex interaction between browser, Java, OS, etc., our service has prepared an information sheet with some general guidelines. You can consult this document at https://bosa.belgium.be/sites/default/files/documents/SPEC_EPROC_EN_20220803.pdf. From

experience, our service can confirm that most of the notifications not associated with the application are due to the configuration of the computer used. Problems with configuration are often associated with one of the following:

- Java software
- Browser settings
- Network settings
- Security settings
- Middleware-settings

Depending on the cause of the problem, analysis may take a certain amount of time and numerous operations may prove necessary in order to configure the computer correctly.

Access to files by the e-Procurement service and competent bodies

Staff of the e-Procurement service can access your file. This access is necessary in case of questions relating to the drawing up of a notice, analysis of a signature, to check the availability of the platform, etc. Authorised persons and bodies (Finance Inspector, Federal Internal Audit Service...) will have full or partial access to files in accordance with their authorisation.

Use of cookies and protection of personal data

Use of cookies

This website uses cookies, which are small data or text files stored on your computer by the browser. These cookies are used for a variety of purposes:

- For example, a technical cookie stores language preference.
- A session cookie is a temporary cookie allowing you to navigate between the various applications without having to log in again.
- A tracking cookie keeps track of your surfing behaviour on the website. A tracking cookie allows for personalised visualisation of websites.

The FPS BOSA uses cookies to make your visit to the websites more pleasant, among other things by reminding you of technical choices, such as your language preference and other settings. This can facilitate your next visit and make it more useful. You are advised to enable cookies if you want to consult our websites. If you do not wish to do so, you can disable the cookies. You must

then take into account the fact that the sites may not operate as successfully. On the browser's help page you can find out how to manage cookies.

Protection of personal data

The FPS BOSA respects users' privacy. Although most of the information on this site is available without needing to supply any personal data, the user may be asked to provide personal information. In this case, the data will be processed as stipulated in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and the Act of 30 July 2018 on the processing of personal data. More specifically, this means that:

The controller for the personal data is: FPS Policy and Support DG Federal Accountant and Procurement Head of e-Procurement WTC III Boulevard Simon Bolivar 30 box 1 B-1000 Brussels e.proc@publicprocurement.be + 32 2 740 80 00

Personal data is collected and processed in order to ensure that the e-Procurement applications operate in a satisfactory way (for example so that the information you require can be supplied and so that you can be kept informed about any information relating to the operation of the e-Procurement applications. Concrete examples: receiving messages based on your search profile, receiving an acknowledgement of receipt after submitting a bid, etc.).

You have access to your data at all times and you can check their accuracy and have mistakes in your personal data corrected at no expense.

The FPS BOSA undertakes not to use the data processed for marketing purposes and to apply the best possible safety measures in order to prevent any misuse by third parties of the personal data you have supplied. Our detailed policy can be found at

Our detailed policy can be found at

- https://bosa.belgium.be/sites/default/files/content/documents/eproc_privacy_enterpr_EN.pdf
- https://bosa.belgium.be/sites/default/files/content/documents/eproc_privacy_buyers_en.pdf

Intellectual property rights

The intellectual property rights to the website <https://my.publicprocurement.be> and its related components, including text, images, designs, data files, photographs and other visual materials, sound materials, formats, software, marks and other materials, belong to the FPS BOSA. The use of the logo or other rights is only permitted with prior permission from the FPS BOSA.

Questions or complaints

You can report any irregularities by sending an e-mail to e.proc@publicprocurement.be. Please include your contact details and any supporting material. If you think that the FPS BOSA e-Procurement service has not helped you sufficiently, you can lodge a complaint. [More information](#)

Ombudsman

If you are not satisfied with the way your complaint has been dealt with initially, you can contact the [Federale Ombudsman \(contact@federaalombudsman.be\)](mailto:contact@federaalombudsman.be)

Our contact details

FPS Policy and Support DG Federal Accountant and Procurement e-Procurement service

WTC III Boulevard Simon Bolivar 30 box 1 B-1000 Brussels

Helpdesk: tel.: +32 2 740 80 00 (Dutch+French) e.proc@publicprocurement.be.

Opening hours: every working day: 8:30 a.m. - 12 p.m. and 1:15 p.m. - 4.30 p.m. You can find detailed information about opening hours [here](#).

Applicable law and jurisdiction

These conditions of use shall be governed by Belgian law. Any disputes shall exclusively be submitted to the competent court in Brussels.