

Ljubljana, 03.09.2014
ACER/2014/AP/mv/494

Dear Sir/Madam,

Subject: INVITATION TO TENDER No. ACER/OP/ADMIN/10/2014 (open tender procedure) for the provision of temporary agency workers to the Agency for the Cooperation of Energy Regulators

Contract notice published in the Official Journal of the European Union (OJ EU) S 168 on 03.09.2014

All tender documents are available for downloading from the following address:

http://www.acer.europa.eu/The_agency/Public_Procurement/Pages/Open-calls.aspx from 04.09.2014

1. The Agency for the Cooperation of Energy Regulators ("the Agency") is planning to award the public contract referred to above. Please find enclosed the related tender specification listing all the documents that must be produced in order to submit a tender, and the draft contract.
2. If you are interested in this contract, you should submit a tender in **one (1) original** and **two (2) copies** in the English language.
3. Tenderers shall submit tenders by letter:
 - a) either by post or by courier **not later than 28.10.2014**, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the address indicated below.
 - b) or delivered by hand **not later than 16:00 hours Ljubljana time on 28.10.2014**, to the address indicated below. In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the Agency's central mail department who took delivery.

By post, by courier or by hand:

CALL FOR TENDER No. ACER/OP/ADMIN/10/2014

Agency for the Cooperation of Energy Regulators

For the attention of: Ms Mateja VAVTAR

Trg republike 3

1000 Ljubljana, Slovenia

The Agency is open from 09:00 to 17:00 Monday to Friday. It is closed on Saturdays, Sundays and Agency's holidays¹.

Tenders must be placed inside two sealed envelopes. The inner envelope, addressed as indicated above, should be marked as follows: "**CALL FOR TENDERS – NOT TO BE OPENED BY THE MAIL DEPARTMENT**". If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

The inner envelope must also contain two sealed envelopes, one containing the technical tender and the other the financial offer. Each of these envelopes must clearly indicate the content ("Technical" and "Financial").

4. Tenders must be:
 - signed by a duly authorised representative of the tenderer;
 - perfectly legible so that there can be no doubt as to words and figures;
 - drawn up using the model reply forms in the tender specification.
5. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is six (6) months from the final date for submission.
6. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender and in the tender specification and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. Submission of a tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.
7. All costs incurred during the preparation and submissions of tenders are to be borne by the tenderers and will not be reimbursed.
8. Contacts between the Agency and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:
 - Before the final date for submission of tenders:
 - * At the request of the tenderer, the Agency may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing only to:

ACER-OP-ADMIN-10-2014@acer.europa.eu

Requests for additional information received **less than five (5) working days before the closing date for submission of tenders will not be processed.**

- * The Agency may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

¹http://www.acer.europa.eu/Official_documents/Director/Directors%20Decision/Director%20Decision%202013-15.pdf

- * Any additional information including that referred to above will be posted on the following website:
http://www.acer.europa.eu/The_agency/Public_Procurement/Pages/Open-calls.aspx

The website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the tendering period.

- After the opening of tenders

- * If clarification is required or if obvious clerical errors in the tender need to be corrected, the Agency may contact the tenderer provided the terms of the tender are not modified as a result.

9. The tenders will be opened on **04.11.2013** at **12:00 hours** Ljubljana time at the following address:

Agency for the Cooperation of Energy Regulators
Trg republike 3 / XII. floor
1000 Ljubljana, Slovenia

Tenderers' representatives may attend the opening. A maximum of one (1) representative per tenderer may attend the opening session and their participation will be restricted to an observer role. This representative should give evidence of his legal capacity for attending the opening session (legal representative of the company or person having delegation of power) and should present his/her ID card or passport. The status of tenderers' representatives attending the opening will be verified by the opening committee. They will sign a record of attendance.

If you want your representative to attend, please notify, at least forty-eight (48) hours before the day of opening, in writing only to:

ACER-OP-ADMIN-10-2014@acer.europa.eu

10. This invitation to tender is in no way binding on the Agency. The Agency's contractual obligation commences only upon signature of the contract with the successful tenderer.
11. Up to the point of signature, the Agency may either abandon the procurement or cancel the award procedure, without the tenderers being entitled to claim any compensation. This decision must be substantiated and the tenderers notified.
12. Once the Agency has opened the tender, the document shall become the property of the Agency and it shall be treated confidentially.
13. You will be informed of the outcome of this procurement procedure.
14. If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and

any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Director's Office. Details concerning the processing of your personal data are available on the privacy statement at:

http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

15. Your personal data may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in:

- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the Privacy Statement on

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or

- the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE)



Alberto ROTOTSCHNIG
Director

Enclosures:

Annex I: Tender specifications

Annex II: Financial offer

Annex III: Draft framework service contract