

**Ref: Invitation to tender for Consultancy for services in the field of facility management - PROC/2019/01**

Dear Tenderer,

Please find a call for tenders relating to the above-mentioned contract.

Should you be interested in this contract, you are kindly proposed to submit a tender in compliance with the following requirements:

1. The tenders must be submitted:
  - a) Accompanied by a cover letter signed by the tenderer's duly authorised representative (Annex III to the tender specifications)
  - b) Using the annexed templates and forms specified in the tender specifications.
2. Tenderers shall submit their tender **electronically via the eSubmission application** no later than **18/03/2019 at 23:59 (CET)** through the eTendering website. The "e-Submission guide" is available via the following link [https://webgate.ec.europa.eu/esubmission/assets/documents/manual/quickGuide\\_en.pdf](https://webgate.ec.europa.eu/esubmission/assets/documents/manual/quickGuide_en.pdf).
3. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specifications, in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.
4. All costs incurred during the preparation and submission of tenders is to be borne by the tenderers and will not be reimbursed.
5. Contacts between ESMA and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:
  - a) Before the final date for submission of tenders:

All documents related to this tender procedure are downloadable and visible following the eTendering link published in the contract notice and on the ESMA website, but in order to use some options on the eTendering website, users will need to log in. Once logged in, users will have the option to 'subscribe' to a tender procedure which will mean that they will receive notifications for events like the publication of new documents. Moreover, this will allow users to ask questions related to this tender procedure. ESMA strongly recommends this.

    - At the request of the tenderer, the ESMA may provide additional information solely for the purpose of clarifying the invitation to tender,

the tender specifications and its annexes. Any requests for additional information must be made in writing to the eTendering platform.

- ESMA 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. Any such information will be published on the eTendering platform.
- Any additional information including that referred to above will be posted on the eTendering platform.

b) After the opening of tenders:

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

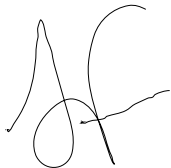
This invitation to tender is in no way binding on ESMA. ESMA's contractual obligation commences only upon signature of the contract with the successful tenderer. Up to the point of signature, ESMA may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated, and the candidates or tenderers notified.

6. Once ESMA has opened the tender, it shall become the property of ESMA and it shall be treated confidentially.
7. You may be informed, on request, whether or not your tender has been accepted.
8. 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 ESMA. Details concerning the processing of your personal data are available on the privacy statement at: [https://ec.europa.eu/info/funding-tenders/rules-public-procurement/data-protection-public-procurement-procedures\\_en](https://ec.europa.eu/info/funding-tenders/rules-public-procurement/data-protection-public-procurement-procedures_en).
9. Tenderers are informed that for the purpose of safeguarding the financial interest of the Communities, their personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).
10. Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Articles 136(1) (c) to (h) of the

Financial Regulation <sup>1</sup>. For more information, see the Privacy Statement on:  
[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)

ESMA looks forward to receiving your tender.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'J' and 'F' combined together.

Jamila Faiq  
Finance and Procurement Team

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<sup>1</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 of 26.10.2012, p. 1) as amended.