



EUROPEAN COMMISSION
DG Communications Networks, Content and Technology Directorate-General
Digital Economy & Coordination
European Semester and Knowledge Base

Brussels,

Dear Sir/Madam,

Subject: INVITATION TO THE PROCUREMENT PROCEDURE "Broadband coverage in Europe" – SMART 2016/0043

CONTRACT NOTICE 2016/S 105-186812

1. The European Commission 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 your tender in one of the official languages of the European Union.
3. You must submit your tender exclusively on paper, in one original and 3 copies and 1 copy in electronic format (USB key).

The tender must be placed inside two closed envelopes, both of which should be sealed. If self-adhesive envelopes are used, they should be further sealed with adhesive tape, upon which depositor's signature must appear.

The **outer envelope** should bear, in addition to the address of the above-mentioned Archive Department, the following mention:

"INVITATION TO TENDER "Broadband coverage in Europe" – SMART 2016/0043/
2016/S 105-186812"

"NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT"

"NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE 14/07/2016"

The **inner envelope** should also bear the following mention:

"INVITATION TO TENDER "Broadband coverage in Europe" – SMART 2016/0043"
2016/S 105-186812"

"NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT"

"NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE 14/07/2016"

"FULL NAME OF THE TENDERER"

Non respect of the above presentation requirements may lead to the exclusion from the award procedure for this contract.

The time limit for receipt of the tender is 05/07/2016. You must use one of the means of submission listed below. Receipt is understood as the time at which the tenderer hands over the tender to the post office or courier service or central mail department.

Means of submission	Time limit	Evidence	Address for delivery
Post	24:00 CET	Postmark	CALL FOR TENDERS " Broadband coverage in Europe " – SMART 2016/0043 European Commission, DG Communications Networks, Content and Technology Directorate R: Support Unit R2 – Finance – office: BU25 04/054 for the attention of Iorbanka CUIZA PERÉZ, Head of Sector B – 1049 Brussels Belgium
Courier	24:00 CET	Deposit slip of courier service	CALL FOR TENDERS " Broadband coverage in Europe " – SMART 2016/0043 European Commission Directorate-General Communications Networks, Content and Technology, Directorate R: Support Unit R2 – Finance – office: BU25 04/054 for the attention of Iorbanka CUIZA PERÉZ, Head of Sector Avenue du Bourget 1 B-1140 Brussels (Evere) Belgium
In person (hand delivery)	16:00 CET	Proof of receipt, signed and dated by the official in the central mail department who takes delivery	

Mail can be received from 07.30 to 17.30 Monday to Fridays. The service is closed on Saturdays, Sundays and official holidays of the contracting authority.

Late delivery may lead to the exclusion from the award procedure for this contract.

4. Tenders must be:

- perfectly legible so that there can be no doubt as to words and figures;

5. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect is **9 months** from the date indicated in point 3.

6. Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.

7. All costs incurred for the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.

8. Opening of tenders:

The opening of tenders will take place on 14/07/2016 at 10:00 in the Commission building located in Avenue de Beaulieu 25 room 0/S 2, B-1160 Brussels.

A maximum of two representatives per tender can attend the opening of tenders as provided in Section IV.2.7 of the contract notice. For organisational and security reasons, the tenderer must provide the full name and ID or passport number of the representatives at least 3 working days in advance to Richard Vanhemelryck, by e-mail to: CNECT-R2-EOI@ec.europa.eu. Failing that, the contracting authority reserves the right to refuse access to its premises.

9. Contacts between the contracting authority and candidates or tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the date of receipt indicated in point 3:

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only through the eTendering website at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=1470> in the "questions and answers" tab, by clicking "create a question".

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the procurement documents.

Any additional information including that referred to above will be posted on the eTendering website indicated above: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=1470>.

After the opening of tenders:

If obvious clerical errors in the tender need to be corrected or confirmation of a specific or technical element is necessary, the contracting authority will contact the tenderer provided this does not lead to substantial changes to the terms of the submitted tender.

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

12. Once the contracting authority has opened the tender, it becomes its property and it shall be treated confidentially.
13. You will be informed of the outcome of this procurement procedure (award decision) by e-mail only. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check this e-mail address regularly.
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 Data Controller. 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 Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation¹. For more information, see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)
16. You may submit any observations concerning the procurement procedure to the contracting authority using the contact means under point 9. If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within two years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>).
17. Within two months of notice of the award decision, you may launch an action for annulment of the award decision. Any request you may make and any reply from us, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment or to open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated in Section VI.4.1 of the contract notice.

Yours faithfully,

Lucilla Sioli
Head of Unit
(e-signed)

¹ 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.