

DIRECTORATE-GENERAL FOR COMMUNICATION

DIRECTORATE FOR MEDIA

CONDITIONS FOR SUBMITTING A TENDER

INVITATION TO TENDER

Interinstitutional open procedure

Measuring the use of audiovisual material produced by the European institutions and broadcast by television channels.

Contract reference: COMM/DG/AWD/2016/387

1. GENERAL TERMS AND CONDITIONS FOR PARTICIPATING IN THE INVITATION TO TENDER

1. Submission of a tender implies acceptance by the tenderer of the terms and conditions laid down in the documents making up this invitation to tender: the specifications (and the annexes thereto), the draft framework contract, the draft order form. The above documents lay down the terms and conditions governing this invitation to tender and complement each other. In the event of contradictions between them, each document shall take precedence over the others in the order indicated in the 'Final provisions' of the draft framework contract.
2. In submitting a tender, tenderers waive their own conditions of sale or work. Submission of a tender shall bind the tenderer during performance of the contract, should it be awarded to him.
3. Before submitting a tender, tenderers must take all the steps required to gain a proper understanding of the scale and nature of the subject of the invitation to tender and of any potential difficulties. In submitting a tender, tenderers acknowledge that they are aware of the risks and problems in connection with performance of the contract.
4. The period of validity of tenders, during which tenderers are required to maintain all the terms and conditions in their tenders, is six months from the closing date for submission of tenders.
5. The specifications relating to the contract and the draft framework contract and order form are appended to this invitation. The specifications lay down all the documents to accompany the tender submission, including documents substantiating economic, financial, technical and professional capacity.
6. This invitation to tender does not entail any obligation on the part of the European Parliament; that will arise only when the contract is signed with the successful tenderer. Likewise, submission of a tender shall in no way entitle a firm to the award of the contract or a part thereof. Until the contract is signed, the European Parliament may either withdraw from the contract or cancel the procurement procedure, without candidates or tenderers being able to claim any compensation for any expenses incurred, including any travel costs. Where applicable, the reasons for that decision will be stated and communicated to all the tenderers.
7. Tenderers will be informed in writing of the decision taken on their tender.
8. Expenses incurred in connection with preparing and submitting tenders will be borne by tenderers and may not be reimbursed.
9. Tenders will remain the property of the European Parliament.
10. The follow-up to responses to the invitation to submit a tender will entail the registration and processing of personal data (e.g. name, address, CV). Such data will be processed in accordance with 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 otherwise indicated, the replies to questions and the personal data requested are necessary for evaluation of the tender, in accordance with the specifications in the invitation to

tender, and will be processed solely by the Directorate-General for Communication – Directorate A – Media for that purpose. On request, the tenderer can be provided with this personal data and can rectify any inaccurate or incomplete data. Tenderers may contact the Directorate-General for Communication – Directorate A – Media in respect of any matter relating to the processing of their personal data. Tenderers are entitled to have recourse at any time to the European Data Protection Supervisor with regard to the processing of their personal data.

2. ADDITIONAL INFORMATION

Tenderers who wish to obtain additional information about the tender documents should submit their questions in writing by the deadline for receipt of questions referred to in point 3 below, to the e-Tendering Platform: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=1619>.

Requests for additional information must bear the following:

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The contracting authority will not respond to oral questions, questions submitted after the deadline or questions which are incorrectly worded or addressed.

The contracting authority will make any questions received, together with the relevant replies, available to all candidates at the aforementioned e-Tendering address prior to the deadline for sending replies given in point 3 below.

3. PROBABLE TIMETABLE FOR THE INVITATION TO TENDER

Deadline for receiving questions: 10/08/2016

Deadline for sending replies: 12/08/2016

Deadline for submission of tenders: 12.00 (noon), Brussels time, on 18/08/2016.

Date and time of opening of tenders: 10.00, Brussels time, on 25/08/2016.

Probable date of award of the contract: 15/10/2016

4. VISITS TO THE PREMISES

Not applicable.

5. CONTENT AND PRESENTATION OF TENDERS

Tenders may only be submitted in writing and in one of the official languages of the European Union.

However, it is hereby specified that the working languages shall be English and French.

Your tender must comprise a **signed original** with each page duly completed and perfectly legible so as to preclude any doubt whatsoever as to the wording and figures.

Tenders must:

- be drawn up on the tenderer's headed paper;
- be signed by the tenderer or by his duly authorised representative;
- be submitted for the contract in its entirety;
- be expressed in euros;
- be submitted in two electronic copies on CD, DVD or USB drive which are structured hierarchically identical and labelled as the signed original tender submitted on paper.
By preference the electronic versions will allow to be searched using keywords (i.e. by preference no photographic scans, rather file conversions will be submitted).

The European Parliament's Administration will ask tenderers to complete any tender which is incomplete or illegible or which is not formatted as requested.

The first part of the tender must be entitled:

'I – Administrative Part'

and must be subdivided into the following sections:

The order and numbering of the sections must be followed without fail.

➤ **Section 1, entitled 'Memorandum and articles of association - Consortiums', must contain:**

- the articles of association of the firm acting as representative, or of each firm in the case of a consortium of economic operators, together with details of its registered office, capital structure, shareholders, holdings and the composition of its board of directors, or any other document reflecting the legal status of the economic operator;
- the information sheet concerning consortiums of economic operators, in Annex V of the specifications, duly completed, dated and signed, if the tender is being submitted a consortium of economic operators.
- Annex IV: 'Legal Entity- Supplier's financial identification form - Private company', duly completed, together with the necessary supporting documents.

➤ **Section 2, entitled 'Supporting documents relating to the exclusion criteria', must contain:**

- all the documents referred to in point 15 (Exclusion criteria) of the specifications.
- In the case of a group of economic operators, each member shall furnish proof concerning compliance with the exclusion criteria

If the tenderer intends to make use of subcontracting, all the documents referred to above must also be provided, without fail, for each subcontractor proposed.

➤ **Section 3, entitled ‘Supporting documents relating to the selection criteria’, must contain:**

- all the documents establishing that the tenderer meets the selection criteria relating to his legal and regulatory capacity as laid down in point 16.1.
- financial statements (balance sheets, profit and loss accounts and notes to the financial statements) for at least the last three years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established; the financial statements must have been audited by a competent authority (e.g. by an auditor or equivalent), in accordance with national legal provisions, where the firm has a legal obligation to that effect; otherwise, the company must declare that it is not subject to this requirement;
- the financial information sheet in Annex VII of the specifications, duly completed, dated and signed;
- all of the documents establishing that the tenderer meets the selection criteria relating to his technical and professional capacity, as laid down in point 16.3 (Technical and professional capacity) of the specifications.

The second part of the tender must be entitled:

‘II – Technical part’

and must be subdivided into the following sections:

The order and numbering of the sections must be followed without fail.

➤ **Section 1, entitled ‘Technical documents’, must contain:**

- all the documents relating to the technical aspects of the tender which the tenderer considers appropriate to produce, as laid down in point 14 of the specifications.

The third part of the tender must be entitled:

‘III – Financial part’

and must be made up of a single section containing all documents relating to the financial aspect of the tender, quoting the total amount thereof and any unit prices, together with the price schedules.

The order and numbering of the sections must be followed.

6. TIME LIMITS AND PROCEDURES FOR THE SUBMISSION OF TENDERS

1. The closing date and time for the submission of tenders is 12.00 noon on 18/08/2016 (Brussels time).

2. Tenders may be submitted:

- a) either by post, by recorded delivery or equivalent, or by courier posted, at the latest, on the **submission date** indicated above, as evidenced by the postmark or the date of the deposit slip, to the following address:

EUROPEAN PARLIAMENT
Official Mail Unit
Altiero Spinelli Building, Office 00F256,
Rue Wiertz 60
B-1047 BRUSSELS

- b) or by handing them in to the Official Mail Unit, either directly or through their representatives, no later than the **closing date and time** laid down above. Delivery of the tender shall be confirmed by a receipt, dated and signed in duplicate, issued by the European Parliament's Official Mail Unit. The date and time indicated on the receipt shall serve as the reference date and time. The opening hours of the Official Mail Unit to which tenders must be handed in are:

open Monday to Thursday, 9.00 to 12.00 and 14.00 to 17.00

Fridays from 9.00 to 12.00,

closed on Saturdays and Sundays and on public holidays and office closing days for the European Parliament. Please note that 15 August 2016 is a public holiday.

The European Parliament cannot guarantee receipt of tenders, regardless of how they are submitted, outside the Official Mail Unit's opening hours given above.

The European Parliament cannot be held liable for not having notified tenderers of any changes to the Official Mail Unit's opening hours which have come into effect since the documents relating to the invitation to tender were dispatched. Before handing in a tender, tenderers must themselves establish that the stated opening hours still apply.

3. Tenders which do not comply with the time limits for submission given in points (a) and (b) above will be deemed inadmissible.
4. In order to maintain the confidentiality and integrity of tenders, they must be sent under double cover. The two envelopes shall be sealed. Tenderers should use the labels in Annex VIII to the specifications for submitting tenders to the relevant European Parliament department. Both envelopes, inner and outer, must be marked with:

- the name and address of the recipient department:

EUROPEAN PARLIAMENT
Directorate-General for Communication
Audiovisual Unit
Mr José VIEJO MANZANAL
PHS Building, Office 01A63
Rue Wiertz 60
B-1047 BRUSSELS

- the reference of the invitation to tender:

INVITATION TO TENDER COMM/DG/AWD/2016/387

- and the following:

**NOT TO BE OPENED BY THE MAIL UNIT OR BY ANY
UNAUTHORISED PERSON**

Depending on the physical size of the tender, the term ‘envelope’ must be taken to cover – by extension – parcels, packages, boxes and other containers; the dimensions of containers should match as far as possible the files within them.

At all events, irrespective of the type of packaging used, tenderers should pay attention to the quality of the envelopes used for submitting their tenders in order to ensure that they do not arrive torn, thereby no longer ensuring the confidentiality or integrity of their contents.

If self-adhesive envelopes are used, they must be sealed with adhesive tape bearing the signature of the sender. The signature of the sender shall be deemed to comprise either the handwritten signature or the signature and the company stamp.

Any tender whose contents have not remained confidential until all tenders are opened will be rejected automatically.

The outer envelope shall also bear the tenderer's name or business name, together with the exact address at which he can be informed of the decision taken on his tender. The inner envelope must itself contain two sealed envelopes, one containing the technical part and the other the financial quotation. Each of those envelopes must clearly indicate the content (‘Technical part’ and ‘Financial quotation’).

7. OPENING OF TENDERS

Tenders will be opened at Luxembourg at 10:00 on 25/08/2016 hours (Brussels time) at the European Parliament, rue Wiertz 60, Jozsef Antall Building, Office -2Q129, 1047 Brussels.

Tenderers wishing to attend the opening of the tenders are asked to notify the department responsible for managing this procurement procedure, no later than two working days before the tender opening date, by email at avtenders@europarl.europa.eu. Only one representative may attend. Tenderers failing to give notification will automatically be refused access to the opening. The names of the persons attending the opening of the tenders must be given in the notification.

8. NOTIFICATION OF RESULTS

The European Parliament will inform all unsuccessful tenderers, simultaneously and individually, by post and by e-mail or fax, that their tender has not been accepted. In each

case the European Parliament will indicate the reasons for the rejection of the tender, and possible means of appeal.

Simultaneously with the notifications of rejection, the European Parliament will communicate the award decision to the successful tenderer, stating that this does not constitute an obligation on the part of the institution. The contract may not be signed until a period of 14 calendar days, commencing the day after the date of simultaneous notification of the rejection and award decisions, has elapsed. The period is reduced to 10 days if electronic means are used for the dispatch of the above referred notifications. In any event, the award decision will not become final until the selected tenderer has submitted the requisite documentary evidence concerning the exclusion criteria referred to in point 15 of the specifications and it has been accepted by the European Parliament. Acceptance will be communicated in writing, and will enable the tenderer selected to sign the contract if the period of 14 (or 10) calendar days has elapsed.

Any contract which is signed before the above period of 14 (or 10, respectively) calendar days has elapsed is null and void.

Upon written request - by letter, fax or e-mail - any unsuccessful tenderer may obtain additional information about the grounds for the rejection of his tender. Only tenderers who have submitted an admissible tender may obtain information about the characteristics and relative advantages of the tender chosen, together with the name of the tenderer awarded the contract. Tenders from tenderers who have not been excluded and who comply with the selection criteria are deemed admissible. However, some information will not be communicated if doing so would hinder application of the law, would be contrary to the public interest or would harm the legitimate business interests of public or private undertakings or could distort fair competition between them.

9. SUSPENSION OF THE PROCEDURE

If necessary, after the results have been notified and before the contract is signed, the European Parliament may suspend the signing of the contract for additional examination if this is justified by the requests or comments made by unsuccessful or aggrieved tenderers or by any other relevant information received. The requests, comments or information concerned must be received during the 14 calendar days commencing the day after the date of simultaneous notification of the rejection and award decisions or, where applicable, the publication of a contract award notice. All tenderers must be informed of any suspension decision within three working days thereof.

Following the additional examination arising from suspension of the procedure, the European Parliament may confirm its award decision, modify it or, if necessary, cancel the procedure. The reasons for any further decision must be stated and communicated in writing to all tenderers in contention.