



EUROPEAN COMMISSION

Directorate general for Financial Stability, Financial Services and Capital Markets Union

RESOURCES AND COMMUNICATION
Financial Resources and Internal Control

Brussels, 18.09.2017

fisma.a.2(2017)4487912

LETTER OF INVITATION TO TENDER

Dear Sir/Madam,

Subject: Open call for tender FISMA/2017/060/C

Study on options for consolidation of mandatory disclosure requirements of retail investment products and related services

1. The **European Commission** (hereinafter referred to as "*the contracting authority*") is planning to award the public contract referred to above. Please find enclosed the related procurement documents consisting of the contract notice, this invitation letter, the tender specifications with their annexes and the draft service contract.
2. If you are interested in this contract, you are hereby invited to submit a tender in one original (containing **original signatures** where requested) and 4 copies in one of the official languages of the European Union.
3. Tenderers shall submit tenders exclusively on paper:
 - a) either by registered post or by courier not later than **31/10/2017**, The evidence of the date of dispatch shall be the postmark or the date on the deposit slip, to the address indicated below.
 - b) or delivered in person (hand delivery) not later than **31/10/2017** 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 Commission's central mail department who has acknowledged delivery.

Mail can be received from 07.30 to 17.00 Monday to Fridays. The service is closed on Saturdays, Sundays and official holidays of the contracting authority.

<p><u>By registered post:</u> CALL FOR TENDERS FISMA/2017/060/C European Commission Directorate-General for Financial Stability, Financial Services and Capital Markets Union, Financial Resources and Internal Control Office: SPA2 – 07/020 B – 1049 Brussels Belgium</p>	<p><u>By courier or in person:</u> CALL FOR TENDERS FISMA/2017/060/C European Commission Directorate-General for Financial Stability, Financial Services and Capital Markets Union, Financial Resources and Internal Control Office: SPA2 – 07/020 Avenue du Bourget 1 B-1140 Brussels (Evere) Belgium</p>
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Tenders must be placed inside two sealed envelopes. Both the inner and outer envelope, addressed as indicated above, should be marked as follows: "CALL FOR TENDER **FISMA/2017/060/C** – NOT TO BE OPENED BY THE INTERNAL 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 tender. 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;
 - be perfectly legible so that there can be no doubt as to words and figures;
 - be drawn up using the model reply forms in the tender specifications.
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. Tenders will be opened in public session on **07/11/2017** at 14:30 - Meeting **room 03/A007** – Rue de Spa, n° 2 – B-1000 BRUXELLES. 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: EC-FISMA-CONTRACTS@ec.europa.eu. Failing that, the contracting authority reserves the right to refuse access to its premises.

9. Contacts between the contracting authority and 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=2835>

in the "questions and answers" tab, by clicking "create a question".

The contracting authority may, on its own initiative, inform 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

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2835>

The website will be updated regularly and it is the tenderer's responsibility to check for updates and clarifications during the submission period.

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. The contracting authority may reject a tender if the requested evidence for the exclusion and selection criteria is not provided in a satisfactory manner and in due time (see section 2.2 and 2.3 of the tender specifications).

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 of the contract, the contracting authority may cancel the award procedure, without the tenderers being entitled to claim any compensation. This decision must be substantiated and the tenderers notified as soon as possible.

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. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check this email address regularly. Submission of a tender implies acceptance of receiving notification on the outcome of the procedure by electronic means.
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 European Commission. 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#BDCE).
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.

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.

After awarding the contract:

18. The Contracting Authority may refuse to sign the contract and, if appropriate, award it to another tenderer or cancel the procedure, if the successful tenderer fails to provide- within the set deadline - valid and relevant documentary evidence of the exclusion and selection criteria confirming the declaration on honour.

I look forward to receiving your tender in response to this call for tenders.

Yours sincerely,
(*signed*)

Pamela Brumter-Coret
Director A – Resources and
Communication

Annexes: Tender specifications, draft service contract and other annexes