



**EUROPEAN COMMISSION**  
Directorate-General for Education and Culture  
Directorate Culture, Audiovisual policy and Sport  
**Audiovisual policy**

Brussels,

**Subject: Public open tender DG 01/04:** Surveillance/monitoring of the application of rules in the TVWF Directive concerning television advertising, sponsorship and teleshopping in the Member States (framework contract).

**Contracting Authority: European Commission**

Ref.: Your Request to participate dated <date, reference>

Dear <Name>,

You are hereby invited to submit a bid for the above tender, in accordance with the procedures laid down in this Invitation to Tender, with the Specifications, and with all related annexes, including the Terms of Reference. Please take careful note of all of the information contained in these documents, since bids received which are not in conformity with the requirements specified cannot be accepted.

## **1. PUBLICATION**

These specifications follow the publication of:

The prior information notice in the Official Journal of the European Communities 2004/S 11-008537 (16.01.2004) and

The contract notice in the Official Journal of the European Communities 2004/S 128-108028 (03.07.2004)

## **2. SUBMISSION OF THE BIDS**

Bids must be drawn up in one of the official languages of the European Union. Each bid must contain one original and four copies.

Tenderers may submit offers:

- (a) By post, for which purpose is to be the date of despatch by registered post, as evidenced by the postmark, must be **no later than 31/08/2004** addressed to:

Tenders for Unit C1 - Audiovisual policy  
Directorate-General for Education and Culture

European Commission  
Office 7/7  
rue Belliard 100  
B-1049 Brussels

or

(b) By hand-delivery by the Tenderer in person or by an agent, including private courier-service, **no later than 16.00 on 31/08/2004**, against a signed and dated receipt, to:

Unit C1 – Audiovisual policy  
Directorate-General for Education and Culture  
European Commission  
Office 7/7  
rue Belliard 100  
B-1049 Brussels

Tenders must be submitted in a sealed envelope itself enclosed within a second sealed envelope. The inner envelope must bear, in addition to the name of the department to which it is addressed, the words, “Appel d’offres DG EAC 01/04 – à ne pas ouvrir par le service du courrier. Invitation to tender DG EAC 01/04 – Not to be opened by the mail service.” If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across that tape.

### **3. OPENING OF THE BIDS**

An ad hoc committee will be set up to open the tenders and to check whether the procedures for the submission of tenders have been complied with. This committee will open the tenders on 07/09/2004 at 11:00 in DG EAC’s meeting room 7/8, rue Belliard 100, B-1049 Brussels.

A representative of each Tenderer may attend the opening of the bids.

### **4. TENDERS**

Tenders must:

- 4.1. be drawn up preferably on the Tenderer’s headed paper;
- 4.2. be perfectly legible in order to rule out any doubt whatsoever concerning the words or figures.

### **5. DOCUMENTS TO BE PROVIDED BY THE TENDERER:**

- (1) The completed form(s) in Annex 3, required by the Contracting Authority for the Identity of the Tenderer, accompanied by the supporting evidence, as set out in point 7 of the Specifications;

- (2) The certification and documents required as proof for the examination of Exclusion Criteria, as set out in point 8 of the Specifications;
- (3) All the documents required for the appraisal of tenders on the basis of the Selection Criteria set out in point 9 of the Specifications;
- (4) The elements required for the appraisal of tenders on the basis of the Award Criteria set out in point 10 of the Specifications;
- (5) The completed form in Annex 5, "Table of prices", in accordance with point 8 below.

## **6. ACCEPTANCE OF CONDITIONS**

Submission of a tender entails:

- (1) acceptance by the Tenderer of all the terms and conditions stipulated in this Invitation to Tender, in the Specifications, and all the Annexes thereto, including the draft Contract. This submission binds the Contractor to whom the contract is awarded, during the performance of the contract.
- (2) waiver of the Tenderer's own terms of business.

## **7. PERIOD OF VALIDITY OF BIDS**

Tenderers must keep their bids open, in respect of all the conditions therein, for a period of six months after the deadline for the submission of bids. The conditions set out in the Tenderer's bid may not be varied in any respect during that period.

## **8. TENDER PRICE**

- (1) The total value of the framework contract will not exceed EUR 1.000.000 over three financial years.
- (2) The prices must be quoted in Euros.
- (3) The prices must be for a fixed amount and will be firm and final.
- (4) The prices must include all travel and subsistence expenses foreseen by the Tenderer for the execution of the tasks. Such travel and subsistence costs will not be reimbursed separately, even if the costs prove to be different from the Contractor's initial estimate.
- (5) Tenderers must provide a table of prices, by filling in the form Annex 5 "Table of prices". The purpose of this is to help the Contracting Authority to judge the realism of the offer.
- (6) Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Communities are exempt from such charges under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities.

The amount of VAT should be shown separately if the Tenderer believes that they are obliged to charge VAT. VAT will not be taken into account during the consideration of the prices of the different tenders.

- (7) The Tenderer must sign the completed form in Annex 5 "Table of prices". The signature of the tender commits the Tenderer vis-à-vis the Contracting Authority.
- (8) The price shall be fixed and not subject to revision for the first year of performance of the Contract.

From the beginning of the second year of performance of the Contract, the amount may be revised in accordance with Article 1.3.2 of the model contract in Annex 2 to the Specifications.

## **9. PENALTIES**

Without prejudice to the application of penalties laid down in the contract, candidates or Tenderers and Contractors who have been guilty of making false declarations, or have been found to have seriously failed to meet their contractual obligations, shall be excluded from all grants and contracts financed by the Community budget and shall also receive financial penalties in accordance with Article 133 of the Implementing Regulation (Commission Regulation 2342/2002 of 23/12/02)

## **10. CONTACT BETWEEN THE CONTRACTING AUTHORITY AND THE TENDERER**

Tenderers will be informed of the outcome of their bids, which is expected to be known by November 2004.

Contact between the Contracting Authority and the Tenderer is forbidden, save, exceptionally, in cases where clarification of the tender dossier is necessary. Should the tender require any clarification prior to the deadline for submission of bids, the request should be addressed to: [avpolicy@cec.eu.int](mailto:avpolicy@cec.eu.int) or by fax to (32-2) 2965298, for the attention of M. Jean-Eric de Cockborne. Such requests for clarification, together with the responses, will be published by the Commission at: [http://europa.eu.int/comm/avpolicy/stat/studi\\_en.htm](http://europa.eu.int/comm/avpolicy/stat/studi_en.htm). Responses to requests for clarifications received at least 9 days before the deadline for submission of offers will be published not later than 6 days before the deadline. Responses to requests received 8 days or fewer before the deadline will be published as soon as possible. The final result of the tender will be published at the same address.

Where, after the deadline for submission of bids, clarification or correction of an error in your bid is required, you will be requested to provide such clarification or correction by the Contracting Authority. The clarification or correction may not lead to any modification in the terms of the offer.

I look forward to receiving your bid in response to these tender documents.

Yours sincerely,

Jean-Eric de Cockborne  
Head of Unit

Enclosures:        Specifications  
                         Annex 1: Terms of Reference  
                         Annex 2: Draft contract, including order and bank guarantee forms (for  
                         information)  
                         Annex 3: Information concerning the Tenderer (to be filled in and signed  
                         by the Tenderer)  
                         Annex 4: Certification with respect to the Exclusion Criteria (to be filled in  
                         and signed by the Tenderer and supported by the relevant documents)  
                         Annex 5: Table of prices (to be filled in and signed by the Tenderer)