



EUROPEAN COMMISSION

Directorate-General for Education and Culture

Directorate Culture, Audiovisual policy and Sport
Audiovisual policy

Brussels,

Subject: Public open tender DG EAC 03/04 - Study on co-regulation measures in the media sector

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 11-008538 (16.01.2004) and

the contract notice in the Official Journal of the European Communities 2004/S 127-107145 (02.07.2004)

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.

<Name of contact person>

[Name of company]

<Address>

Tenderers may submit offers:

(a) By post, for which purposes is to be the date of dispatch 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 03/04 – à ne pas ouvrir par le service du courrier. Invitation to tender GD EAC 03/04 – 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, giving the price, 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 price must be quoted in Euros
- (2) The price must be for a fixed amount, it shall be firm and final and not subject to revision.
- (3) The price 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.
- (4) Tenderers must provide a full estimated breakdown of prices, by filling in the form Annex 5, Price and Estimated Budget Breakdown. The purpose of this is to help the Contracting Authority to judge the realism of the offer. In

the event that the Tenderer is awarded the contract, only the total price will be binding.

- (5) 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.
- (6) The Tenderer must sign the completed form in Annex 5, Price and Estimated Budget Breakdown. The signature of the tender commits the Tenderer vis-à-vis the Contracting Authority.

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 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. 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.

11. INTERVIEWS

Interviews shall be held, if deemed necessary, from 04/10/2004 to 06/10/2004 at DG EAC'building, office 7/8, rue Belliard 100, B-1049 Brussels to answer any questions on the tender dossier which have been identified by the evaluation committee. Minutes will be taken during the interviews and these will be integrated in the final conclusions of the evaluation committee.

Each candidate will receive an invitation mentioning the date and time to participate to the interview with 2 weeks notice.

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 (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)
 Annex 5: Price and Estimated budget breakdown (to be filled in and
 signed by the Tenderer)