



Dear Sir/Madam,

**Subject: Invitation to tender ENER/B.3/2013-978-1
for a contract regarding a study "Support to civil liability, financial
security and compensation claims for offshore oil and gas activities"**

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.
Indicative amount of man-days needed for the tasks: 60
2. If you are interested in this contract, you should submit a tender in one original and two copies in one of the official languages of the European Union. A copy of the offer on a CD/DVD/USB stick has also to be submitted.
3. Tenderers shall submit tenders by letter:
 - a) either by post or by courier not later than 15/11/2013, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the address indicated below.
 - b) or delivered by hand not later than 16.00 on 15/11/2013 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 took delivery.

The department is open from 08.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays and Commission holidays.

<u>By post:</u>	<u>By courier or by hand:</u>
CALL FOR TENDERS ENER/B.3/2013-978-1 European Commission Directorate-General for Energy Directorate B Internal Energy Market Unit B.3, office 03/008 For the attention of Ms Ariane VALENTA B – 1049 Brussels Belgium	CALL FOR TENDERS ENER/B.3/2013-978-1 European Commission Directorate-General for Energy Directorate B Internal Energy Market For the attention of Ms Ariane VALENTA Avenue du Bourget 1 B-1140 Brussels (Evere) Belgium

Tenders must be placed inside two sealed envelopes. **The inner envelope, addressed as indicated above, should be marked as follows: "CALL FOR TENDERS – 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 ("Administrative and technical parts" and "Financial offer (part E)").

For your bid to be found admissible the confidentiality thereof must have been ensured and the deadline for the submission of the bids met.

4. Tenders will be opened at 10:00 a.m. on 22/11/2013 at Rue De Mot 24 (Directorate-General for Energy, DM 24, office 03/058, 1040-Brussels).

Tenderers may attend the meeting but be represented by not more than one person. At the end of the opening session, the Chairman of the opening committee will indicate the name of the tenderers and the decision concerning the admissibility of each offer received. The prices mentioned in the bids will not be communicated.

5. Tenders must be:
 - signed by a duly authorised representative of the tenderer. The original signature of the single tenderer's or lead partner's authorised representative) (preferably in blue ink) on the identification form (Annex 1 of the technical specifications) shall be considered as the signature of the tender, binding the single tenderer or the group of partners to the terms included in the tender;
 - perfectly legible so that there can be no doubt as to words and figures;
6. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is six months from the final date for submission.
7. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specification and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. Submission of a tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.
8. All costs incurred during the preparation and submission of tenders is to be borne by the tenderers and will not be reimbursed.
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 final date for submission of tenders:
 - * At the request of the tenderer, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing only to [*insert functional mailbox and/or fax number*].

Requests for additional information received less than five working days before the final date for submission of tenders will not be processed.

- * The Commission may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.
- * Any additional information including that referred to above will be posted on http://ec.europa.eu/energy/index_en.htm#t 0 3. The website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the tendering period and sent simultaneously to all candidates invited to tender.

- After the opening of tenders

- * If clarification is required or if obvious clerical errors in the tender need to be corrected, the contracting authority may contact the tenderer provided the terms of the tender are not modified as a result.
- * The contracting authority may negotiate with tenderers the tenders they have submitted, in order to adapt them to the requirements set out in the contract notice, tender specifications or any additional document and in order to find the tender offering best value for money. During negotiations equal treatment of all tenderers will be ensured.

10. This invitation to tender is in no way binding on the Commission. The Commission'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 either abandon the procurement or cancel the award 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 Commission has opened the tender, the document shall become the property of the Commission and it shall be treated confidentially.
13. You will be informed of the outcome of this procurement procedure.
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 [*entity acting as 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 Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in:

- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the Privacy Statement on http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm),
or

- the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE)

Yours faithfully,



Klaus-Dieter Borchardt

Encl.: Terms of Reference and annexes