



**EUROPEAN COMMISSION**

Directorate-General for Education and Culture

Directorate Lifelong Learning: policies and programmes  
**Higher Education and 'Erasmus'**

Brussels, 13<sup>th</sup> October 2009  
EAC/B-3-jf Ares (2009) n° 275808

**Subject: Public open tender EAC/47/2009: Feasibility study to examine the potential need for a Student Lending Facility at European Level**

**Contracting Authority: European Commission, Directorate-General for Education and Culture**

Dear Madam, dear Sir,

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**

This tender follows the publication of the contract notice in the Official Journal of the European Union 2009 / S197-282255.

**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 two copies.

Tenderers may submit offers:

(a) Either by post or by courier, **not later than 23<sup>rd</sup> November 2009**, 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 following address:

European Commission  
Directorate-General for Education and Culture  
Tenders for unit B3, MAD0 11/021  
For the attention of Ms. Barbara Nolan  
B-1049 Brussels  
BELGIUM

or

- (b) or delivered by hand to the following address:

European Commission  
Directorate-General for Education and Culture  
Tenders for Unit B-3, MADO 11/021  
For the attention of Ms. Barbara Nolan  
Avenue du Bourget, 1  
B-1140 Brussels (Evere)  
BELGIUM

**not later than 16h00 on 23<sup>rd</sup> November 2009.** 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 16.00 Monday to Friday. It is closed on Saturdays, Sundays and Commission holidays.

Tenders must be submitted in a sealed envelope itself enclosed within a second sealed envelope, addressed as indicated under (a) or (b) above. The inner envelope must bear, in addition to the address under (a), the words, "Invitation to tender EAC/47/2009– 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**

A 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 30<sup>th</sup> November 2009 at 14:30h in DG EAC's meeting room MADO 25/SDR1, 1, Place Madou, B-1210 Saint-Josse-Ten-Noode.

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

### **4. TENDERS**

Tenders must be:

- 4.1. drawn up preferably on the Tenderer's headed paper;
- 4.2. perfectly legible in order to rule out any doubt whatsoever concerning the words or figures;
- 4.3. drawn up using the model reply forms in the specification;
- 4.4. signed by the tenderer or his duly authorised representative.

### **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 declaration 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 methodology and CVs 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 tenderer to whom the contract is awarded, for the duration of the contract.
- (2) where appropriate, waiver of the tenderer's own general or specific terms and conditions.

## **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 and will be firm and final.
- (3) The price must cover all tasks, including 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 each page of 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.
- (7) The costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.

## 9. TERMS OF PAYMENT

See Art. I.4 of the contract (Annex 2).

## 10. 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 134b of the Implementing Regulation (Commission Regulation N° 2342/2002 of 23/12/02, as amended).

## 11. CONTACT BETWEEN THE CONTRACTING AUTHORITY AND THE TENDERERS

Tenderers will be informed of the outcome of their bids, which is expected to be known by **December 2009**.

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 tenderers, 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 **EAC-unite-B3@ec.europa.eu** (referring to "Call for Tender EAC/47/2009").

Requests for additional information received less than five working days before the closing 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 sent simultaneously to all tenderers who have requested the specifications and will be

published under FAQs of the relevant call on our website:  
[http://ec.europa.eu/dgs/education\\_culture/calls/tenders\\_en.html](http://ec.europa.eu/dgs/education_culture/calls/tenders_en.html).

- 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.

## **12. DATA PROTECTION**

Processing your reply to the invitation to tender will involve 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 Directorate-General Education and Culture. You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to the Directorate-General Education and Culture. You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data.

You are informed that for the purposes of safeguarding the financial interest of the Communities, your personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).

Data of economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation may be included in a central database and communicated to the designated persons of the Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of the Financial Regulation (Council Regulation N° 1605/2002 of 25/06/2002, as amended). This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, up on request to the accounting officer of the Commission.

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

Yours sincerely,

Barbara Nolan

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: Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest (to be filled in and signed by the Tenderer)  
Annex 5: Price and Estimated budget breakdown (to be filled in and signed on each page by the Tenderer)