



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Labour Law

Brussels,

Subject: **Invitation to tender n° VT/2010/037**
Complementary study on the legal aspects of the posting of workers in the framework of the provision of services in the European Union

Dear Sir / Madam,

1. In response to your request, the European Commission is pleased to send you the dossier relating to open invitation to tender No VT/2010/037.

2. If you wish to participate in this invitation to tender, you are asked to submit your bid by 25/08/2010 at the latest. You may do this:

- a) either by registered letter (including private messenger service), to be posted no later than 25/08/2010 (date as postmarked) to the following **postal address**:

*European Commission
Employment, Social Affairs and Equal Opportunities DG F/2
B-1049 Brussels*

- b) or by hand (directly or through an authorised representative), by 16.00h on 25/08/2010 at the latest, to the following address:

*European Commission
Employment, Social Affairs and Equal Opportunities DG F/2
Avenue du Bourget 1
B-1140 Brussels (Evere)*

In the latter case, lodging of the bid will be acknowledged by means of a receipt dated and signed by the official of the above-mentioned department to whom the documents are handed over. The latter department will keep a copy of the receipt.

3. Presentation of bids

Bids must be in triplicate (1 original and 2 copies) and placed inside two sealed envelopes. If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape seal.

Please address the **outer envelope** to the Commission department specified above and mark it as follows:

*"INVITATION TO TENDER No. VT/2010/037
NOT TO BE OPENED IN THE POST ROOM
NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE 06/09/2010"*

The **inner envelope** should be marked:

*"INVITATION TO TENDER No. VT/2010/037
NOT TO BE OPENED IN THE POST ROOM
NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE 06/09/2010"
(NAME OF TENDERER)*

4. The specifications relating to this invitation to tender are appended (see Annex 1 - Specifications).
5. The submission of a bid implies acceptance of the provisions contained in:
 - a) this letter of invitation to tender
 - b) the Specifications (Annex 1);
 - c) the General Terms and Conditions applicable to service contracts awarded by the European Commission. This document is included in the attached model contract (Annex 2).
6. All bids must be:
 - signed by the tenderer or his duly authorised representative;
 - clearly legible to eliminate any possible doubt as to wording or figures.
7. Period of validity of the tender:
 - 3 months from 25/08/2010;
 - opening of tenders: not before 06/09/2010.
8. Tenderers will be informed of the outcome of their bid.
9. Candidates not intending to submit a bid are asked to notify us before the deadline, at the address given in point 2 above.
10. Bids may not under any circumstances exceed €150.000.
11. Any contact between the contracting authority and the tenderer during the procedure is forbidden, except exceptionally under the following conditions:
 - a) before the closing date for the submission of tenders, in respect of the tender specifications and additional documents and information, the contracting authority may:
 - at the instance of tenderers, communicate additional information solely for the purpose of clarifying the nature of the contract; such information to be communicated on the same date to all tenderers who have asked for the specifications;
 - at its own instance, if it discovers an error, a lack of precision, an omission or any other type of clerical defect in the text of the contract notice, invitation to tender or specifications, inform the persons concerned on the same date and in a manner identical with that applicable in respect of the original invitation to tender;
 - b) if, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the tender must be corrected, the contracting authority may contact the tenderer, although such contact may not lead to any alteration of the terms of the tender.
12. This invitation to tender is in no way binding upon the Commission. The Commission's contractual obligation commences only upon signature of the contract with the successful tenderer. The contracting authority may, before the contract is signed, either abandon the procurement or cancel the award procedure without giving rise to any compensation entitlement on the part of the bidders. Where appropriate, such decision must be substantiated and be brought to the attention of the bidders.
13. 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 department responsible for the call for tender. 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 Commission department to which the bid must be submitted. 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.

14. Tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125), or
- the Commission Regulation of 17.12.2008 on the Central Exclusion Database – CED (OJ L 344, 20.12.2008, p. 12),

their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned Decision and Regulation, in relation to the award or the execution of a procurement contract or a grant agreement or decision.

15. Further information may be obtained from:
EMPL-TENDER-2010-037@ec.europa.eu

Armando Silva
Authorising Officer

Annexes:

- Annex 1: Specifications VT/2010/037 + Annex I (art.93 and 94)
- Annex 2: Model contract (including the Annexes, which form an integral part of the contract). Tenderers should pay particular attention to the “General Terms and Conditions applicable to service contracts awarded by the Commission of the European Communities” in Annex III (Remuneration and reimbursable costs – Breakdown of prices) and Annex IV (CVs and classification of experts).
- Annex 3 : Bank ID form
- Annex 4 : Legal entity form
- Annex 5 – Declaration on honour