



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL ENERGY AND TRANSPORT  
DIRECTORATE E – Inland Transport  
The Director

Brussels, **19 MARS 2008**  
TREN/E2/TK/ Ib D(2008) 400697

## **INVITATION TO TENDER No. TREN/E2/297-2008**

(open procedure)

Dear Sir/Madam,

1. The European Commission invites tenders for a service contract regarding the following project:  
Study on Separation of accounts of railway undertakings and rail infrastructure managers.

The European Commission intends to put out for tender a study project to assess the implementation of the Directives of the rail infrastructure package as far as their provisions on separation of accounts are concerned. Directive 91/440/EC as amended by Directive 2001/12 defines detailed requirements as regards the separation of accounts between on the one hand rail freight transport services and passenger services as public service remits, and on the other hand between the provision of rail transport services and the infrastructure business.

The objective of the study project is to analyse to what extent Member States have appropriately implemented these provisions, to assist the Commission in its compliance analysis and to make recommendations for Community action to remedy any possible failure to achieve the aims of the Directive. Existing analysis shall be taken account of and shall not be duplicated.

This invitation to tender follows the publication of the contract notice in OJEU S [xxxxxx of xx/xx/xxxx]

2. If you are interested in this contract, you must submit a tender in **triplicate**, in one of the official languages of the European Union.

Tenders must be:

- (a) **either sent by registered mail or by private courier**

The tender must be sent by registered mail or by private courier, dispatched not later than 16/05/2008 (the postmark or the receipt issued by the courier service serving as proof of the dispatch) to the following address:

European Commission  
Directorate-General Energy and Transport  
DM 28 - 0/110 - Archives  
B-1049 Brussels  
Belgium

**By private courier**

European Commission  
Directorate-General Energy and Transport - DM 28 - 0/110  
Avenue du Bourget, 1  
B-1049 Brussels (Evere)  
Belgium

**(b) or delivered by hand**

Tenders must be delivered by hand at the **Central Mail of the European Commission** by 16/05/2008 **not later than 4 p.m.** (Brussels time), at the following address:

European Commission  
Directorate-General Energy and Transport – DM 28 0/110  
Avenue du Bourget, 1  
B-1140 Brussels (Evere)  
Belgium

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.

3. Tenders must be placed inside two sealed envelopes, one inside the other. **The inner envelope should be marked:**

**Call for tenders No. TREN/E2/297-2008**  
**not to be opened by the internal mail department**  
**DM 28 0/110 – Archives**

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

**The non-compliance with these formal conditions will entail the rejection of the bids at the opening session.**

4. Tenders will be opened at 10 a.m. on 29/05/2008, at 28 Rue De Mot (Directorate-General Energy and Transport, mail department, ground floor, office 110 1040-Brussels).

This opening session will be public. Each tenderer may 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. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial, technical and professional capacity and the draft contract are attached.
6. Tenders must be signed by the tenderer or his duly authorised representative and perfectly legible so that there can be no doubt as to words and figures.
7. Validity period of the tender: six months as from the final date for submission of tenders mentioned under point 2 above.
8. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specification, in the draft contract and, where applicable, waiver of the tenderer's own general or specific terms and conditions. The terms and conditions are binding on the tenderer to whom the contract is awarded during the performance of the contract.
9. Contacts between the awarding authority and tenderers are prohibited throughout the procedure except in exceptional circumstances and under the following conditions only:

Before the closing date for submission of tenders

- At the request of the tenderer, the awarding authority may provide additional information solely for the purpose of clarifying the nature of the contract.

Requests for additional information must be sent in writing not later than six calendar days before the closing date for submission of tenders to the following address:

Mr Thomas Kaufmann  
European Commission  
DM 24-2/14  
B-1049 Brussels  
Belgium

Fax (+ 32 2)299.02.62  
E-mail: Thomas.Kaufmann@ec.europa.eu

- The Commission may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other material shortcoming in the text of the tender documents.

Further information will be sent simultaneously to all tenderers who have requested the specification in writing, where this is appropriate. Tenderers who have downloaded the documents from the Directorate-General Energy and transport website (DG TREN) are invited to consult this site regularly until the deadline for submission.

After the opening of tenders

If a tender requires clarification, or if there is a need to correct material errors which have occurred in the drafting of the tender, the Commission may take the initiative and contact the tenderer(s). Such contact shall not lead to the conditions of the tender being altered in any way.

10. This invitation to tender is in no way binding on the Commission. A commitment will come about only when a contract with the successful tenderer has been signed.

Until a contract is signed, the awarding authority may decide not to award a contract or to cancel the tendering procedure, without the candidates or tenderers being entitled to claim any compensation. Where appropriate, the decision will be substantiated and brought to the attention of the tenderers.

11. Tenderers will be informed of whether their tenders have been accepted or rejected.
12. The follow-up of your response to the invitation to tender will require the recording and further processing of personal data (i.e. name, address, CV, etc.). This data will be processed in accordance with the requirements of Regulation (CE) 45/2001 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data. Unless if otherwise stated, replies to questions and personal data requested are necessary for the purpose of assessing your tender (according to the specifications of the invitation to tender) and will only be processed within DG TREN as data controller, for this purpose. You may, upon request, have your personal data sent to you and rectify any inaccurate or incomplete particulars. Should you have any queries concerning the processing of your personal data, please address them to the entity acting as data controller within DG TREN. As regards the processing of your personal data, you have the right to bring the matter before the European Data Protection Supervisor at any time.
13. 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. 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.

Yours faithfully,



Enrico GRILLO PASQUARELLI