

Ljubljana, 21.10.2016  
ACER/2016/AP/mv/477

Dear Sir/Madam,

**Subject: INVITATION TO TENDER No. ACER/OP/ADMIN/08/2016 (open tender procedure) for the provision of legal services in appeal cases to the Board of Appeal of the Agency for the Cooperation of Energy Regulators**

**Contract notice published in the Official Journal of the European Union (OJ EU) 2016/S S204-367923 on 21.10.2016**

**All procurement documents are available for downloading from the following address:**

[http://www.acer.europa.eu/The\\_agency/Public\\_Procurement/Pages/Open-calls.aspx](http://www.acer.europa.eu/The_agency/Public_Procurement/Pages/Open-calls.aspx) from 23.10.2016

1. The Agency for the Cooperation of Energy Regulators ("the Agency" or the 'Contracting Authority') is planning to award the contract referred to above. The procurement documents consist of the contract notice, this invitation letter, the tender specification with their annexes and the draft contract.
2. If you are interested in this contract, you should submit a tender in the English language.
3. You must submit your tender exclusively on paper, in **one (1) original and two (2) copies**.

The tender must be placed inside two closed envelopes addressed as indicated below. The inner envelope should be marked as follows: "**CALL FOR TENDERS – NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT**".

The inner envelope must also contain two closed envelopes, one containing the technical tender and the other the financial tender. Each of these envelopes must clearly indicate the content ("Technical" and "Financial").

The time limit for receipt of the tender is **22.11.2016**. You must use one of the means of submission listed below. Receipt is understood as the time at which the tenderer hands over the tender to the post office or courier service or central mail department.

Means of submission	Time limit	Evidence	Address for delivery
Post	<b>24:00 CET</b>	Postmark	<p><b>CALL FOR TENDERS</b>  <b>ACER/OP/ADMIN/08/2016</b>  <b>Agency for the Cooperation of Energy Regulators</b>  For the attention of: Ms M. Vavtar  <b>Trg republike 3</b>  <b>1000 Ljubljana, SLOVENIA</b></p>
Courier	<b>24:00 CET</b>	Deposit slip of courier service	
In person (hand delivery)	<b>16:00 CET</b>	Proof of receipt, signed and dated by the official in the mail department who takes delivery	

Mail can be received from 08.30 to 17.00 Monday to Friday. The service is closed on Saturdays, Sundays and Agency's holidays<sup>1</sup>.

4. Tenders must be:
  - perfectly legible so that there can be no doubt as to words and figures;
  - drawn up using the model reply forms in the tender specification.
5. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is six (6) months from the date indicated in point 3.
6. Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.
7. All costs incurred for the preparation and submissions of tenders are to be borne by the tenderers and will not be reimbursed.
8. A maximum of one (1) representative per tender can attend the opening of tenders as provided in Section IV.2.7 of the contract notice. For organisational and security reasons, the tenderer must provide the full name and ID or passport number of the representative at least two (2) working days in advance to: [ACER-OP-ADMIN-08-2016@acer.europa.eu](mailto:ACER-OP-ADMIN-08-2016@acer.europa.eu). Failing that, the contracting authority reserves the right to refuse access to its premises.
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 date of receipt indicated in point 3:

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any requests for additional information must be made in writing only to:

**[ACER-OP- ADMIN-08-2016@acer.europa.eu](mailto:ACER-OP-ADMIN-08-2016@acer.europa.eu)**

The contracting authority is not bound to reply to requests for additional information received less than six (6) working days before the date of receipt of tenders indicated in point 3.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the procurement documents.

Any additional information including that referred to above will be posted on the following website:

[http://www.acer.europa.eu/The\\_agency/Public\\_Procurement/Pages/Open-calls.aspx](http://www.acer.europa.eu/The_agency/Public_Procurement/Pages/Open-calls.aspx)

The website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the submission period.

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<sup>1</sup>[http://www.acer.europa.eu/Official\\_documents/Director/Directors%20Decision/Director%20Decision%202015-22.pdf](http://www.acer.europa.eu/Official_documents/Director/Directors%20Decision/Director%20Decision%202015-22.pdf)

### After the opening of tenders

If obvious clerical errors in the tender need to be corrected or confirmation of a specific or technical element is necessary, the contracting authority will contact the tenderer provided this does not lead to substantial changes to the terms of the submitted tender.

10. This invitation to tender is in no way binding on the contracting authority. The Agency'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 cancel the procurement procedure without the tenderers being entitled to claim any compensation. This decision must be substantiated and the tenderers notified.
12. Once the contracting authority has opened the tender, it becomes its property and it shall be treated confidentially.
13. You will be informed of the outcome of this procurement procedure by e-mail only. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check this e-mail address regularly.
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 the Administration Department. Details concerning the processing of your personal data are available on the privacy statement at:  
[http://ec.europa.eu/dataprotectionofficer/privacystatement\\_publicprocurement\\_en.pdf](http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf).
15. Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation<sup>2</sup>. For more information, see the Privacy Statement on  
[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm).



Alberto POTOTSCHNIG  
Director

### **Enclosures:**

*Annex I: Tender specifications*

*Annex II: Financial offer*

*Annex III: Draft framework contract*

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<sup>2</sup> Regulation (EU, Euratom) No 1929/2015 of the European Parliament and of the Council of 30 October 2015 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 2462/2015 (OJ L 342, 29.12.2015, p. 1).