

Ljubljana, 31.07.2013
ACER/2013/AP/vz/mv/647

Dear Sir/Madam,

Subject: INVITATION TO TENDER No. ACER/OP/MMD/12/2013 (open tender procedure) for the IT infrastructure hosting services for the Agency for the Cooperation of Energy Regulators

Contract notice published in the Official Journal of the European Union (OJ EU) S 146 on 30.07.2013

All tender documents are available for downloading from the following address:

http://www.acer.europa.eu/The_agency/Public_Procurement/Pages/Open-calls.aspx from 31.07.2013

1. The Agency for the Cooperation of Energy Regulators ("the Agency") 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.
2. If you are interested in this contract, you should submit a tender in one original and two copies in English language.
3. Tenderers shall submit tenders by letter:
 - a) either by post or by courier **not later than 17.09.2013**, 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 hours Ljubljana time on 17.09.2013**, 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 Agency's central mail department who took delivery.

By post, by courier or by hand:

CALL FOR TENDER No. ACER/OP/MMD/12/2013

**Agency for the Cooperation of Energy Regulators
For the attention of: Ms Mateja VAVTAR
Trg republike 3
1000 Ljubljana, Slovenia**

The Agency is open from 09:00 to 17:00 Monday to Friday. It is closed on Saturdays, Sundays and Agency's holidays¹.

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 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 offer. Each of these envelopes must clearly indicate the content ("Technical" and "Financial").

4. Tenders must be:
 - signed by a duly authorised representative of the tenderer;
 - 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 nine (9) months from the final date for submission.
6. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender and in the tender specification 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.
7. All costs incurred during the preparation and submissions of tenders are to be borne by the tenderers and will not be reimbursed.
8. 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) for the attention of **Ms Mateja VAVTAR**, indicating clearly "**Invitation to tender No. ACER/OP/MMD/12/2013**":

- By fax to the number: +386 (0)8 2053 413
- Or by e-mail to ACER-OP-MMD-12-2013@acer.europa.eu

Requests for additional information received **less than five (5) working days before the closing date for submission of tenders will not be processed** (for practical reasons).

¹http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Directors%20decision/Director%20Decision%202012-33.pdf

- * The Agency 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 the following website:
http://www.acer.europa.eu/The_agency/Public_Procurement/Pages/Open-calls.aspx
 - 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.
9. The tenders will be opened on **24.09.2013** at **11:00 hours** Ljubljana time at the following address:
- Agency for the Cooperation of Energy Regulators**
Trg republike 3/II. floor
1000 Ljubljana, Slovenia
- Tenderers' representatives may attend the opening. A maximum of one (1) representative per tenderer may attend the opening session and their participation will be restricted to an observer role. This representative should give evidence of his legal capacity for attending the opening session (legal representative of the company or person having delegation of power) and should present his/her ID card or passport. The status of tenderers' representatives attending the opening will be verified by the opening committee. They will sign a record of attendance.
- If you want your representative to attend, please notify **Ms Mateja VAVTAR** in writing, indicating clearly **"Invitation to tender No ACER/OP/MMD/12/2013"**:
- By letter sent to the address indicated in Section 3 above;
 - By fax to the number: +386 (0)8 2053 413
 - Or by e-mail to ACER-OP-MMD-12-2013@acer.europa.eu
10. This invitation to tender is in no way binding on the Agency. 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 either abandon the procurement or cancel the award procedure, without the tenderers being entitled to claim any compensation. This decision must be substantiated and the tenderers notified.
12. Once the Agency has opened the tender, the document shall become the property of the Agency 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 the Market Monitoring Department. Details concerning the processing of your personal data can be requested from the Data Protection Officer of the Agency by e-mail at: DPO@acer.europa.eu.
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)



Enclosures:

Annex I: Tender specifications

Annex II: Financial offer

Annex III: Draft framework service contract