



Luxembourg, 27th Mai 2014

EUROPEAN COURT OF AUDITORS

Eduardo RUIZ GARCÍA

Secretary-General

- Subject:** - Invitation to tender
- Open call for tenders N° AO 276 “Provision of external audit services to the European Court of Auditors”
 - Contract notice 2014/S 101-175785 published on 27/05/2014

Dear Sir or Madam,

1. SUBJECT MATTER

The European Court of Auditors, based in Luxembourg, is planning to award the public contract concerning external audit services. The tender documents concerning the above-mentioned invitation to tender are only available on the following web page:

<http://www.eca.europa.eu/en/Pages/PublicProcurement.aspx>

2. LODGING AND PRESENTATION OF THE TENDERS

If you are interested in this contract, you must submit a tender in **triplicate** (one original and two stamped copies) in one of the official languages of the European Union.

You may choose to submit tenders:

- a) either by post or by courier service not later than **7th July 2014**, 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 5.00 pm on **7th July 2014** to the address indicated below. In this case, a receipt must be obtained as proof of submission, signed and dated by the official at the European Court of Auditor’s Reception Desk who took delivery. The Reception Desk is open **from 8.00 am to 5.00 pm**, Monday to Friday. It is closed on Saturdays, Sundays and European Court of Auditors' holidays.

Electronic transmission (fax or email) of tenders is not permitted!

The tenderer must comply with the following transmission terms:

- In order to maintain the confidentiality and integrity of tenders, they must be sent under double cover. The two envelopes shall be sealed and bear a distinctive mark identifying the tenderer;
- The following label must be attached to the **outer envelope**:

<p>European Court of Auditors Reception Desk – Procurement Service 12, rue Alcide de Gasperi L-1615 Luxembourg</p> <p>INVITATION TO TENDER No AO 276</p> <p>NOT TO BE OPENED BY THE RECEPTION DESK OR MAIL SERVICE OR ANY UNAUTHORISED PERSON</p>

- The following label must be attached to the **inner envelope**:

<p>European Court of Auditors INVITATION TO TENDER No AO 276</p> <p>Bid from (name of tenderer)</p> <p>NOT TO BE OPENED BY THE RECEPTION DESK OR MAIL SERVICE OR ANY UNAUTHORISED PERSON</p>

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

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

Tenders not complying with the rules referred to above shall be considered inadmissible.

It is strongly recommended that the tenders are submitted in an environmentally friendly way, e.g. double-sided printing, limiting attachments to what is required in the technical specifications, avoiding plastic folder and binders.

The tender specifications and the draft contract are enclosed with this invitation to tender. A complete list of the documents that are required in connection with a bid is given in the tender specifications and the model offer (Annex 3).

Failure to provide any of the above-mentioned supporting documents may result in the disqualification of a tenderer's bid.

Tenders must be:

- signed by the tenderer or his duly authorised representative;
- perfectly legible so that there can be no doubt as to words and figures;
- drawn up using the model reply forms (Annex 3)

All costs incurred during the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.

3. VALIDITY OF THE TENDER

The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect: 9 months from the final date for submission.

4. GENERAL CONDITIONS

Submission of a tender implies for the tenderer:

- acceptance of all the terms and conditions set out in the Financial Regulation¹ and its rules of application²,
- acceptance of all the terms and conditions set out in this invitation to tender, in the tender specifications and in the draft contract,
- irrevocable commitment to perform the contract under the conditions set out in the offer if it is accepted,
- 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.

Once the Court has opened the tender, the document shall become the property of the Court of Auditors and it shall be treated confidentially.

5. CONTACT WITH THE INSTITUTION

Contacts between the Court of Auditors 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 Court 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

¹ Financial Regulation – Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, hereafter referred to as FR.

² Rules of application - Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, hereafter referred to as RAP.

eca-cellule.marches@eca.europa.eu

Requests for additional information received fewer than five working days before the final date for submission of tenders might not be processed.

- * The Court 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 European Court of Auditors' web address <http://www.eca.europa.eu/en/Pages/PublicProcurement.aspx>

Tenderers are strongly advised to consult the European Court of Auditors' internet site at regular intervals as additional information may be added at any time up to the closing date for submission of tenders.

- After the opening of tenders
- * If clarification is required or if obvious clerical errors in the tender need to be corrected, the Court may contact the tenderer provided the terms of the tender are not modified as a result.

6. AWARD AND SIGNATURE OF THE CONTRACT

This invitation to tender is in no way binding on the Court. The Court's contractual obligation commences only upon signature of the contract with the successful tenderer.

Up to the point of signature, the Court may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.

You will be informed whether or not your tender has been accepted.

7. PERSONAL DATA

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 authorising officer's service and the Tenders Evaluation Committee.

However, personal data may, where appropriate, be transferred to our external and internal audit bodies, the Financial Irregularities Panel (FIP) and the European Anti-Fraud Office (OLAF) of the European Commission.

You may, upon request, obtain access to your personal data and ask for any inaccurate or incomplete personal data to be rectified. Should you have any queries concerning the

processing of your personal data, please address them to the Court's Data Protection Officer. As regards the processing of your personal data, you have the right of recourse at any time to the European Data Protection Supervisor.

Data regarding financial operators which are in one of the situations referred to in Articles 106, 107 and Article 109(1)(b) and (2)(a) of the FR may be recorded in a central database (Central Exclusion Database) and communicated to persons designated by the Commission, to other institutions, agencies, authorities and bodies referred to in Article 108(1) and (2) of the FR.

This provision also concerns persons empowered to represent, take decisions for, or monitor the said financial operators. Any person recorded in the database is entitled to access the data held about them, by means of a request addressed to the Commission's accounting officer.

8. OPENING OF THE BIDS

The opening of the bids will take place on **10th July 2014** at 10.00 am, at 12, rue Alcide de Gasperi, L-1615 Luxembourg-Kirchberg.

Tenderers or their representative who wish to be present at the opening of the bids must inform the European Court of Auditors in writing (fax (+352) 4398-46955, e-mail: eca-cellule.marches@eca.europa.eu) by 9th July 2014 at 12.00 am at the latest, and must produce their authorisation from the tendering company. Only one representative per tenderer will be admitted.

9. ANNEXES

The following annexes form an integral part of this invitation to tender:

- Annex 1: Draft contract
- Annex 2: Tender Specifications
- Annex 3: Model offer including all standard reply forms

I look forward to hearing from you and thank you in advance for your interest in the Court of Auditors activities.

Yours faithfully,



Eduardo RUIZ GARCÍA