

~~21 December 2011~~
31 December 2011
EBA/2011/015/OPS/SER/OP

[Name
Address]

Dear Madam/Sir,

Subject: **Procurement Procedure for the Supply of Website Services to the European Banking Authority (EBA) (Lot 1 and Lot 2)** (reference number EBA/2011/015/OPS/SER/OP) (advertised in OJEU S252 on 31 December 2011).

1. Please find enclosed the tender documents relating to the abovementioned Invitation to Tender. Attached to this letter you will find a "Tender Acknowledgement Form". I would be grateful if you would complete and return it to me within seven days of receipt of this letter to indicate whether or not you intend to submit a tender.
2. If you are interested in participating in this tender, please submit a tender in **one** paper original and **two** paper copies with **one** copy on CD-ROM. In case of any discrepancy the paper copy shall prevail over the copy on CD-ROM. Please submit your tender to the following address which should be clearly marked as follows on the outer envelope:

Romain Sadet
European Banking Authority (EBA)
Procurement Procedure – Reference: EBA/2011/015/OPS/SER/OP
Tower 42 (Level 18),
25 Old Broad Street,
London EC2N 1HQ
UK

Please note that no tender may be submitted by electronic mail. Any tender submitted in such a way will be immediately eliminated from the procedure.

3. Tenders must be submitted in one of the following ways:
 - Either by **registered post or by courier service** dispatched no later than **12:00hrs GMT on 15 February 2012**, the postmark or the date of the deposit slip with the courier service serving as proof of posting date/time.
 - **Or by hand delivery** to the EBA no later than **12:00hrs GMT on 15 February 2012** directly or by a representative of the tenderer.
 - In the case where deliveries are by hand, the deadline to be respected shall be the date and time of **delivery** cited above and not the date of transmission/deposition by the tenderer to its representative. The said delivery must be against a dated and signed receipt given by a member of staff of the EBA or its representative.
4. Tenders must be submitted in one or more envelopes which are sealed, each enclosed inside a second sealed envelope. The following must be written on the inner envelope(s) in addition to the name and address as given in point 2 above:

Tender
Procurement Procedure – Reference:
EBA/2011/015/OPS/SER/OP
Attn **Romain Sadet**

NOT TO BE OPENED BY THE INTERNAL MAIL SERVICE

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

Boxes may be used instead of envelopes if the size or weight of the tender so requires.

Labels are attached to this letter which you may use for the submission of your tender for both the inner and outer envelopes.

Any financial element (i.e. Annex I Costing Sheet of the Instructions to Tender) must be submitted in a separate, clearly labelled binder or folder, and on separate CD-ROM. It must be submitted in a separate, sealed envelope. Information relating to this element should be given nowhere else in the tender.

All documents in electronic copy on the CD-ROM should be in either Adobe Portable Document Format (.pdf) or in standard Office 2003/7 format (i.e. doc and .xls).

In order to reduce the amount of paper submitted EBA requests that tenders are presented in the following way:

- (1) Always use double-sided printing;
- (2) Avoid use of unnecessary plastic folders or binders;
- (3) Avoid inclusion of attachments (brochures, booklets, general publicity material etc) which are not requested by the EBA;
- (4) Choose a simple, clear structure while paying careful attention to the documents and information requested in Articles 12, 13, 14, 15 and 16 of the Instructions to Tender.

The Instructions to Tender with Annexes for this tender as well as the draft contracts for Lot 1 and Lot 2 are attached to this Invitation to Tender letter. The Instructions to Tender clearly describe which documents are required to be included in your tender as well as the supporting documents which must be enclosed.

5. All tenders must:
 - Be signed by the tenderer or his authorised representative.
 - Be perfectly legible in order to avoid any doubt about terms and/or figures included.
 - Include the Costing Sheet or other model documents as indicated in the Instructions to Tender.
6. All tenders submitted must be valid for a period of six months from the closing date for receipt of tenders during which the tenderer may not modify the terms of the tender in any respect.
7. The submission of a tender in response to this Invitation to Tender automatically implies the tenderer's acceptance of all the terms and conditions stipulated in the Invitation to Tender, the

Instructions to Tender, and Annexes including the draft contracts. It also implies that the tenderer renounces his own terms and conditions. This is binding on the tenderer to whom the contracts are awarded for the duration of the contracts. You are requested to confirm acceptance of the draft contracts and terms and conditions of this tender as part of your tender response.

8. Contacts between the EBA and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the Final Date for Submission of Tender:

The tender dossier should be clear enough to avoid tenderers having to request additional information during the procedure. However at the request of the tenderer, the EBA may provide clarification and/or additional information solely for the purpose of clarifying the tender dossier and/or nature of the contract.

Should a tenderer have a question, this should be submitted in writing, preferably by email, to: tenders@eba.europa.eu before **16:00hrs GMT on 30 January 2012.**

EBA will have no obligation to provide answers to requests for clarification received after this date.

The EBA may also, on its own initiative, inform tenderers of any error, inaccuracy, omission or other clerical error in the text of the Contract Notice, Invitation to Tender Letter, Instructions to Tender or their Annexes.

Any additional information including that referred to above will be published on the procurement pages of the EBA website. Tenderers are therefore advised to check the EBA website on a regular basis for possible updates and/or clarifications.

After the Opening of Tenders:

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

9. No information visit is foreseen for this tender.
10. This Invitation to Tender does not constitute any contractual obligation on the part of the EBA. The EBA's obligation commences only upon signature of a contract with the successful tenderer.

The EBA may, until the contract is signed, withdraw from the contract or cancel the procurement procedure without any compensation to tenderers. In such a situation a decision to cancel would be notified to all tenderers.
11. Processing your reply to the Invitation to Tender may involve the recording and processing of personal data (such as names, addresses and Curricula Vitae). 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 European Union 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 and, if necessary, for any other relevant purposes which may be specified by the EBA. 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 EBA. 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.

12. You are informed that for the purposes of safeguarding the financial interest of the European Union, your personal data may be transferred to internal audit services, to the 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 general Financial Regulation¹ may be included in a central database and communicated to the designated persons of the European Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of the general 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 upon request to the EBA. The EBA will obtain the requested information from the accounting officer of the European Commission.

13. Tenders will be opened at the EBA's premises at Tower 42 (Level 18), 25 Old Broad Street, London EC2N 1HQ at **14:30hrs GMT on 22 February 2012**. One representative per tenderer is permitted to be present at the opening of the tenders. The name of any such representative is to be notified in advance in writing to the EBA to the address given in point 2 of this letter.

All tenderers will be informed of the outcome of their tender.

Yours faithfully,

Signed

Adam Farkas,

Executive Director

Enclosures:

1. Labels for Submission of a Tender
2. Tender Acknowledgement Form
3. Instructions to Tender with Annexes and draft contracts

¹ Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 (OJEU L 248 of 16.09.2002), as amended by Council Regulation (EC, Euratom) N° 1995/2006 of 13.12.2006 (OJEU L 390 of 30.12.2006).

Label for the Outer Envelope

<p style="text-align: center;">Romain Sadet European Banking Authority Procurement Procedure – Reference: EBA/2011/015/OPS/SER/OP Tower 42 (Level 18), 25 Old Broad Street, London EC2N 1HQ UK</p> <p style="text-align: center;">NOT TO BE OPENED BY THE INTERNAL MAIL SERVICE</p>

Label for the Inner Envelope

<p style="text-align: center;">Tender Procurement Procedure – EBA/2011/015/OPS/SER/OP Attn Romain Sadet</p> <p style="text-align: center;">NOT TO BE OPENED BY THE INTERNAL MAIL SERVICE</p>
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Tender Acknowledgement Form

To: Romain Sadet European Banking Authority (EBA) Procurement Procedure – Reference: EBA/2011/015/OPS/SER/OP Tower 42 (Level 18), 25 Old Broad Street, London EC2N 1HQ UK	From:
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Date: [complete]

Dear [complete]

Subject: Procurement Procedure no. [complete] for [complete] – OJEU reference [complete]

Your Invitation to Tender was received on [complete].

- * We intend to submit a tender in accordance with your instructions².
- * We are unable/do not wish to submit a tender. Our reasons are set out below. The Invitation to Tender documentation is enclosed/is being returned under separate cover³.

Please submit your reasons here (or in a separate letter) for declining the opportunity to submit a tender.

Yours sincerely

For and on behalf of:

Note to tenderers: completion and return of this form is requested but is not mandatory. Responses received are treated in confidence for internal evaluation purposes only and will have no consequences for the tenderers.

² Delete as applicable.

³ Delete as applicable.