

13 December 2013

BEREC Office ref. № 2013-BEREC-OT-02

To whom it may concern

**Subject: INVITATION TO OPEN TENDER THE VALUE OF NETWORK  
NEUTRALITY TO EUROPEAN CONSUMERS**

**№ 2013-BEREC-OT-02**

**Dear Sir/Madam,**

1. The **Office of the Body of European Regulators for Electronic Communications (hereinafter referred to as "the BEREC Office")** is planning to award the public contract(s) 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 the contract, you should submit a tender in **one** original and **three** copies.

either by registered post or by courier **not later than 17/02/2014**, 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:

**BEREC Office**  
Zigfrīda Annas Meierovica bulvāris № 14, 2<sup>nd</sup> floor  
Riga LV-1050, Latvia  
for the attention of **Mr Laszlo KASA**

or delivered by hand **not later than 15.00 h on 17/02/2014** to the address indicated above. In this case, a receipt must be obtained as proof of submission, signed and dated by a staff member of the BEREC Office who takes the delivery. Late delivery will lead to exclusion from the tender procedure.

Please note that the BEREC Office is closed during the period from 21 December 2013 to 2 January 2014.

The tender (consisting of 1 original and 3 copies) should be enclosed in **two envelopes**, both of which should be sealed. If self-adhesive envelopes are used, they should be further sealed with adhesive tape, upon which the depositor's signature must appear.

The **outer envelope** should bear the following indication, in addition to the postal address mentioned above:

**“INVITATION TO OPEN TENDER THE VALUE OF WETWORK NEUTRALITY TO EUROPEAN CONSUMERS”**  
**“NOT TO BE OPENED BY THE MESSENGER/COURIER SERVICE”**  
**“[FULL NAME OF THE TENDERER<sup>1</sup>]”**

The inner envelope, addressed as indicated above, should contain in addition the indication: **“NOT TO BE OPENED BY THE OPENING COMMITTEE BEFORE 05/03/2014”**. If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

3. Tenders must be:
  - a. signed by a duly authorised representative of the tenderer;
  - b. perfectly legible so that there can be no doubt as to words and figures;
  - c. drawn up using the model reply forms included in the tender specification.
4. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is **eleven months from the final date for submission**.

Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specification and in the draft contract 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. Subject to availability of the BEREC Office's budget for 2014, the contracting authority will cover all tasks to be executed by a contractor.

5. All costs incurred during the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.
6. Contacts between the BEREC Office 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 BEREC Office 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 the following functional mailbox: [procurement@berec.europa.eu](mailto:procurement@berec.europa.eu)

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

The BEREC Office 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 BEREC website, namely: [www.berec.europa.eu](http://www.berec.europa.eu). The website will be updated

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<sup>1</sup> To be added by the tenderer.

regularly and **it is the tenderers' responsibility to check for updates and modifications during the tendering period.**

After the opening of tenders

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

7. Opening of the tenders: **05/03/2014**

The opening of received tenders will take place on **05/03/2014** at **11:00** at BEREC Office premises located at Zigfrīda Annas Meierovica bulvāris № 14, 2nd floor, Riga LV-1050, Latvia.

One authorised representative of each tenderer may attend the opening of the tenders. Tenderers who plan to attend the opening session have to inform BEREC Office by e-mail at [procurement@berec.europa.eu](mailto:procurement@berec.europa.eu) by **28/02/2014** at the latest.

8. This invitation to tender is in no way binding on the BEREC Office. The BEREC Office's contractual obligation commences only upon signature of the contract with the successful tenderer.
9. Up to the point of signature, the BEREC Office 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.
10. Once the BEREC Office has opened the tender, the document shall become the property of the BEREC Office and it shall be treated confidentially.
11. You will be informed of the outcome of this procurement procedure by e-mail. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check it regularly.
12. 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 Mr Ando Rehema, Administrative Manager. Details concerning the processing of your personal data are available on the privacy statement at:  
[http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec\\_office/public\\_procurement\\_procedures/?doc=2451](http://berec.europa.eu/eng/document_register/subject_matter/berec_office/public_procurement_procedures/?doc=2451)
13. 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](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](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE) )

The BEREC Office takes this opportunity to thank all prospective bidders for showing interest in its procurement activities.

**Sincerely yours,**

**Ando REHEMAA**  
Administrative Manager



Enclosures:

- 1 - Contract Notice
- 2 - Tender Specifications
- 3 - Draft Service Contract