



Dear Sir/Madam,

**Subject: - Temporary workers at ESMA**

**- Open call for tender: OJ/27/04/2012 -PROC/2012/002**

1. Please find the call for tenders relating to the above-mentioned contract.
2. If you are interested in this contract, you should submit a tender in triplicate in one of the official languages of the European Union. .

a) either by registered mail not later than 12/06/2012 –to the following address:

European Securities and Markets Authority (ESMA)  
Attn: Procurement Office  
CS 60747  
103, rue de Grenelle, 75007 Paris  
75345 PARIS CEDEX 07

Evidence of the date of dispatch shall be constituted by the postmark. Tenderers submitting their offer by registered mail are requested to return by e-mail ([procurement@esma.europa.eu](mailto:procurement@esma.europa.eu)) a confirmation on submission of their offer.

b) or delivered by hand not later than 16.00 (local time) on than 12/06/2012 to the following address:

European Securities and Markets Authority (ESMA)  
Attn: Procurement Office  
103, rue de Grenelle, 75007 Paris  
France

In the case of hand-delivery, a receipt must be obtained as proof of submission, signed and dated by the staff member who took delivery at ESMA's Reception desk.

3. Tenders must be placed inside two sealed envelopes. The inner envelope, addressed to the department indicated in the invitation to tender, should be marked as follows: "**Invitation to tender - not to be opened by the internal 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 three sealed envelopes as follows:

**Envelope A**, containing one **original** (unbound, **signed** and clearly marked as "Original") of the **Technical Proposal** and three copies (bound and each marked as „Copy“)

**Envelope B**, containing one **signed original** and three copies of the **Financial Proposal**.

**Envelope C**, containing one original copy of the **supporting documentations**

4. 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;
5. The period of validity of the tender is **6 months** following the closing date for submission of tenders. During this period, tenderers may not modify the terms of their tenders in any respect.
6. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specification and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.
7. 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 to [procurement@esma.europa.eu](mailto:procurement@esma.europa.eu).  
Requests for additional information received less than five working days before the final date for submission of tenders will not be processed.
  - \* ESMA 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: [www.esma.europa.eu/page/Procurement](http://www.esma.europa.eu/page/Procurement)
  - **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.
8. This invitation to tender is in no way binding on ESMA. ESMA' contractual obligation commences only upon signature of the contract with the successful tenderer.
  9. Up to the point of signature, the contracting authority 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 ESMA has opened the tender, the document shall become the property of ESMA and it shall be treated confidentially.
  11. You will be informed whether or not your tender has been accepted.
  12. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
  13. 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 ESMA. 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).
  14. 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))

Yours sincerely,

Verena Ross  
Executive Director



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Encl.: Tender specifications  
Draft contract