



Luxembourg, 17 May 2017

Dear Sir/Madam,

Subject: - CALL FOR TENDERS COJ-PROC-17/018 Supply of subscriptions to specialised periodicals [LOT 1 CH Switzerland; LOT 2 OTHERS Other countries]

- Contract notice 2017/S 094-182906

1. The Court of Justice of the European Union (herein after the Court of Justice) is planning to award the contract referred to above. The procurement documents consist in the contract notice referred to above, this invitation letter, the tender specifications with their annexes and the draft contract.
2. If you are interested in this contract, you should submit a tender in one of the official languages of the European Union.
3. You must submit your tender exclusively on paper, in one original and 2 copies.

The tender must be placed inside two closed envelopes addressed as indicated below.

The outer envelop must bear the address mentioned below:

**Court of Justice of the European Union
Call for tenders COJ-PROC- 17/018 - Periodicals
Library Directorate
TB/01 LB0042
L-2925 Luxembourg**

The inner envelope should be marked as follows:

**« APPEL D'OFFRES COJ-PROC-17/018
Offre de la firme**

À NE PAS OUVRIR PAR LE SERVICE COURRIER »¹

The inner envelope will in turn contain three sealed envelopes containing the administrative information, the technical tender and the financial tender. Each of those envelopes must clearly bear a description of its content ('Administrative information', 'Technical Tender' and 'Financial Tender').

The time limit for receipt of the tender is **28 June 2017, 17 .00**. You must use one of the means of submission listed below. Receipt is understood as the time at which the tenderer hands over the tender to the post office or courier service or central mail department.

¹ Translation: " Call for tenders COJ-PROC-17/018
Tender from company:
NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT"

Means of submission	Time limit	Evidence	Address for delivery
Post	24:00 CET	Postmark	Court of Justice of the European Union CALL FOR TENDERS COJ-PROC-17/018 - Periodicals Library Directorate TB/01 LB0042 L-2925 Luxembourg
Courier	24:00 CET	Deposit slip of courier service	
In person (hand delivery)	17:00 CET	Proof of receipt, signed and dated by the official in the central mail department who takes delivery	

Mail can be received from 09.00 to 17.00 Monday to Friday. The service is closed on Saturdays, Sundays and official holidays of the contracting authority.

4. Tenders must be:

- perfectly legible so that there can be no doubt as to words and figures;
- drawn up using the model reply forms in the tender specifications.

5. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is indicated in Heading IV.3.7 of the contract notice.

6. Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.

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

8. A maximum of one representative per tender can attend the opening of tenders as provided in Section IV.3.8 of the contract notice. For organisational and security reasons, the tenderer must provide the full name and ID or passport number of the representatives at least 3 working days in advance to: biblio_curia_marches_publics@curia.europa.eu. Failing that, the contracting authority reserves the right to refuse access to its premises.

9. Contacts between the contracting authority and candidates or tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the date of receipt indicated in point 3:

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only to biblio_curia_marches_publics@curia.europa.eu.

The contracting authority is not bound to reply to requests for additional information received less than six working days before the date of receipt of tenders indicated in point 3.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the procurement documents.

Any additional information including that referred to above will be posted on http://curia.europa.eu/jcms/jcms/Jo2_7009. The website will be updated regularly and it

is your responsibility to check for updates and modifications during the submission period.

After the opening of tenders:

If obvious clerical errors in the tender need to be corrected or confirmation of a specific or technical element is necessary, the contracting authority will contact the tenderer provided this does not lead to substantial changes to the terms of the submitted tender.

10. This invitation to tender is in no way binding on the contracting authority. The contracting authority'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 cancel the procurement procedure without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
12. Once the contracting authority has opened the tender, it becomes its property and it shall be treated confidentially.
13. You will be informed of the outcome of this procurement procedure (award decision) by e-mail only. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check this e-mail address regularly.
14. Personal data relating to the tenderer or to the entities on the capacity of which it intends to reply, or to persons who are members of the administrative, management or supervisory bodies of the tenderer or those entities or who are authorised to represent, make decisions for or control them, who are in one of the situations referred to in Articles 106 and 107 FR shall be recorded in the database provided for by Article 108 of that regulation and may be communicated to persons on the conditions laid down in Article 108 FR.

Personal data relating to the tenderer (in particular evaluation data) may be generated by the persons taking part in the opening and above all the evaluation of tenders.

Personal data relating to the tenderer may, when appropriate, be generated in the context of advertising (award notice published in the Official Journal, annual list of contracting parties published in the Official Journal, etc.) referred to in Articles 123 and 124 RAP when the public contract is awarded to it.

In a competitive tendering procedure, the following categories of data may be processed:

- name, address, telephone or fax number, electronic mail address;
- data contained in the passport or certificate of nationality (copies);
- proof of self-employed status, proof of tax status ;
- bank data (account number, name of bank, IBAN code) ;
- data contained in an extract from police/judicial records, a certificate attesting non-payment of social security contributions or taxes;
- curriculum vitae ;
- list of principal publications or productions ;
- statement of tenderer's turnover ;
- bank statements or evidence of Professional Risks insurance;
- other data connected with the candidate or tenderer transmitted by the latter as part of the procurement procedure.

All such data will be processed by the Court of Justice of the European Union in accordance with the requirements of Regulation (EC) No 45/2001 of the European

Parliament and of the Council of 18 December 2000 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 otherwise stated, the processing of personal data will be necessary for the evaluation of the tender and will be carried out exclusively to that end by the Library Directorate of the Court of Justice, by the Budget and Financial Affairs Directorate of the Court of Justice, by the Advisory Committee for Public Procurement (CCMP) and by the evaluation committee of tenders and requests to participate referred to in Article 158 RAP, without prejudice to the possible transmission of that data to bodies charged with the task of monitoring or inspection in application of European Union law. Accordingly, recipients may also include: the European Court of Auditors, the specialised financial irregularities committee, the internal auditor (within the responsibilities conferred on him by Articles 98 to 100 FR), the European Parliament (under the discharge procedure), OLAF, the Supervisory Committee of OLAF (under Article 15 of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999), the General Court of the European Union and the Court of Justice of the European Union, the courts or tribunals having jurisdiction (generally the Luxembourg courts) in the event of legal proceedings relating to performance of the contract, the President and the Registrar of the Court of Justice of the European Union together with the officials who may assist them, under the responsibilities devolved to them by Article 20 of the Rules of Procedure of the Court of Justice of the European Union, and the legal adviser in respect of administration, in their various capacities.

Under Article 48 FR, documents relating to the contract and containing personal data are to be kept for at least five years from the date on which the European Parliament grants discharge for the budgetary year to which those documents relate or, as regards operations not definitively closed, for longer than the abovementioned period and until the end of the year following that on which those operations are closed. However, personal data contained in supporting documents shall be deleted where possible when that data is not necessary for budgetary discharge, control and audit purposes.

The persons whose personal data is processed within the context of this call for tenders, may, on request, obtain the communication of their personal data and rectification of any inaccurate or incomplete data. For any question relating to the processing of that personal data, the persons concerned are asked to contact the responsible department at the email address: biblio_curia_marches_publics@curia.europa.eu. They also have a right to have recourse at any time to the European Data Protection Supervisor.

The representative(s) of the tenderer(s) is/are bound to inform the persons whose personal data is used within the context of this call for tenders of the nature, purpose and characteristics of processing (categories of data, recipients, time-limits for storing the data, etc.) and of the rights described above.


Rüdiger Stotz

Director General of Library, Research and Documentation
Court of Justice of the European Union