

Guidebook

for economic operators participating in procurement procedures of the Agency for Support for BEREC (BEREC Office)

Riga, 17 July 2020

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DISCLAIMER

This document is designed to help economic operators to submit their tenders in response to an invitation to tender issued by the Agency for Support for BEREC (BEREC Office).

However, the information contained in this document is of a general nature only and is not intended to address the specific circumstances of any particular individual or entity.

Therefore the BEREC Office accepts no responsibility or liability whatsoever with regard to it.

Likewise, any information, questions or observations, of whatever kind, contained in this document can in no way be regarded as a commitment on the part of the BEREC Office to enter into any contract. No binding commitment will be entered into until the procurement procedure is completed and the relevant contract is signed.

Please note that references to “Tenderer” or “Invitation to Tender” in the different parts of this Guidebook must be understood, where relevant, as references, respectively, to “Candidate” or “Call for Tenders”.

The BEREC Office publishes detailed information related to all its procurement procedures on its website: https://berec.europa.eu/eng/berec_office/public_procurement/. Procurement documents for each specific tender can be found at: https://berec.europa.eu/eng/document_register/subject_matter/berec_office/public_procurement_procedures/.

Some definitions

- Economic operator: any natural or legal person, including a public entity, or a group of such persons, who offers to supply products, execute works or provide services or supply immovable property.
- Candidate: an economic operator that has sought an invitation or has been invited to take part in a restricted procedure, a competitive procedure with negotiation, a competitive dialogue, an innovation partnership, a design contest or a negotiated procedure.
- Tenderer: an economic operator that has submitted a tender.
- Participant: a candidate or tenderer in a procurement procedure.
- Contractor: an economic operator with whom a public contract has been signed.
- Contracting authority: The Agency for Support for BEREC (BEREC Office) based in Riga (Latvia).
- Subcontractor: an economic operator that is proposed by a candidate or tenderer or contractor to perform part of a contract.
- Public contract: a contract for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities in order to obtain,

against payment of a price paid in whole or in part from the budget, the supply of movable or immovable assets, the execution of works or the provision of services.

- Framework contract: a public contract concluded between one or more economic operators and one or more contracting authorities, the purpose of which is to establish the terms governing specific contracts under it to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged (framework contract involves no direct commitment and, in particular, does not constitute orders as such. Actual orders will be placed after the framework contract is signed and in force, through “purchase order forms” or “specific contracts” concluded to implement the framework contract).
- Direct contract: contract which, from the very date of its entry into force, involves a direct commitment of both parties and defines precisely all the elements of the contractual relationship.
- Procurement documents: all documents produced or referred to by the BEREC Office to describe or determine elements of the procurement procedure, including in particular the present guidebook together with:
 - The contract notice;
 - The invitation to tender;
 - The tender specifications;
 - The technical specifications;
 - The draft contract;
 - The standard reply form;
 - Any other annexes.

1. LEGAL FRAMEWORK

The procurement procedures of the BEREC Office are governed by the following legal acts:

- Title VII and Annex I of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.
- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC

In addition to the above-mentioned legislation, it should be noted that:

- principles arising from the **case law of the Court of Justice of the European Union** in the field of procurement are binding to the BEREC Office;
- the staff of the BEREC Office are bound by the [European Code of Good Administrative Behaviour](#) in their relations with the public. This includes the management of procurement procedures, subject to the restrictions laid down in the above-mentioned legal provisions.
- prospective tenderers are legitimately entitled to expect the BEREC Office to manage its invitations to tender in accordance with the principles arising from the **European Ombudsman's** decisions;

Unless the procurement documents stipulate otherwise, framework contracts or contracts resulting from an invitation to tender issued by the BEREC Office are governed by **Union law**, complemented, where necessary, by **Latvian law**.

2. BASIC INFORMATION ABOUT CALLS FOR TENDER ISSUED BY THE BEREC OFFICE

It is important to be aware of the differences between the various stages of a procurement procedure and of the milestones associated with each stage:

- 1) The **tendering stage** usually starts with the publication of a contract notice in the Official Journal of the European Union. This notice contains detailed information about the procurement and triggers a certain number of deadlines, which are binding both on the contracting authority, and on the tenderers.

The BEREC Office publishes information related to all its procurement procedures on e-Tendering and its website:

https://berec.europa.eu/eng/berec_office/public_procurement/.

Economic operators may request additional information or clarification about the procurement documents. This stage ends on the date indicated as the deadline for the submission of tenders. Note that questions must be submitted at latest 6 working days before this date. Questions submitted after that term may remain unanswered.

- 2) The evaluation phase starts with the opening of the tenders received in response to the invitation to tender. During this phase, the BEREC Office evaluates the tenders against the requirements and criteria specified in the procurement documents.
- 3) The **award phase** starts with the **signature of the award decision** by the responsible authorising officer, representing the BEREC Office. This is followed by the **notification of the results** to all the tenderers. When the **contract** is signed with the successful tenderer, an **award notice** is published in the Official Journal of the European Union. This action closes the procurement procedure.

3. CONSIDERATIONS BEFORE SUBMITTING A TENDER

It is important that you make an informed decision about whether or not to commit resources to the submission a tender. The BEREC Office will not reimburse expenses incurred in the preparation and submission of tenders, including expenses related to site visits, attending clarification meetings or opening sessions. In order to make an informed decision about submitting an tender, you should carefully consider the following:

3.1. Access to the market

The participation to a procurement procedure is open on equal terms to all natural and legal persons falling within the scope of the Treaties. This includes all legal entities registered in the EU and all natural persons having their domicile in the EU, regardless if they have branches outside the EU.

A company exclusively registered outside the EU is not allowed to participate as economic operator, on its own or as a member of a group of economic operators (joint tenders, see point 4 below). However, the rules of access to the market do not apply to subcontractors.

For UK candidates or tenderers:

Please be aware that following the entry into force of the EU-UK Withdrawal Agreement¹ on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. UK residents and entities are therefore eligible to participate under this procedure.

3.2. How to understand the exact scope of the contract

The subject matter of the contract is indicated in the contract notice and described more fully in the other procurement documents. In order to understand the exact scope of the contract, economic operators should also consider the aspects mentioned below.

3.2.1. Volume of the contract

To guide economic operators in preparing their tender, the tender specifications contain certain indications on the foreseeable volume of the contract.

However, although the BEREC Office always tries to give its best estimate, economic operators should be aware that **any information on volume is purely indicative**.

3.2.2. Lots

When an invitation to tender is divided into lots, this is explicitly mentioned in the contract notice and the tender specifications. In this case, and unless stated otherwise in the tender

¹ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

specifications, economic operators **may submit tenders for one lot only, or any combination of lots, or for all of the lots.**

Each individual lot is assessed in its entirety and is equivalent to an individual procurement procedure. Economic operators may therefore not submit a tender that:

- covers only part of a lot;
- is declared as depending or being conditional on the award of any of the other lots of the invitation to tender.

The BEREC Office will disregard any statement to this effect contained in a tender, and reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the tender specifications.

3.2.3. Variants

Variants are alternatives to any technical or financial aspects, or to any contractual conditions, described in an invitation to tender.

Unless otherwise stated in the procurement documents, variants are not permitted.

The BEREC Office will disregard any variants described in a tender, and reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the procurement documents.

3.2.4 Product names and trade marks

Whenever the procurement documents mention a specific product name or trade mark and a sufficiently precise and fully intelligible description is not possible, such mention should be understood as referring to that product or its equivalent.

3.3. Implications of submitting a tender

The submission of a tender implies that the tenderer:

- **accepts** the General Terms and Conditions of the BEREC Office and all the terms and conditions as stipulated in the procurement documents, including the draft contract;
- **waives** its own terms of business;
- **accepts** to be bound by its tender for nine months from the deadline for the submission of tenders (unless the tender specifications stipulate a different period), and therefore not to withdraw or modify it in any way during that period; and
- **accepts** to receive notification of the outcome of the procedure by electronics means.

The BEREC Office will disregard any qualification or disclaimer to that effect contained in a tender, and reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the tender specifications.

3.4. No obligation to award

When awarding a contract, the BEREC Office undertakes to evaluate the tenders against the requirements and criteria laid down in the procurement documents.

However, the fact of publishing an invitation to tender **does not oblige the BEREC Office to award** the contract to a tenderer simply because its tender fulfils those requirements and criteria. The BEREC Office also reserves the right to decide not to award the contract to any tenderer.

The BEREC Office **is not liable for any compensation** in such circumstances.

3.5. Nature of the contractual relationship resulting from the award of the contract

Unless otherwise stated in the procurement documents, the contractual relationship between the BEREC Office and the successful tenderer will be governed by either of the following types of contract:

- Direct contract;
- Framework contract.

Unless otherwise specified in the contract notice and/or tender specifications, only one contract will be signed for a given lot.

The procurement documents include a draft contract made up of:

- 1) **Special Conditions:** on completion of the tendering procedure, this draft will be modified as necessary in line with the successful tender (e.g. prices).
- 2) **General Terms and Conditions.**

When preparing a tender, economic operators **should take full account of these and all other procurement documents**, as they define and will govern the contractual relationship to be established between the BEREC Office and the successful tenderer.

3.6. Tax exemption

The BEREC Office is exempt from all taxes and duties, including VAT, pursuant to the provisions of:

- Articles 3, 4 and 18 of the Protocol on the Privileges and Immunities of the European Union (n°7) annexed to the Treaty of Rome and which applies to the BEREC Office by virtue of Article 117 of Council Regulation (EC) n° 207/2009 of 26 February 2009, as amended.
- With regard to Latvia, according to Article 151.1.b. of Directive 2006/112/EC within the limits and conditions established in the Seat Agreement between the Latvia and

the BEREC Office, signed in Riga on the 24/02/2011, published in “Latvijas Vēstnesis” on the 29/06/2011 and in force as of 05/08/2011.

The Governments of the Member States grant this exemption either through refunds upon presentation of documentary evidence, or by immediate exemption. The BEREC Office will give the successful tenderer instructions regarding this point.

3.7. Further information on the BEREC Office’s environment

Economic operators will find a number of documents, which may be of interest on the BEREC Office’s website (<https://bereg.europa.eu/>).

4. COLLABORATION WITH OTHER ECONOMIC OPERATORS

Economic operators may consider two ways of collaborating in a tender: either as joint partners in the tender or through subcontracting. Both **joint tenders** and **subcontracting** are allowed in response to an invitation to tender issued by the BEREC Office. Tenders may even combine both approaches.

Important information:

When economic operators choose to collaborate in order to reach the level of capacity needed to meet the selection criteria, they need to pay particular attention to the following:

- With regard to **technical and professional capacity**, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.
- Where an economic operator relies on the capacities of other entities with regard to criteria relating to **economic and financial capacity**, the contracting authority may require, in case the economic operator would be awarded the contract, that the economic operator and those entities be jointly liable for the performance of the contract.

In any case, tenders must specify very clearly whether each company involved in the tender is acting as a partner in a joint tender or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others).

The implications of these two modes of collaboration are different. So that you can understand them both fully, they are outlined below.

4.1. Joint tenders

Joint tenders are tenders submitted by more than one partner (tendering group).

4.1.1. All the partners assume **joint and several liabilities** towards the BEREC Office for the performance of the contract as a whole.

Therefore, statements indicating:

- that one of the partners of the joint tender will be responsible for part of the contract and another one for the rest, or
- that more than one contract should be signed if the joint tender is successful,

are incompatible with the principle of joint and several liability. The BEREC Office will disregard any such statement contained in a joint tender, and reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the procurement documents.

4.1.2. Joint tenders will in general be evaluated as follows:

- Exclusion criteria: each economic operator individually must be compliant.
- Selection criteria for economic and financial capacity: the minimum levels of capacity must be met by the tendering group as a whole.
- Selection criteria for technical and professional capacity: the minimum levels of capacity must be met by the tendering group as a whole.
- Selection criteria for legal and regulatory capacity: each economic operator individually must demonstrate its own capacity.

4.1.3. If economic operators intend to submit a joint tender, they should be aware that, if awarded the contract, the BEREC Office will require them to give a formal status to the proposed association before the contract is signed. This can take the form of:

- an entity with legal personality recognised by a Member State; or
- an entity without legal personality but offering sufficient protection of the BEREC Office's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association); or
- the signature by all the partners of a "written undertaking form" based on the model provided by the BEREC Office made before a notary.

If economic operators intend to tender with a partner and have already set up a consortium or similar entity to that end, they should mention this fact in the tender, together with any other relevant information in this regard.

4.2. Subcontracting

4.2.1. A tenderer can foresee that some tasks of the contract will be executed by subcontractors. Nevertheless, the contractor retains full liability towards the BEREC Office for performance of the contract as a whole.

Accordingly:

- the BEREC Office will treat all contractual matters (e.g. payment) exclusively with the contractor, whether or not the tasks are performed by a subcontractor;
- under no circumstances may the contractor avoid liability towards the BEREC Office on the grounds that the subcontractor is at fault.

4.2.2. If a tender envisages subcontracting, it must include:

1) a document

- mentioning the reasons why the tenderer is envisaging subcontracting;
- stating clearly the roles, activities and responsibilities of subcontractor(s), and;

- specifying the volume / proportion to be assigned to each subcontractor.
- 2) a letter of intent by each subcontractor stating its intention to collaborate with the tenderer, if awarded the contract.

4.2.3. Tenders involving subcontracting will be evaluated as follows:

- Exclusion criteria: evidence not requested from sub-contractors at submission stage, unless stated otherwise in the tender specifications.
- However, the BEREC Office reserves the right to request the declaration on honour and/or exclusion criteria evidence to proposed subcontractor(s) at any stage of the procedure.
- Selection criteria for economic and financial capacity: the minimum levels of capacity must be met by the tenderer and all subcontractors (if relevant) as a whole.
- Selection criteria for technical and professional capacity: the minimum levels of capacity must be met by the tenderer and all subcontractors (if relevant) as a whole.
- Selection criteria for legal and regulatory capacity: evidence not requested from sub-contractors at submission stage, unless stated otherwise in the tender specifications.

However, the BEREC Office reserves the right to request such evidence to proposed subcontractor(s) at any stage of the procedure.

4.2.4. During performance of the contract, the contractor will need the BEREC Office's prior authorisation to replace a subcontractor and/or to subcontract tasks for which subcontracting was not envisaged in the original tender.

4.3. Summary of documents to be produced in case of joint tender and/or subcontracting

A sample of the main documents that may have to be produced is presented in the table below. Please note that this table is only indicative and that, in any case:

- not all documents may be required for a given procedure;
- documents not listed below, or listed as not required, may still be requested for any given procedure;
- documents may be requested at different stages of the procedure, e.g. at submission of the offer, upon request during the evaluation, at award stage, or before signature of the contract.

Further detail can be found in the tender specifications.

	Tendering group (a single document/ evidence is sufficient)	Each partner in joint tender	Sub-contractor
Declaration on honour		x	Upon request
Letter of intent (sub-contracting)			x
Exclusion criteria			
Extract from judicial record		- Upon request during the procedure - Compulsory before contract signature	Upon request
Recent certificates of payment of taxes and social security		- Upon request during the procedure - Compulsory before contract signature	Upon request
Selection criteria (economic and financial capacity)			
Risk indemnity insurance	x		
Certified financial statements		x	Upon request
Statement on turnover		x	
Selection criteria (technical and professional capacity)			
Presentation of the tenderer	x		
List of principal relevant contracts/ major projects	x		
Presentation of proposed team	x		
Statement on absence of conflicting interest		x	Upon request
Selection criteria (legal and regulatory capacity)			
Proof of inclusion in trade register		x	Upon request
For relevant selection criteria, where the economic operator/tenderer relies on the capacities of other entities for reaching the required capacity			
Written undertaking of third entities		If relevant	If relevant

5. PREPARATION OF TENDERS

This section describes how economic operators should prepare their tender.

5.1. Drawing up of tenders

5.1.1. Language

Tenders may be drawn up in **any of the official languages** of the European Union.

5.1.2. Replying to mandatory questions

Tenderers should pay particular attention to questions labelled “Mandatory”, if any. **These questions require an unconditional answer.** If no answer is given or if an answer is qualified in any way (e.g. a “yes, but ...” answer), the tender will be rejected.

Economic operators not in a position to answer satisfactorily to all the mandatory questions should not submit a tender.

5.1.3. Minimum requirements

Tenderers must pay particular attention to the elements within the procurement documents identified as “minimum requirements”.

These minimum requirements can be formulated in various ways:

- as a fixed requirement (for example, *‘the study must follow this particular methodological framework’*);
- as a requirement meaning "at least" (for example, *‘the study must cover at least the following member states’* – e.g. no less, can be more);
- as a requirement meaning "no more than" (for example, *‘the duration of tasks may not exceed 8 months’*).

Failure to comply with all of these minimum requirements will lead to the rejection of the tender.

5.1.4 Confidential information

The BEREC Office undertakes to protect the tenderers’ commercial interests by treating all the information contained in their tenders as confidential.

In particular, it will not disclose any information where such disclosure would impede law enforcement, or otherwise be contrary to the public interest, would harm the legitimate commercial interests of economic operators or might prejudice fair competition between them.

Tenderers should be aware that, if deemed necessary, outside experts may assist the evaluation committee in its work by decision of the authorising officer responsible.

5.2. Preparing your tender for submission

5.2.1. Cover letter

Tenders must include a **cover letter** signed by the person(s) empowered to represent the tenderer and entitled to sign the contract, if successful.

5.2.2. Elements to be presented separately, clearly labelled:

- Part 1: Forms and evidences of the Standard Reply Form to be filled in.
- Part 2: Strategy paper/Technical proposal.
- Part 3: Financial proposal, third party file and their supporting documents.
- Part 4: Where applicable, tenderers may wish to facilitate the protection of personal data included in their tender.
- Part 5: Where applicable, tender guarantee.

5.2.3. Presentation via e-Submission

If requested by the BEREC Office, the tenderers must present their tender via e-Submission.

On the Help page of the e-Submission application a User Manual is available that elaborates the system requirements and a step by step procedure to successfully submit a tender. Also a Quick Guide can be found on the Help page, summarising the User Manual.

The Help page is available at:

https://berec.europa.eu/files/document_register_store/2020/1/1_Quick%20Reference%20Guide.pdf

6. OPENING PHASE

Depending on the procedure, an Opening Committee will be appointed to open all tenders.

In the case of an open procedure only, the opening of the tenders is public and the date, time and place of the opening session will be indicated in the contract notice and/or the invitation to tender.

The opening session will in general be strictly limited to the following aspects:

- verification that each tender has been submitted correctly, in particular:
 - that the deadline for submission has been complied with;
 - that the envelopes were not opened;
- administrative checks, for internal purposes only (e.g. number of copies);
- announcement of the tenders received, for each lot where applicable. The names announced will be those of the companies that have submitted tenders, as they appear on the envelopes, receipts and/or deposit slips. These names may or may not correspond to the precise legal identity of the actual tenderers and may not include other companies involved in the tenders (e.g. as partners in joint tenders).

The Opening Committee will play no further role in the procedure.

7. IS CONTACT BETWEEN THE BEREC OFFICE AND TENDERERS ALLOWED?

The tenders will be evaluated by an Evaluation Committee specifically appointed for this purpose and working under conditions of strict confidentiality. The identity of the members of the Evaluation Committee will not be disclosed.

Once the evaluation is completed, the Evaluation Committee will draw up a report for the responsible authorising officer, who will take the final decision on the award of the contract.

In addition to the information contained in the tenders, the BEREC Office reserves the right to use any other information from public or specialist sources, provided that this use complies with the general principles of transparency, proportionality, equal treatment and non-discrimination.

During this phase, contact with any department or member of staff of the BEREC Office in relation to this invitation to tender is prohibited.

The main stages of the evaluation are as follows:

7.1. Exclusion stage

Exclusion criteria are mentioned in Article 136(1) of the Financial Regulation, and criteria for the rejection of the participant from an award procedure is mentioned in Article 141(1) of the Financial Regulation.

7.2. Selection stage

Selection criteria are mentioned in Article 162(2) of the Financial Regulation.

Tenderers will be selected if they can prove that they have sufficient economic and financial capacity, technical and professional capacity and legal and regulatory capacity to perform the contract.

All the requirements and minimum capacity levels listed in the contract notice and/or the tender specifications must be met.

In the selection stage, evaluation focuses on the capacity of the tenderer and not on the quality of the tender. Accordingly, tenderers should not include information relating to the technical or financial proposal in this part of the tender.

7.3. Evaluation stage

Technical criteria are mentioned in Annex I, point 17 of the Financial Regulation.

7.3.1. Technical evaluation

The technical evaluation of tenders will be against the requirements and criteria listed in the procurement documents, in particular the contract notice and/or the tender specifications.

In addition to the list of technical evaluation criteria, the BEREC Office may indicate in the tender specifications additional provisions aimed at ensuring that the technical evaluation takes full account of the BEREC Office's needs, such as:

- Assign a **weighting factor**;
- Assign a **minimum threshold**.

Apart from those stated in the contract notice and/or tender specifications, no other weighting factors or minimum thresholds will be applied.

At the end of the technical evaluation, each tender will be assigned **an overall technical score**.

7.3.2. Financial evaluation

The financial evaluation of the tenders will be based on the prices quoted by the tenderer and the volume assumptions announced in the contract notice and/or tender specifications.

The result of the financial evaluation will be a price representing:

- either the global cost of the tender over the whole duration of the contract, or
- the cost of a pre-defined scenario which - although it may represent only part of the total cost - is sufficiently significant for the purposes of evaluating the tenders.

7.4. Award stage

Award criteria are mentioned in Annex I, point 21 of the Financial Regulation.

The most economically advantageous tender will be identified on the basis of one of the three award methods:

- The lowest price method.
- The lowest cost method.
- The best price-quality ratio.

If the contract notice and/or tender specifications states the "best price-quality ratio" method, the most economically advantageous tender will be identified in the following way:

- 1) The tender with the best technical score will receive a quality indicator of 100 points. The remaining tenders will receive lower quality indicators in proportion to their technical scores.
- 2) The tender which quotes the lowest price will receive a price indicator of 100 points. The remaining tenders will receive lower price indicators in proportion to their prices.

- 3) A quality/price ratio will be calculated for each tender. The tender presenting the best value for money will receive the highest score.

8. THE OPENING OF TENDERS

During the evaluation stage of an invitation to tender, the BEREC Office will not provide any information whatsoever. If a tenderer is not contacted, this should not be regarded as a positive nor negative sign.

Tenderers will be informed of the outcome of the invitation to tender as indicated below.

8.1. Notification of results

As soon as the responsible authorising officer has signed the award decision, a **notification letter will be sent simultaneously to all tenderers** by electronic means.

The letter(s) sent to the successful tenderer(s) is/are informing of the next steps to be taken and any documents that must be provided to the BEREC Office.

Letters to the unsuccessful tenderers will state the grounds on which the decision was taken and the available legal remedies.

The BEREC Office undertakes not to sign the contract until:

- a period of at least 10 calendar days has elapsed following the dispatch of the electronic notification, so that unsuccessful tenderers may take the steps described in paragraph 8.2 below.
- the documentary evidence required in relation to the exclusion criteria has been received from the successful tenderer.

8.2. Additional information

Tenderers that are notified that their tender has not been successful may request additional information by e-mail (procurement@berec.europa.eu). However, the BEREC Office would like to stress that it is not free to disclose any information affecting the commercial interests of other tenderers (see paragraph 5.1.4).

8.3. Contract signature

If the successful tenderer fails to provide the requested documentary evidence within the prescribed time limit, or to sign and return the contract together with the required performance guarantee, if any, within 30 calendar days after the date of dispatch of the notification letter, the BEREC Office may consider the acceptance of the tender to be cancelled. In such a case, the BEREC Office reserves the right to award the contract to the next best tenderer or cancel the invitation to tender procedure altogether, without prejudice to the BEREC Office right to seize the guarantee, if any, claim compensation or pursue any other remedy in respect of such failure, and the successful tenderer will have no claim whatsoever on the BEREC Office. The date of receipt at the BEREC Office is hereby considered as date of return.

8.4. Award notice

Once the contract is signed, the BEREC Office will, if applicable, publish an award notice in the Official Journal of the European Union summarising the results of the invitation to tender.

9. REFERENCES

At the time of writing, the websites listed below contained information mentioned in the present document or relevant for its purposes:

- Agency for Support for BEREC (BEREC Office)
<http://berec.europa.eu>
General information about the BEREC Office.
- European Commission
http://ec.europa.eu/languages/policy/linguistic-diversity/official-languages-eu_en.htm
Official EU languages
- SIMAP
<http://simap.europa.eu>
Public procurement directives.
Comprehensive information about procurement in Europe.
- eTendering
<https://etendering.ted.europa.eu/general/page.html?name=home&locale=en>
Procurement documents are published in the e-Tendering website.
- TED (Tender Electronic Daily)
<http://ted.europa.eu/TED/misc/chooseLanguage.do>
Notices published in the Official Journal of the European Union.
- EUR-LEX
<http://eur-lex.europa.eu>
European Union law.
- Court of Justice of the European Union
<http://curia.europa.eu>
Court of Justice of the European Union's case-law.
- European Ombudsman
<http://www.ombudsman.europa.eu>
European Ombudsman's decisions.