

Notice of invitation to tender for the delivery of common wheat flour pursuant to
Commission Regulation (EEC) No 2699/78 of 17 November 1978

The Belgian Office of Economy and Agriculture (OBEA), 82, rue de Trèves, 1040 Brussels (intervention agency) hereby opens an invitation to tender for the purchase on the internal Community market of 3 311 tonnes of common wheat flour, to be supplied to the port of shipment in the vicinity of the vessel, the goods to be set down at the place nominated by the recipient country or its agent, by way of Community food-aid action to the World Food Programme.

I. Tendering

1. Tenders must be sent by registered letter or be delivered by hand ⁽¹⁾ so as to reach the Office Belge de l'Économie et de l'Agriculture not later than 12 noon on 1 December 1978.
2. Tenders, whether sent by registered post or brought by messenger, shall be enclosed in a sealed envelope marked 'Tender for WFP, Community food aid', enclosed in turn within an envelope bearing the name and address of the intervention agency (OBEA).
3. No tender may be submitted for part of a lot.
4. Tenders must include the name and address of the tenderer and give:
 - (a) the number and weight of the lot to which they relate;
 - (b) the port of loading;
 - (c) the costs proposed per tonne of product in Belgian francs ⁽²⁾;
 - (d) the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs export formalities for the products concerned.

The invitation to tender relates to the product supplied in new jute sacks of a net capacity of 50 kilograms.

Minimum weight of sacks: 600 grams.

The following shall be printed on the sacks:

'T137 EM/Wheatflour/Ho chi minh ville/Gift of the European Economic Community/Action of the World Food Programme'.

To allow for the possibility of re-bagging, the successful tenderer shall supply 2 % of new empty sacks, of the same quality as those containing the goods but with the printing followed by a capital letter 'R'.

The cost of weighing, verification and insurance must be included in the charge quoted in the tender.

5. Each tender must be accompanied by:
 - (a) proof that the security required under heading II has been given;
 - (b) the declaration required under heading III;
 - (c) a self-addressed envelope in the name of the tenderer.
6. Tenders not conforming to these requirements cannot be considered.

II. Security

1. Each tenderer must, before expiry of the period set for the submission of tenders, provide security representing the equivalent in Belgian francs of 10 units of account per tonne of product.
2. Such security may be given in the form of a cash deposit or of a guarantee issued by a credit institution which satisfies the criteria laid down by the Member State whose intervention agency is concerned.
3. If a tender is not successful or is not considered, the security shall be released to the tenderer. The successful tenderer's security shall continue in being. Save in a case of *force majeure* it shall be forfeit if he fails to fulfil his obligations within the time stipulated.

III. Obligations

Tenders shall be valid only if accompanied by a declaration from the tenderer whereby he undertakes:

⁽¹⁾ Acknowledgement of receipt is given for tenders delivered to the OBEA by messenger.

⁽²⁾ The comparison of offers shall be carried out according to the requirements of Article 3 (3) of Regulation (EEC) No 2699/78.

- (a) to deliver in accordance with Article 1 (5) the lot meeting the set requirements;
- (b) to carry out the delivery operations between 15 and 25 December 1978.

IV. Award of contract

1. The contract shall be awarded to the tenderer who offers the most favourable terms, taking into consideration the adjustment referred to in Article 3 (3).

A tenderer may in no circumstances withdraw an offer for which a contract has been awarded to him.

2. Each tenderer shall be informed by letter of the result of the invitation to tender.

V. Litigation

Any dispute which might arise between the OBEA and the successful tenderer shall be within the exclusive jurisdiction of the Brussels Courts.
