

The provisions set out hereunder shall fully apply to one-step procedures such as (i) open and (ii) negotiated procedures without publication (above and below the publication thresholds). For two-step procedures such as (i) restricted, (ii) competitive procedure with negotiation, (iii) competitive dialogue necessary deviations to these 'General administrative and submission clauses' will be stated in the 'Terms of Reference'.

## 1. Foreword

"Public procurement" means the purchasing of works, supplies and services by public bodies at either national or Union level.

EU public procurement plays an important part in the single market and is governed by rules intended to remove barriers and open up markets in a non-discriminatory and competitive way, by applying the following principles: (i) transparency, (ii) proportionality (iii) equal treatment, (iv) non-discrimination.

The objective of public procurement is to increase the choice of potential contractors to public bodies, thereby allowing the contracting authority to obtain the most economically advantageous tender, while at the same time developing market opportunities for companies.

Even though EU public procurement law does not directly apply to the EIB, its Management Committee decided in July 2004 that the EIB, when procuring services, supplies or works for internal purposes, should follow the provisions of EU law on public procurement (namely, at that time, Procurement Directive 2004/18/EC) insofar as they are compatible with the Bank's functioning and the tasks and activities assigned to it by the EU Treaties.

This commitment to EU public procurement law was renewed by the EIB when Directive 2014/24/EU entered into effect.

At institutional level the provisions that govern EIB's procurement for corporate purposes are laid down in the Corporate and Technical Assistance Procurement Guide (available at <http://www.eib.org/infocentre/publications/all/guide-for-procurement-of-services-supplies-and-works-by-the-eib-for-its-own-account.htm>).

## 2. Procurement Documents

The documents applicable to this procedure (the "Procurement Documents") shall comprise the following in order of priority:

- (i) Terms of Reference, with its appendices;
- (ii) Model Contract, with its appendices;
- (iii) Contract Notice or Invitation Letter;
- (iv) Administrative forms for EIB Tenders; and
- (v) General Administrative and Submission Clauses.

## 3. Communication between EIB and Tenderers

During a procurement procedure, communications between EIB and each economic operator that has submitted a tender (a "Tenderer") may only take place in exceptional circumstances, under the following conditions: