

**Ireland-Dublin: Expert witness services**  
**OJ S 19/2015 28/01/2015**  
**Contract notice**  
**Services**

**Directive 2004/18/EC**

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: National Roads Authority (NRA)  
National registration number: N/A  
Postal address: St Martin's House, Waterloo Road  
Town: Dublin  
Postal code: 4  
Country: Ireland  
For the attention of: Obey Mhondera  
E-mail: [tredmond@nra.ie](mailto:tredmond@nra.ie)  
Telephone: +353 16602511  
Fax: +353 16680009

**Internet address(es):**

General address of the contracting authority: <http://www.nra.ie>  
Address of the buyer profile: <http://irl.eu-supply.com/ctm/Supplier/CompanyInformation/Index/1153>  
Electronic access to information: [http://irl.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=84222&B=ETENDERS\\_SIMPLE](http://irl.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=84222&B=ETENDERS_SIMPLE)  
Electronic submission of tenders and requests to participate: [http://irl.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=84222&B=ETENDERS\\_SIMPLE](http://irl.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=84222&B=ETENDERS_SIMPLE)

**Additional information can be obtained from:**

Official name: National Roads Authority  
Postal address: St. Martins House, Waterloo Road  
Town: Dublin  
Postal code: 4  
Country: Ireland  
Contact person: Obey Mhondera  
E-mail: [omhondera@nra.ie](mailto:omhondera@nra.ie)  
Telephone: +353 16602511

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

the abovementioned address

**Tenders or requests to participate must be submitted:** Official name: National Roads Authority  
Postal address: St. Martins House, Waterloo Road  
Town: Dublin  
Postal code: 4  
Country: Ireland  
Contact person: Obey Mhondera  
E-mail: [omhondera@nra.ie](mailto:omhondera@nra.ie)  
Telephone: +353 16602511  
Internet address: [www.nra.ie](http://www.nra.ie)

## **I.2. Type of the contracting authority**

Body governed by public law

## **I.3. Main activity**

Other: roads administration

## **I.4. Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: yes

Official name: See Pre-Qualification Documents

## **Section II: Object of the contract**

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### **II.1. Description**

#### **II.1.1. Title attributed to the contract by the contracting authority**

Claims Advisor, Expert Witness, Client Representation and Procurement Assurance Services  
Framework Agreement: Lot 1 Single Supplier Framework; Lot 2 Multi-Supplier Framework.

#### **II.1.2. Type of contract and place of performance or delivery**

Services

Service category No 12: Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services

Main site or place of performance: Ireland.

NUTS code IE Éire / Ireland

#### **II.1.3. Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

#### **II.1.4. Information about framework agreement**

Framework agreement with several operators

Number Envisaged maximum number of participants to the framework agreement: 5

##### **Duration of the framework agreement**

Duration in months: 48

##### **Estimated total value of purchases for the entire duration of the framework agreement**

Estimated value excluding VAT:

Range: between 1 000 000 and 5 000 000 EUR

Frequency and value of the contracts to be awarded: Contracts ('Call-Off Contracts') for individual projects may be entered into. The 4 year total value of all Call-Offs under both lots by all Clients is forecast to be circa 1 million EUR to 5 million EUR excl. VAT. This may vary and there is no guarantee that Call-Offs of such value will be awarded under the Framework Agreement. Clients may procure similar services in other ways.

#### **II.1.5. Short description of the contract or purchase(s)**

The National Roads Authority is procuring on its own behalf, and on behalf of a number of local authorities, one single operator framework agreement and one multi-supplier framework agreement (each a "Framework Agreement" and each the subject of a Lot under this competition) to facilitate the National Roads Authority and the local authorities (who implement national roads programmes and projects that are funded by the National Roads Authority), to avail of the services described herein (the "Services").

The Services are divided into two Lots, one of which will form the basis of a single-supplier

framework agreement (Lot 1) and the other of which will form the basis of a multi-supplier framework agreement (Lot 2).

**II.1.6. CPV code(s)**

71319000 Expert witness services

**II.1.7. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

**II.1.8. Lots**

This contract is divided into lots: yes

Tenders may be submitted for all lots

**II.1.9. Information about variants**

Variants will be accepted: no

**II.2. Scope of the procurement**

**II.2.1. Total quantity or scope**

The National Roads Authority is procuring on its own behalf, and on behalf of a number of local authorities, one single operator framework agreement and one multi-supplier framework agreement (each a 'Framework Agreement' and each the subject of a Lot under this competition) to facilitate the National Roads Authority and the local authorities (who implement national roads programmes and projects that are funded by the National Roads Authority), to avail of the services described herein (the 'Services').

The Services are divided into two Lots, one of which will form the basis of a single-supplier framework agreement (Lot 1) and the other of which will form the basis of a multi-supplier framework agreement (Lot 2).

The scope of services under each framework agreement is the provision, when required, of Claims Advisor, Expert Witness, Client Representation and Procurement Advisor Services and other related services in relation to national roads programmes and projects. The services required are in four broad categories:

(i) Claims Advisor:

Services may involve (but are not limited to): advice on, and assistance with review of, construction contract claims for additional money etc., (see Pre-qualification document).

(ii) Expert Witness:

Services may involve (but are not limited to): preparation of, and review of, expert witness reports; provision of expert evidence in dispute resolution proceedings including but not limited to litigation, adjudication etc., (see Pre-qualification documents).

(iii) Client Representation:

Services may involve (but are not limited to): representing the client at alternative dispute resolution proceedings etc., (see Pre-qualification documents).

(iv) Procurement Assurance:

Services may involve (but are not limited to): satisfying the client in relation to the appropriateness of the client's procurement processes before legal counsel is sought etc., (see Pre-qualification documents).

Note: To register your interest in this notice and obtain any additional information please visit e-tenders website at <https://www.etenders.gov.ie>

Applicants may submit a response to the Suitability Assessment Questionnaire for both Lots 1 and 2, and may be shortlisted for both Lots 1 and 2. However, the Authority does not intend to award both lots to the same Tenderer (see Pre-qualification documents). The call off procedure will depend on the lot under which Services are procured (see Pre-qualification

documents). The Authority will provide further detail at tender stage.

Please note that two paper copies and one PDF soft copy (on CD or USB) of the Suitability Assessment response must be submitted to the NRA physical address indicated. The package containing the Suitability Assessment response should be clearly labelled with the title of the competition.

Note: The Railway Procurement Agency (the "RPA") and the National Roads Authority (NRA) are due to merge and all functions of the two bodies are anticipated to be performed by the merged body. The time-line for this merger has not been finalised and, while the merger may take place during the life of the Framework Agreement, the Authority cannot be definitive in this regard. While the operational name of the merged body has yet to be finally decided, the term "Authority" shall be taken to mean the NRA and the merged body.

Estimated value excluding VAT:

Range: between 1 000 000 and 5 000 000 EUR

### **II.2.2. Information about options**

Options: no

### **II.2.3. Information about renewals**

This contract is subject to renewal: no

## **II.3. Duration of the contract or time limit for completion**

Information about lots

Lot No: 1

Lot title: Single Supplier Framework

#### **1) Short description**

Claims Advisor, Expert Witness, Client Representation and Procurement Assurance Services Framework.

#### **2) CPV code(s)**

71319000 Expert witness services

#### **3) Quantity or scope**

#### **4) Indication about different time frame or duration**

#### **5) Additional information about lots**

Where the Clients choose to procure services, the National Roads Authority (NRA) may at its absolute discretion, approve that services be procured under either of the Lots in question (or otherwise), although the NRA anticipates that it will generally approve that services be procured under Lot 1 (single supplier framework) unless the NRA in its discretion is of the view that the services could be more effectively procured under Lot 2 (or otherwise) including (without limitation) where a conflict of interest arises such that it would not be appropriate for the services to be provider under Lot 1.

Lot No: 2

Lot title: Multi-Supplier Framework

#### **1) Short description**

Claims Advisor, Expert Witness, Client Representation and Procurement Assurance Services Framework.

#### **2) CPV code(s)**

71319000 Expert witness services

**3) Quantity or scope**

**4) Indication about different time frame or duration**

**5) Additional information about lots**

Where, in its absolute discretion, the NRA decides that a call-off will be conducted under Lot 2, the call-off procedure may be by way of a mini-competition or by way of direct appointment of a particular supplier where the NRA in its discretion is of the view that the services could be more effectively performed by that particular supplier, including (without limitation) where a conflict of interest arises such that it would not be appropriate for the services to be provided by any of the other suppliers under Lot 2.

**Section III: Legal, economic, financial and technical information**

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**III.1. Conditions related to the contract**

**III.1.1. Deposits and guarantees required**

**III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them**

**III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded**

In the case of a consortium all members of the consortium shall be jointly and severally liable for the performance of services.

**III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: yes  
Description of particular conditions: See Pre-Qualification Documents.

**III.2. Conditions for participation**

**III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions: An Applicant may rely upon a parent company or other entity/entities for the purposes of responding to the Suitability Assessment Questionnaire (including, for the avoidance of doubt, with respect to all financial and economic standing criteria (including turnover) and all technical capability criteria).

Where an Applicant is relying on the resources of another entity in respect of a criterion for which a declaration is required, the provision of the declaration in the form set out in the appendices hereto will be interpreted as meaning the Applicant declares that it meets the relevant requirement taking into account such reliance.

**III.2.2. Economic and financial ability**

List and brief description of conditions: See Pre-Qualification Documents.  
Minimum level(s) of standards possibly required: See Pre-Qualification Documents.

**III.2.3. Technical and professional ability**

List and brief description of conditions:  
See Pre-Qualification Documents.  
Minimum level(s) of standards possibly required:  
See Pre-Qualification Documents.

**III.2.4. Information about reserved contracts**

### **III.3. Conditions specific to services contracts**

#### **III.3.1. Information about a particular profession**

Execution of the service is reserved to a particular profession: yes

Reference to the relevant law, regulation or administrative provision: See Pre-Qualification Documents.

#### **III.3.2. Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: yes

## **Section IV: Procedure**

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### **IV.1. Type of procedure**

#### **IV.1.1. Type of procedure**

Restricted

#### **IV.1.2. Information about the limits on the number of candidates to be invited**

Envisaged minimum number 3: and Maximum number 5

#### **IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue**

### **IV.2. Award criteria**

#### **IV.2.1. Award criteria**

Lowest price

#### **IV.2.2. Information about electronic auction**

An electronic auction will be used: no

### **IV.3. Administrative information**

#### **IV.3.1. File reference number attributed by the contracting authority**

NRA314

#### **IV.3.2. Previous publication concerning this procedure**

no

#### **IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document**

Payable documents: no

#### **IV.3.4. Time limit for receipt of tenders or requests to participate**

5.3.2015 - 12:00

#### **IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

#### **IV.3.6. Languages in which tenders or requests to participate may be submitted**

English.

#### **IV.3.7. Minimum time frame during which the tenderer must maintain the tender**

#### **IV.3.8. Conditions for opening of tenders**

## Section VI: Complementary information

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### VI.1. Information about recurrence

This is a recurrent procurement: no

### VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:  
no

### VI.3. Additional information

To receive more information about this tender, including any amendments and/or clarifications and to request any clarifications and/or respond to this tender, you must register your interest to this tender on the following website:

<https://irl.eu-supply.com/etenders-simple.asp>

### VI.4. Procedures for review

#### VI.4.1. Review body

Official name: High Court of Ireland  
Postal address: Four Courts, Inns Quay  
Town: Dublin  
Postal code: 7  
Country: Ireland  
E-mail: [highcourtcentraloffice@courts.ie](mailto:highcourtcentraloffice@courts.ie)  
Telephone: +353 18886087  
Internet address: <https://www.courts.ie>

#### VI.4.2. Review procedure

#### VI.4.3. Service from which information about the review procedure may be obtained

Official name: High Court of Ireland  
Postal address: Four Courts, Inns Quay  
Town: Dublin  
Postal code: 7  
E-mail: [highcourtcentraloffice@courts.ie](mailto:highcourtcentraloffice@courts.ie)  
Telephone: +353 18886087  
Internet address: <http://www.courts.ie>

### VI.5. Date of dispatch of this notice

23.1.2015