

Belgium-Brussels: Trade sustainability impact assessment (Trade SIA) in support of negotiations of a comprehensive trade and investment agreement between the European Union and Japan

OJ S 30/2014 12/02/2014

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Directorate-General for Trade, Directorate C — Asia and Latin America

Postal address: rue de la Loi 200

Town: Brussels

Postal code: 1049

Country: Belgium

Contact person: Timothée Sautter

For the attention of: Mauro Petriccione

E-mail: trade-contracts@ec.europa.eu

Telephone: +32 22973777

Internet address(es):

General address of the contracting authority: <http://ec.europa.eu/trade/trade-policy-and-you/calls-for-tender/>

Electronic access to information: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=391>

Additional information can be obtained from:

the abovementioned address

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: European Commission, Directorate-General for Trade, Directorate C — Asia and Latin America

Postal address: rue de la Loi 200

Town: Brussels

Postal code: 1049

Country: Belgium

For the attention of: Mauro Petriccione

E-mail: trade-contracts@ec.europa.eu

Telephone: +32 22961666

Internet address: <http://ec.europa.eu/trade/trade-policy-and-you/calls-for-tender/>

I.2. Type of the contracting authority

European institution/agency or international organisation

I.3. Main activity

Other: Trade policy.

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

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description

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

Trade sustainability impact assessment (Trade SIA) in support of negotiations of a comprehensive trade and investment agreement between the European Union and Japan.

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

Services

Service category No 11: Management consulting services [6] and related services

Main site or place of performance: Main place of performance of the SIA will be carried out through a desktop (data and literature) analysis which can be performed at the premises of the contractor, but also possibly through fieldwork for the collection and interpretation of information, and gathered through a variety of methodologies.

NUTS code

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

The notice involves a public contract

II.1.4. Information about framework agreement

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

The objective of the SIA is to assess the potential economic, social and environmental impacts of proposed trade liberalisation between the EU and Japan in order to help optimise the decisions and choices made about policy.

II.1.6. CPV code(s)

79419000 Evaluation consultancy 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: no

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 budget of the contract, including all costs, is expected not to exceed 200 000 EUR for its total duration. The tenderer should however be aware that the contract will be awarded using the best value for money procedure, i.e. to the most economically advantageous tender.

Excluding VAT 200 000 EUR.

Estimated value excluding VAT:

Range: between 1 and 200 000 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

Duration in months: 15 (from the award of the contract)

Section III: Legal, economic, financial and technical information

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

As stated in the terms of reference.

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

See point 11 of the terms of reference.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

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: Tenderers shall be excluded from participation in this procurement procedure if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of 'res judicata';
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;
- f) they have been the subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply information, or being declared to be in serious breach of their obligation under contract covered by the budget.

Contracts may not be awarded to tenderers who, during the procurement procedure:

- (a) are subject to a conflict of interest;
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information;
- (c) find themselves in one of the situations of exclusion, referred to at the beginning of this point (letters (a) to (f)).

Tenderers must provide a declaration on honour that they are not in one of the abovementioned situations.

Only the tenderer to whom the contract is to be awarded shall be required to submit, before signing the contract, evidence confirming his declaration on honour, by providing:

— for points (a), (b) or (e): a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied,

— for point (d), a recent certificate issued by the competent authority of the State concerned.

Where no such documents or certificates are issued in the country concerned, they may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in the above 2 paragraphs shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

Wherever the tenderer is a consortium of firms or groups of service providers, the abovementioned information must be provided for each member or group.

However, the Commission may waive the obligation for a candidate or tenderer to submit documentary evidence if such evidence has already been submitted for another procurement procedure and provided the documents were issued not more than 1 year earlier and are still valid. In such cases, the candidate or tenderer must declare on his honour that the documentary evidence has already been provided in a previous procurement procedure, provide reference to that procedure, and confirm that there has been no change in the situation. The abovementioned information must be included in the tender specifications.

Please refer to the 'e-Certis' website, which provides the possibility of determining the exact certificates and attestations required: <http://ec.europa.eu/markt/ecertis/login.do>

III.2.2. Economic and financial ability

List and brief description of conditions: — sufficient economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract (and possibly define a minimum annual turnover),

— reliability of the mitigating measures presented to cover possible deficiencies in the evidence presented for the above criteria.

Proof of economic and financial capacity may in particular be furnished by one or more of the following documents:

a) appropriate statements from banks or where appropriate, evidence of relevant professional risk indemnity insurance;

b) financial statements for at most the last 3 years for which accounts have been closed;

c) a statement of overall turnover and turnover concerning the services covered by the contract during a period which may be no more than the last 3 financial years available.

The Commission may waive the obligation of a candidate or tenderer to submit the documentary evidence above if such evidence has already been submitted to it for the purposes of another procedure and it is still valid.

If, for some exceptional reasons which the Commission considers justified, the tenderer or candidate is unable to provide the references requested, he may prove his economic and financial capacity by any other means which the Commission considers appropriate.

If the economic and financial selection criteria are fulfilled by relying on a third party, the Commission may demand, if that tender wins the contract, that this party signs the contract

(becomes a contractor) or, alternatively, provides a joint and several first-call guarantee. Imposing liability of the third party who provides financial capacity allows better protection of the Union's financial interests. It should be announced in the ToRs. If the third party chooses to sign the contract it should prove that it is not in an exclusion situation and that it has access to the market.

The Commission will conclude a contract following this tender with a single legal counterpart.

III.2.3. Technical and professional ability

List and brief description of conditions:

The proposed team must comprise experts who have experience in:

- a) economic and trade analysis, and trade modelling;
- b) sector-specific expertise;
- c) international trade negotiations, including in the relevant policy area (trade rules);
- d) social sustainability issues — in particular, the technical capacity to carry out social impact assessments, including analysing a range of qualitative and quantitative issues on employment, decent work, gender and poverty, at general and sector-specific levels;
- e) environmental sustainability issues — in particular, the technical capacity to assess the environmental impact of trade liberalisation;
- f) human rights expertise;
- g) economic, social, environmental and human rights conditions in the EU-28, in Japan and the countries concerned;
- h) consultation and networking activities including civil society and target groups consultation — SMEs, business, environmental NGOs, human rights relevant groups and social partners' representatives.

Expertise and knowledge must clearly be reflected in the proposed CVs. The area of expertise of each expert must be clearly indicated.

The team should include a team leader, senior experts, and junior experts.

The team leader should demonstrate relevant professional experience of at least 10 years. He /she should have a background in economics with detailed and proven knowledge of sustainable impact assessments.

The team should include senior and junior trade experts (lawyers, economists and modelling experts); senior level experts should demonstrate relevant professional experience of at least 8 years, and junior experts should demonstrate relevant professional experience of at least 2 years. The team should include senior and junior experts in social and environmental impact assessments, as well as in human rights issues and in stakeholders' consultations or relations with social partners and other civil society representatives with at least 8 and 2 years relevant experience respectively.

The team should include also several experts with prior and in-depth knowledge of the Japanese economy (preferably including knowledge of labour market issues and experience with trade unions and other social partners).

Overall, the team should draw from a network of experts that have experience and capacity in 3 dimensions of sustainable development, as well as in human rights, so as not to rely essentially on secondary research.

In its offer, the tenderer must present a statement of exclusivity and availability for all of the proposed experts. Each expert should commit to being available for the duration of the project. In the event that an expert has to be replaced during the course of the Trade SIA, with the written approval of the Commission, the contractor must demonstrate that the new expert holds the same level of expertise as the person being replaced, in accordance with the required qualifications stated above.

The offer should also include a list of the principal related projects that were carried out under

the applicant's direct responsibility during the past 3 years proving merit and experience in impact assessment.

The following information, concerning the service provider's own position and the information and formalities necessary for an appraisal of the minimum economic, financial, professional and technical standards required, should be supplied serving to prove the compliance with the criteria in relation to technical and professional capacity:

a) details of educational and professional qualifications of the service provider and/or those of the firm's managerial staff and, in particular, those of the person or persons responsible for providing the service (detailed CVs to be included clearly indicating expertise in the items described above);

b) a list of the principal services provided in the past 3 years, with the sums, dates and recipients, public or private, and in particular of similar projects that were carried out under the applicant's direct responsibility.

Where the tenderer wishes to subcontract or otherwise rely on the capacities of other entities, it must in that case prove that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

Where the successful tenderer is an individual, a partnership of individuals, or a sole trader, it will be expected to demonstrate that continuity of service can be guaranteed. The Commission will consider, inter alia, the risk to successful project completion that would be occasioned by the death or resignation of one or more of the individuals involved.

Only those proposals which meet all the selection criteria will be carried forward for assessment under the award criteria.

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: no

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

IV.1. Type of procedure

IV.1.1. Type of procedure

Open

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

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

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

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

TRADE2014/C1/C06.

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

31.3.2014 - 16:00

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

Any EU official language

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

Duration in months: 9 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Date: 15.4.2014

Place:

rue de la Loi 170, CHAR Building, Brussels, BELGIUM.

Persons authorised to be present at the opening of tenders: yes

Information about authorised persons and opening procedure: Requests to attend the public opening must be submitted by 20.3.2014 at the latest, exclusively by e-mail to the name of the contact point and address mentioned in I.1. The exact time and location will be communicated to those having sent an e-mail to show their interest in attending the opening session.

Section VI: Complementary information

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

Tenderers can download the tender documents and any possible additional documents and information from DG Trade's Internet site for public procurement <http://ec.europa.eu/trade/trade-policy-and-you/calls-for-tender/>

The site will be updated regularly and it is the tenderer's responsibility to check for updates and modifications during the tendering period.

The documents are also available via the e-tendering application by using the following link: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=347>

VI.4. Procedures for review

VI.4.1. Review body

Official name: General Court of the European Union

Postal address: rue du Fort Niedergrünwald

Town: Luxembourg

Postal code: 2925

Country: Luxembourg

E-mail: cfi.registry@curia.europa.eu

Telephone: +352 4303-1

Fax: +352 4303-2100

Internet address: http://curia.europa.eu/jcms/Jo1_6308/

Body responsible for mediation procedures

Official name: The European Ombudsman

Postal address: 1 avenue du Président Robert Schuman, PO Box 403

Town: Strasbourg

Postal code: 67001

Country: France

E-mail: euro-ombudsman@europarl.europa.eu

Telephone: +33 388172313

Fax: +33 338179062

Internet address: <http://www.ombudsman.europa.eu/start.faces>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Within 2 months of the notification of the plaintiff, or in absence thereof, on the day on which it came to the knowledge. A complaint made to the European Ombudsman will neither cause this period to be suspended nor a new period for lodging appeals to begin.

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

VI.5. Date of dispatch of this notice

31.1.2014