

Belgium-Brussels: Provision of temporary staff in Luxembourg

OJ S 65/2014 02/04/2014

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, DG Human Resources and Security, Shared Resource Services Directorate — Finance and Internal Control

Postal address: Office SC11 06/32

Town: Brussels

Postal code: 1049

Country: Belgium

E-mail: hr-contrats-marches@ec.europa.eu

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

Postal address: DRB-B0 0/45

Town: Luxembourg

Postal code: 2920

Country: Luxembourg

For the attention of: Alberto Kozlik

I.2. Type of the contracting authority

European institution/agency or international organisation

I.3. Main activity

General public services

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

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

Official name: European Commission

Postal address: rue de la Loi 200

Town: Brussels

Postal code: 1049

Country: Belgium

Section II: Object of the contract

II.1. Description**II.1.1. Title attributed to the contract by the contracting authority**

Provision of temporary staff in Luxembourg

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

Services

Service category No 22: Personnel placement and supply services

Main site or place of performance: Luxembourg.

NUTS code LU00 Luxembourg

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

Maximum number Envisaged maximum number of participants to the framework agreement
: 3

Duration of the framework agreement

Duration in months: 48

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

The aim is to provide temporary staff services for departments of the European Commission, European Parliament, Court of Justice of the European Union, European Court of Auditors, Consumers, Health and Food Executive Agency and the Translation Centre for the Bodies of the European Union.

The European Commission is the lead body for this procurement procedure and the signatory of the framework contracts arising from it.

A successive multiple framework contract shall be entered into with a maximum of 3 companies for a duration of 4 years. The contract is to come into effect on 1.1.2015.

During the 3 years following contract conclusion, the contracting authority will be able to use the negotiated procedure without prior publication of a contract notice for additional contracts involving the repetition of similar services assigned to the party awarded this contract by the same contracting authority.

The temporary staff provided under this contract will occupy positions including: storeman, messenger, driver, chef, waiter, assistant accountant, technical operator, secretary, office clerk, childcare worker and playgroup assistant for the Early Childhood Centre, assistant, dietician, accountant, nurse, laboratory technician, IT operator, statistician, proof-reader.

The temporary staff will carry out their assignments in Luxembourg.

II.1.6. CPV code(s)

79620000 Supply services of personnel including temporary staff

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

The procurement is covered by the Government Procurement Agreement: no

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

Provision of 538 full-time equivalent staff for the entire contract term. Details of the various profiles of the temporary staff and the conditions for their provision will be given in the specifications.

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

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

Payment within 30 days of approval of payment requests.

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

Where the successful tenderer is a grouping, all members thereof will be jointly and severally liable for performance of the contract.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: the contractor undertakes to apply to the temporary staff all legal provisions in force concerning social security and labour and tax law in the Grand Duchy of Luxembourg.

Temporary employment is regulated by the Labour Code (book I, heading III, Articles L.131-1 to L.134-3).

The collective agreement of 28.7.2011 applicable to temporary staff in temporary employment agencies concluded between the Luxembourg Union of Temporary Employment Agencies (ULEDI) and the trade unions (OGB-L and LCGB) was declared to be generally binding on the entire sector by the Grand-Ducal Regulation of 23.10.2011.

The temporary employment agencies awarded the contract must, prior to the framework contract coming into effect, have a ministerial authorisation to perform the activity of temporary staff contractor under Articles L. 131-2 and 3 of the Labour Code.

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: requests to participate must be sent by post before the final date or the deadline indicated in point IV.3.4 of this notice, in accordance with 1 of the following procedures:

— registered post, as evidenced by the postmark, to the following address:

European Commission, Directorate-General for Human Resources and Security, attention: Mr A. Kozlik, DRB-B0 0/45, 2920 Luxembourg, LUXEMBOURG,

— delivery (in person, or by a representative of the candidate or a courier service) to the following address:

European Commission, Directorate-General for Human Resources and Security, attention: Mr A. Kozlik, DRB-B0 0/45, Jean Monnet Building — main entrance, rue Albert Wehrer, plateau de Kirchberg, 2920 Luxembourg, LUXEMBOURG.

This department is open from 8:30 until 17:30, Monday to Thursday, and from 8:30 until 16:30 on Fridays. It is closed at weekends and on Commission holidays. If delivery is made via a courier service, the valid date of dispatch will be the date on the courier's delivery receipt. If delivered by the candidate himself, or by a representative of his, a delivery receipt will be issued, dated and signed by the official from the Commission's Central Mail Department who takes delivery of the documents.

Candidates (individual candidates or groupings) must (NB: groupings must provide the requested documents and information separately for each grouping member):

- quote reference HR/R3/PR/2013/085 in their request to participate,
- enclose all documents and information required under points III.2.1 to III.2.3,
- enclose a detailed identity sheet (individual sheets for each member of the grouping, with an indication of the lead company) stating: name, legal status, nationality, address, telephone and fax numbers, name and e-mail address of contact person, VAT number, official registration number (where applicable) and precise bank details.

Legal position — means of proof required:

- name of the country in which candidates have their head office or are domiciled, along with the corresponding attestations, in accordance with the law in their country of residence (groupings must furnish these documents individually for each member),
 - candidates' requests to participate must include a duly signed and dated solemn declaration, stating that they are not in any of the situations which would disqualify them from participating in the contract. This document is available at the following address:

http://ec.europa.eu/dgs/human-resources/markets_fr.htm

Groupings must furnish separate solemn declarations for each member.

Requests to participate submitted by consortia, groupings or associations of companies must include:

- (a) a document detailing the composition and constitution of the entity or the legal form of this cooperation in the event they are awarded the contract;
- (b) a document detailing the lead company;
- (c) all members of the consortium, grouping or association of companies must declare that they accept said company as leader;
- (d) a letter signed by each grouping member, stating that they undertake to carry out the work, and specifying their role, qualifications and experience. Candidates who fail to provide this document may be automatically excluded.

The contract will be signed by the European Commission and the successful tenderer (lead company in the case of a grouping).

Candidates may rely on the capacities of other bodies, regardless of the legal nature of the links which they have with them. In such an event, they must provide the contracting authority with proof that they will have the resources needed to carry out the contract by, for example, producing a written commitment by said bodies to make such resources available.

III.2.2. Economic and financial ability

List and brief description of conditions: candidates must prove they have sufficient economic and financial resources to ensure satisfactory contract performance.

The following documents must also be provided as proof of economic and financial capacity:

- balance sheets, or summaries thereof, and profit and loss accounts for at least the past 3 financial years for which accounts have been closed, where publication of balance sheets is prescribed under company law in the country in which the economic operator is resident. The balance sheets must show pre-tax profits for the past 3 financial years for which accounts have been closed,
- if the balance sheets or the statement show an average loss over the past 3 financial years,

then candidates must furnish another document as proof of their financial and economic capacity, such as appropriate bank references or proof of professional risk insurance cover, — statement as to annual turnover in the past 3 financial years in the field covered by this contract.

Should the request to participate be submitted by a grouping, the aforementioned information must be submitted to the contracting authority in the form of a separate document for each grouping member and a document summarising the consolidated data for the grouping as a whole.

If, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce the means of proof required, he is permitted to provide evidence of his economic and financial capacity by any means which the contracting authority deems suitable.

Minimum level(s) of standards possibly required: the minimum turnover for each of the past 3 years for which accounts have been closed in the field of the contract must be 8 000 000 EUR.

III.2.3. Technical and professional ability

List and brief description of conditions:

statement showing the average annual number of temporary staff (full-time equivalent) assigned over the past 3 years to employee positions similar to those indicated in point II.1.5 of this contract notice.

Minimum level(s) of standards possibly required:

the annual number of staff (full-time equivalent) provided for each of the past 3 years must have been at least 250 full-time equivalent staff.

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: the contract is reserved for temporary staff agencies. The use of temporary staff in Luxembourg is governed by the Labour Code (book I, heading III, Articles L.131-1 -L.134-3). Before the contract enters into force, successful tenderers must have a ministerial authorisation to perform the activity of temporary staff contractor.

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: no

Section IV: Procedure

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

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**

HR/R3/PR/2013/085.

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document**IV.3.4. Time limit for receipt of tenders or requests to participate**

30.4.2014

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

- 1) The attention of interested parties is drawn to the aim of this notice, i.e. to select candidates who will receive the specifications and be invited to tender.
- 2) NB: interested parties are requested to strictly observe the conditions stated in point III.2 of this notice when submitting their request to participate, namely:
 - to send their request to participate by letter before the date or the deadline given in point IV.3.4. Requests to participate received after this deadline will be automatically rejected,
 - to enclose all documents and information required under points III.2.1 to III.2.3. Incomplete requests to participate may be automatically rejected.
- 3) Data protection: suitable technical and organisational measures taken to guarantee a level of personal data security must be agreed upon between the selected candidate (each individual member in the case of a consortium and each subcontractor) and the European Commission in writing or in another equivalent form.
- 4) If the processing of requests to participate for this invitation to tender notice requires the registration and processing of personal data (name, address, CV), this data will be processed

in accordance with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless otherwise specified, the answers to questions asked and all the personal data requested are necessary for the evaluation of requests to participate in accordance with the contract notice, and will be used for this purpose only by the contracting authority designated in point I.1.

Detailed information concerning processing of personal data is available in the privacy policy statement: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf

Candidates are informed that their personal data may be registered by the Commission's accounts officer in the Early Warning System (EWS) only or in both the EWS and the central exclusion database (CED), if they are in any of the situations referred to in:

- Commission Decision 2008/969/EC, Euratom of 16.12.2008 on the Early Warning System (for further information, see the privacy policy statement at: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or
- Commission Regulation (EC, Euratom) No 1302/2008 of 17.12.2008 on the central exclusion database (for further information, see the privacy policy statement at: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE).

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

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

Internet address: <http://curia.europa.eu>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: within 2 months of the plaintiff being notified or, failing this, of the date on which it became known to them.

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

VI.5. Date of dispatch of this notice

21.3.2014