

Belgium-Brussels: Provision of benchmarked housing data and information on real estate in third countries — ref. EEAS-426-DIVA4-SER-DIR

OJ S 79/2015 23/04/2015

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European External Action Service, MDR.A4 Infrastructure, Protocol and Conferences

Postal address: rond point Schuman 9A

Town: Brussels

Postal code: 1046

Country: Belgium

Contact person: Head of Division

For the attention of: MDR.A4 Division

E-mail: mdr-a4@eeas.europa.eu

Internet address(es):

General address of the contracting authority: <http://eeas.europa.eu>

Address of the buyer profile: http://eeas.europa.eu/jobs/tenders/index_en.htm

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: the abovementioned address

I.2. Type of the contracting authority

European institution/agency or international organisation

I.3. Main activity**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**

Provision of benchmarked housing data and information on real estate in third countries — ref. EEAS-426-DIVA4-SER-DIR.

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

Services

Service category No 10: Market research and public opinion polling services

NUTS code BE100 Arr. de Bruxelles-Capitale/Arr. Brussel-Hoofdstad

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)

Provision of benchmarked housing data and information on real estate in third countries providing the EEAS with cost-effective housing allowances reflecting real market prices for its officials in third countries. The data shall be provided through a Web-based system.

II.1.6. CPV code(s)

48900000 Miscellaneous software package and computer systems, 70000000 Real estate 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

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Provision of benchmarked housing data and information on real estate in third countries providing the EEAS with cost-effective housing allowances reflecting real market prices for its officials in third countries. The data shall be provided through a Web-based system.

Estimated value excluding VAT:

Range: between 100 000 and 140 000 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

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

Yearly payments upon presentation of invoices.

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

Requests to participate can also be submitted by a group of economic operators who will not be required to adopt a particular legal form prior to the contract being awarded but may be required to do so after the award. However, when in a group, 1 member must be nominated as the leader and be in charge of the administrative management of the contract (contact point, invoicing, receiving payments, etc.) on behalf of all members of the group. The leader shall

receive power of attorney from the other members in this sense. Each member of the group assumes a joint and several liability towards the contracting authority. The documents required and listed at Section III.2 must be supplied by every member.

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: Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012 (Financial Regulation) and Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (rules of application).

1.A) Access to public procurement:

Participation in this call for tender is open to natural and legal persons with their domicile or headquarters in one of the Member States of the European Union, EEA countries and countries that are parties to the Government Procurement Agreement.

1.B) Evidence of access to public procurement:

Candidates must confirm that they have their headquarters or domicile in one of the abovementioned States and present the supporting evidence normally acceptable under their own law.

2.A) Exclusion criteria:

Article 106 of the Financial Regulation sets out that:

1. Candidates or tenderers shall be excluded from participation in procurement procedures 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 or the persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State 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 including by decisions of the EIB and international organisations;
- (d) they are not in compliance with their 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 or the persons having powers of representation, decision-making or control over them have been the subject of a judgment which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity where such illegal activity is detrimental to the Union's financial interests;
- (f) they are subject to an administrative penalty referred to in Article 109(1).

Points (b) and (e) of the first subparagraph shall not apply where the candidates or tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision-making or control over them, who are subject to judgment as referred to in point (b) or (e) of the first subparagraph.

2. Candidates or tenderers shall certify that they are not in one of the situations listed in

paragraph 1. For the purpose of the correct application of paragraph 1, the candidate or tenderer, whenever requested by the contracting authority, shall:

(a) where the candidate or tenderer is a legal entity, provide information on the ownership or on the management, control and power of representation of the legal entity and certify that they are not in one of the situations referred to in paragraph 1;

(b) where subcontracting is envisaged, certify that the subcontractor is not in one of the situations referred to in paragraph 1.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 210 concerning detailed rules on:

a) the exclusion criteria applicable for the participation in calls for tender, including rules on illegal activities giving rise to exclusion;

b) what evidence may be satisfactory to show that an exclusion situation does not exist;

c) the duration of an exclusion. Such exclusion shall not exceed 10 years.

Article 107 of the Financial Regulation sets out that a contract shall not be awarded to candidates or tenderers who, during the procurement procedure for this contract:

(a) are subject to a conflict of interest;

(b) are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;

(c) find themselves in one of the situations of exclusion, referred to in Article 106(1), for the procurement procedure.

2.B) Evidence of non-exclusion:

Article 143 of the rules of application sets out that:

1. Candidates and tenderers shall provide a declaration on their honour, available at:

http://eeas.europa.eu/jobs/docs/declaration-honour_en.pdf

duly filled in, signed and dated, stating that they are not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation.

2. The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in paragraph 3 hereafter, confirming the declaration referred to in paragraph 1.

3. The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 106(1) of the Financial Regulation, 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. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (a) or (d) of Article 106(1) of the Financial Regulation, a recent certificate issued by the competent authority of the States concerned as defined under point 2.A)1(d) above.

Where the document or certificate referred to in the first subparagraph is not issued in the country concerned and for the other cases of exclusion referred to in Article 106 of the Financial Regulation, it 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.

4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 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.

5. Where they have doubts as to whether candidates or tenderers are in one of the situations of exclusion, the contracting authority may apply to the competent authorities referred to in

paragraph 3 to obtain any information considered necessary about that situation.

6. The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in paragraph 3 if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid. In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

7. The candidate or tenderer shall submit a declaration on honour available at:

http://eeas.europa.eu/jobs/docs/declaration-honour_en.pdf

duly filled in, signed and dated from the intended subcontractor that he is not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation. In case of doubt on this declaration on the honour, the contracting authority shall request the evidence referred to in paragraphs 3 and 4. Paragraph 5 shall apply, where appropriate.

III.2.2. Economic and financial ability

List and brief description of conditions: Proof of economic and financial capacity must be furnished by the following documents:

- a) financial statements for the last 3 years for which accounts have been closed;
- b) a statement of the annual turnover concerning the services covered by the contract during the last 3 financial years for which accounts have been closed;
- c) if the candidate is relying on other entities (e.g. parent company, other company in the same group, or third party) in order to achieve the required level of economic and financial capacity, its request to participate must contain a signed and dated statement.

Minimum level(s) of standards possibly required: The average annual turnover concerning the services covered by the contract for the last 3 years for which accounts have been closed must be at least 400 000 EUR. This amount is a minimum below which no request to participate can be accepted. The exchange rate used to convert the turnover into euros will be the rate of December of the year of the financial statement as published at http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm

In case the candidate is a group of economic operators, a consolidated assessment of the minimum capacity levels of all the members together will be made by the concerned entity declaring firmly that the relevant resources shall be made at the disposal of the candidate for this contract.

III.2.3. Technical and professional ability

List and brief description of conditions:

Evidence of the technical and professional capacity of economic operators must be furnished on the basis of the following documents:

- a) a list as well as a short description, including the sums, dates and recipients (public or private) of principle similar contracts in the past 3 years;
- b) information on the facilities and resources available to the company to ensure the quality of services (i.e. network of experts, etc.);
- c) if the candidate is relying on other entities (e.g. parent company, other company in the same group, or third party) in order to achieve the required level of technical and professional capacity, its request to participate must contain a signed and dated statement by the concerned entity declaring firmly that the relevant resources shall be made at the disposal of the candidate for this contract.

Minimum level(s) of standards possibly required:

- 1) the candidate must prove the availability of benchmarked housing data and information on real estate in third countries through a Web-based system covering at least 60 % of the list of third countries presented at paragraph VI.3 section C;
- 2) the candidates must provide at least 3 proofs of satisfaction of clients (public or private, international or foreign companies, diplomatic missions or representations of international organisations) for similar contracts during the last 3 years.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

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

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

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

EEAS-426-DIVA4-SER-DIR.

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

1.6.2015

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

Other: Any other document sent together with the request to participate submitted in a language other than an EU official language shall not be considered for the evaluation unless it is accompanied by a translation in an 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

I. Preparation and submission of requests to participate and tenders:

This tender will be taking place in 2 steps, as follows:

A. First step:

In order to participate, candidates shall submit a letter presenting the name of the candidate, including all entities in case of a group and the name of the single contact person in relation to this request. An e-mail address and/or a fax number of the candidate shall be supplied. It is the responsibility of the candidate to regularly consult the e-mails received. In the case of a group, this letter must be signed by a duly authorised representative of each operator and indicate the leading member with its e-mail address and/or fax number.

Requests must be perfectly legible to avoid any misunderstanding on the text and on the figures.

In annex to this letter, candidates shall submit all the information requested in Section III of this contract notice:

legal, economic, financial and technical information.

If the request to participate is submitted by a group of economic operators (Section III.1.3 of the contract notice), the documents specified in Sections III.2.1, III.2.2 and III.2.3 of this contract notice will be submitted by each member of the group.

If a candidate is relying on another entity to achieve a large part of its financial capacity as indicated at Section III.2.2.c), the contracting authority may demand that the said entity sign the contract or that it provide a joint and several first-call guarantee, should that candidate become the awardee of the contract.

Requests to participate must be submitted by the deadline as mentioned here below. Failing this, the requests to participate will be automatically rejected.

Submission can be made, according to the candidate's choice:

- (a) either by post or by private courier, posted no later than 1.6.2015, as evidenced by the postmark or the date on the deposit slip respectively, to the address stated in Section I.1;
 - (b) or delivered by hand to the address stated in Section I.1 by 1.6.2015 (15:00) at the latest.
- Delivery by hand will be confirmed in this case by a dated and stamped receipt signed by the duly authorised agent from the Delegation. The request to participate shall comprise 1 original and 2 copies. Submissions must be made using a double envelope. Both envelopes are to be sealed. If self-seal envelopes are used, they must also be sealed with adhesive tape with the sender's signature written across the tape. The outer envelope must bear both the name of the department which it is addressed to, as above, and the following: 'TENDER Nr. EEAS-426-

DIVA4-SER-DIR NOT TO BE OPENED'. This will be marked on the inner envelope too.

B. Second step:

Candidates shortlisted at the end of the first step shall be invited to submit a tender. The tender documents (including the letter of invitation to tender, the tender specifications and the model contract to be used for this contract) will be sent to them directly, with no further publication in the Official Journal of the EU.

'Nota bene': submitting requests to participate or drawing up tenders does not give tenderers the right either to be awarded the contract or to receive any compensation for costs incurred. The contracting authority is under no obligation to award a contract subsequent to this notice.

C. List of third countries in which the EU has delegations:

1. Afghanistan; Kaboul;
2. Afrique du Sud, Rép.; Pretoria;
3. Albanie; Tirana;
4. Algérie; Alger;
5. Angola; Luanda;
6. Arabie saoudite; Riyad;
7. Argentine; Buenos Aires;
8. Arménie; Erevan;
9. ARYM; Skopje;
10. Australie; Canberra;
11. Autriche; Vienne;
12. Azerbaïdjan; Bakou;
13. Bangladesh; Dacca;
14. Barbade; Bridgetown;
15. Biélorussie; Minsk;
16. Bénin; Cotonou;
17. Bolivie; La Paz;
18. Bosnie-Herzégovine; Sarajevo;
19. Botswana; Gaborone;
20. Brésil; Brasilia;
21. Burkina Faso; Ouagadougou;
22. Burundi; Bujumbura;
23. Cambodge; Phnom Penh;
24. Cameroun; Yaoundé;
25. Canada; Ottawa;
26. Cap-Vert; Praia;
27. Centrafricaine, Rép.; Bangui;
28. Chili; Santiago;
29. Chine; Pékin;
30. Chine; Hong-Kong;
31. Cisjordanie et Bande de Gaza; Jérusalem-Est;
32. Colombie; Bogota;
33. Congo, Rép.; Brazzaville;
34. Congo, Rép. Démocratique; Kinshasa;
35. Corée; Séoul;
36. Costa Rica; San José;
37. Côte d'Ivoire; Abidjan;
38. Croatie; Zagreb;
39. Cuba; La Havane;
40. Djibouti; Djibouti;

41. Dominicaine, Rép.; Santo Domingo;
42. Égypte; Le Caire;
43. El Salvador; San Salvador;
44. Équateur; Quito;
45. Érythrée; Asmara;
46. États-Unis d'Amérique; Washington;
47. États-Unis d'Amérique; New York;
48. Éthiopie; Addis Abeba;
49. Fidji, Rép. des Îles; Suva;
50. France; Paris;
51. France; Strasbourg;
52. Gabon; Libreville;
53. Gambie; Banjul;
54. Géorgie; Tbilissi;
55. Ghana; Accra;
56. Guatemala; Guatemala;
57. Guinée Équatoriale; Malabo;
58. Guinée, Rép.; Conakry;
59. Guinée-Bissau; Bissau;
60. Guyana; Georgetown;
61. Haïti; Port-au-Prince;
62. Honduras; Tegucigalpa;
63. Inde; New Delhi;
64. Indonésie; Jakarta Banda Aceh;
65. Iraq; Bagdad;
66. Israël; Tel Aviv;
67. Italie; Rome;
68. Jamaïque; Kingston;
69. Japon; Tokyo;
70. Jordanie; Amman;
71. Kazakhstan; Almaty et Astana;
72. Kenya; Nairobi;
73. Kirghizstan; Bichkek;
74. Kiribati & Nauru; Tarawa;
75. Kosovo; Pristina;
76. Laos; Vientiane;
77. Lesotho; Maseru;
78. Liban; Beyrouth;
79. Liberia; Monrovia;
80. Madagascar; Antananarivo;
81. Malaisie; Kuala Lumpur;
82. Malawi; Lilongwe;
83. Mali; Bamako;
84. Maroc; Rabat;
85. Maurice, Rép.; Port-Louis;
86. Mauritanie; Nouakchott;
87. Mexique; Mexico;
88. Micronésie, États fédérés de; Palikir;
89. Moldavie; Chisinau;
90. Monténégro; Podgorica;

91. Mozambique; Maputo;
92. Namibie; Windhoek;
93. Népal; Katmandou;
94. Nicaragua; Managua;
95. Niger; Niamey;
96. Nigeria; Abuja;
97. Norvège; Oslo;
98. Nouvelle Calédonie; Nouméa;
99. Nouvelle Zélande; Wellington;
100. Ouganda; Kampala;
101. Ouzbékistan; Tachkent;
102. Pakistan; Islamabad;
103. Panama; Panama;
104. Papouasie Nouvelle Guinée; Port Moresby;
105. Paraguay; Asunción;
106. Pérou; Lima;
107. Philippines; Manille;
108. Russie; Moscou;
109. Rwanda République; Kigali;
110. Salomon, Îles; Honiara;
111. Samoa; Apia;
112. Sénégal; Dakar;
113. Serbie; Belgrade;
114. Sierra Leone; Freetown;
115. Singapour; Singapour;
116. Soudan; Khartoum;
117. Sri Lanka; Colombo;
118. Suisse; Berne;
119. Suisse; Genève;
120. Suriname; Paramaribo;
121. Swaziland; Mbabane;
122. Syrie; Damas;
123. Tadjikistan; Douchanbé;
124. Taïwan; Taipei;
125. Tanzanie; Dar es Salaam;
126. Tchad; N'Djamena;
127. Thaïlande; Bangkok;
128. Timor-Oriental; Dili;
129. Togo; Lomé;
130. Trinité-et-Tobago; Port of Spain;
131. Tunisie; Tunis;
132. Turquie; Ankara;
133. Ukraine; Kiev;
134. Uruguay; Montevideo;
135. Venezuela; Caracas;
136. Viêt Nam; Hanoï;
137. Yémen; Sanaa;
138. Zambie; Lusaka;
139. Zimbabwe; Harare.

II. Data protection:

If processing your reply to this contract notice involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18.12.2000 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 indicated otherwise, replies to the questions and any personal data requested are required to evaluate your request to participate in accordance with the contract notice and will be processed solely for that purpose by the contracting authority mentioned in heading I.1. Details concerning the processing of your personal data are available on the privacy statement at:

<http://eeas.europa.eu/jobs/docs/privacy-statement-jobs-tenders.pdf>

Your personal data may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the EEAS, should you be in one of the situations mentioned in:

— the Commission Decision 2008/969/EC, Euratom of 16.12.2008 on the Early Warning System for the use of authorising officers of the Commission and the executive agencies (for more information see the Privacy Statement on http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or

— the Commission Regulation (EC, Euratom) No 1302/2008 of 17.12.2008 on the central exclusion database (for more information see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE)

III. Where appropriate, the contracting authority may have recourse to a negotiated procedure on the basis of Article 134(1)(f) of the rules of application applicable to the Financial Regulation.

VI.4. Procedures for review

VI.4.1. Review body

Official name: General Court
Postal address: rue du Fort Niedergrünwald
Town: Luxembourg
Postal code: 2925
Country: Luxembourg
E-mail: generalcourt.registry@curia.europa.eu
Telephone: +352 4303-1
Fax: +352 4303-2100
Internet address: <http://curia.europa.eu>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Within 2 months of the notification to the plaintiff, or, in absence thereof, of the day on which it came to the knowledge. A complaint to the European Ombudsman does not have as an effect either to suspend this period or to open a new period for lodging appeals.

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

Official name: General Court
Postal address: rue du Fort Niedergrünwald
Town: Luxembourg
Postal code: 2925
Country: Luxembourg
E-mail: generalcourt.registry@curia.europa.eu
Telephone: +352 4303-1

Fax: +352 4303-2100

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

VI.5. Date of dispatch of this notice

13.4.2015