

Netherlands-Petten: Works contract (including installation services) for the construction and fitting out of an energy-efficient reception building with a security room, visitor and conference facilities at the main entrance of the JRC site in Petten

OJ S 82/2015 28/04/2015

Contract notice

Works

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Joint Research Centre, Institute for Energy and Transport

Postal address: PO Box 2, 1755 ZG Petten

Town: Petten

Postal code: 1755 LE

Country: Netherlands

Contact person: Ms Sylwia Zamana

For the attention of: Purchasing Department

E-mail: jrc-iet-procurement@ec.europa.eu

Fax: +31 224565607

Internet address(es):

General address of the contracting authority: <http://iet.jrc.ec.europa.eu/>

Electronic access to information: <http://www.jrc.ec.europa.eu/callsfortender>

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

General public services

Other: research.

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

Works contract (including installation services) for the construction and fitting out of an energy-efficient reception building with a security room, visitor and conference facilities at the main entrance of the JRC site in Petten.

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

Works

Main site or place of performance: IET site, Westerduinweg 3, 1755 LE Petten, NETHERLANDS.

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 European Commission (EC) — via the Joint Research Centre (JRC), the Institute for Energy and Transport (IET) in Petten (Netherlands) — intends to enter into a contract for the construction, fitting out and completion of an energy-efficient reception building (including parking facilities on its grounds), fencing and covered entrance and exit roads with a porter's lodge, spread over 2 floors with a total gross surface area of approximately 1 250 m². The building will comprise a security room and a reception, visitor areas and room for conference facilities.

It shall be located at the main entrance on the security perimeter of the IET site.

In addition to the construction and fitting out, there shall also be installation and preparatory works, including:

- foundations,
- all connections for utilities on existing infrastructure,
- heating and cooling of the building and ICT/technical rooms,
- installation of new security installations, including the connection and transfer of existing security installations,
- installation of new control devices/circuits (including the connection and transfer thereof) from the existing building to the new one,
- all fixed installations (including furniture),
- adapting the existing paving to go around the new building.

The building and its installations must be to 'near-zero energy' standard, constructed in accordance with specific high passive-building and energy-efficient requirements for the building envelope and installation parts.

II.1.6. CPV code(s)

45210000 Building construction work

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

Financial offers above 2 500 000 EUR shall not be accepted.

This estimate does not include 5 % for contingencies.

Estimated value excluding VAT:

Range: between 2 200 000 and 2 500 000 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: 30 (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

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

Economic operators may submit a request to participate as an individual or a partner in a consortium (with or without a legal personality). Subcontracting is permitted in both cases. The candidate must clearly state the role of each economic operator — an individual candidate, a partner in a consortium or a subcontractor. This also applies to those entities forming part of the consortium.

All consortium partners shall be jointly and severally liable vis-à-vis the contracting authority for performance of the contract and, should the consortium's tender be selected, will be required to sign it. The consortium must nominate a legal entity ('leader') who has full authority to bind the consortium and each of its members during contract performance. He shall be responsible for managing the contract (invoices, receipt of payments, etc.) on behalf of all other partners.

Subcontracting is when the contractor enters into legally binding commitments with other legal entities that will perform parts of the contract in his name. The contractor retains full liability vis-à-vis the contracting authority for contract performance. Freelance arrangements (relying on the activities or staff members of a legal entity other than the contractor) constitute subcontracting, irrespective of applicable national legislation.

Candidates must also identify all subcontractors whose capacities may be relied on in order to meet the minimum capacity levels in points III.2.2 and III.2.3. Subcontractors must provide a letter of intent stating their willingness to participate in the performance of the contract. During the performance thereof, the replacement of subcontractors shall be subject to the contracting authority's prior written approval.

An individual candidate or a consortium may also rely on the capacities of other entities in order to meet the minimum capacity levels in points III.2.2 and III.2.3, regardless of the legal nature of the links he has with them. In that case, he must provide the contracting authority with evidence that he has the necessary resources to carry out the contract, for example, by providing a solemn declaration from said entities. If the tenderer relies on the capacities of a third party that is a legal entity other than the individual tenderer or the consortium members, this shall be considered as subcontracting under the procedure despite the fact that said party forms part of the consortium. Should the contract be awarded to a tenderer who relies on a third party to provide more than 70 % of the minimum economic and financial capacity

requirements listed in point III.2.2, the contracting authority shall ask the third party to sign the contract, thereby becoming jointly and severally liable together with the tenderer for performance thereof.

The role and duties of all consortium partners and all listed subcontractors must be clearly stated in the request to participate. The accompanying letter must state the name of the candidate (including all partners in the case of a consortium) and subcontractor(s), including third parties whose capacities the tender may rely on, as well the name of the sole contact person for this procedure. For consortia, the accompanying letter must be signed by each partner, or by 1 of them that is duly authorised to sign the tender and the contract in the name and on behalf of the other partners. In this latter case, the authorisation may, for example, be in the form of a proxy, letter of intent or consortium agreement.

Candidates (all partners in the case of a consortium) must also submit a clear copy of the notice of nomination of those persons authorised to represent the candidate vis-à-vis third parties and during legal proceedings, or a copy of the publication of said nomination, if legislation that applies to the legal entity in question requires publication thereof. Any delegation of this authorisation to another representative not stated in the official nomination must be substantiated with supporting documents.

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: 1. Exclusion criteria:

to be eligible to participate in this procurement procedure, candidates must not be in 1 of the exclusion situations listed in Articles 106 and 107 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012. Candidates (including consortium partners) and subcontractors identified in accordance with point III.1.3 must sign the declaration on honour (available from the contracting authority's website given in point I.1), stating that they are not in any of the situations listed therein.

At the contracting authority's request, the successful tenderer (including all partners in the case of a consortium) and all subcontractors identified by the tenderer in accordance with point III.1.3 must provide the supporting documents listed in Article 143(3) of Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012.

The contracting authority may exempt the tenderer from providing the supporting documents if they have already been submitted as part of another procurement procedure, and provided that they are less than 1 year old and still valid. In that case, the tenderer shall solemnly declare that the supporting documents have already been submitted as part of a previous procurement procedure and confirm that his situation has not changed.

In accordance with this provision, tenderers must submit with their tender declarations on honour proving that they are not in any of the cases referred to in Articles 106 and 107 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council.

2. Legal situation:

candidates (all partners in the case of a consortium) must demonstrate that they have sufficient capacity to carry out the contract by providing proof of enrolment on the trade or professional register in the country in which they are established/domiciled. If the candidate is neither required nor authorised to be registered in said register for legal reasons connected with his status or his legal form, the contracting authority may accept, as sufficient proof: a

declaration or certificate; membership of a specific organisation; express authorisation or enrolment on the VAT register.

III.2.2. Economic and financial ability

List and brief description of conditions: candidates must have sufficient economic and financial capacity to carry out the contract.

The following supporting documents must be submitted by each candidate (each partner in the case of a consortium) and each subcontractor whose capacities the candidate may rely on in order to meet the minimum economic and financial capacity requirements:

3. copy of audited and/or published financial statements (balance sheets, assets/liabilities, profit and loss accounts and any other related financial information) for the past 2 financial years for which accounts have been closed or, should the publication of balance sheets not be prescribed under legislation in the country in which the economic operator is established, self-declaration from the duly authorised representative regarding the accuracy and truthfulness thereof. If the submitted documents show a net loss for the years required, the economic operator must submit another document in order to provide proof of his financial and economic capacity, such as appropriate bank statements or a letter/statement from certified accountants as to his sound financial situation, proof of professional risk insurance cover, or an appropriate guarantee from a third party (e.g. the parent company).

If, for exceptional reasons, an economic operator is unable to provide the contracting authority with the aforementioned references, his economic and financial capacity may be proved by any other document that the contracting authority deems appropriate. The contracting authority must in each case be fully informed of the exceptional reasons and be provided with justification therefor. The contracting authority reserves the right to request any other document that allows it to verify the economic operator's economic and financial capacity or to search for additional information and/or clarifications via any other means (websites, official bodies, etc.).

The contracting authority may exempt the economic operator from submitting the supporting documents if they have already been submitted as part of a previous procurement procedure, and provided that they meet the requirements of this invitation to tender. In this case, the economic operator must submit a reference to the contract for which the proof was submitted, as well as a reference to the Commission department.

A statement as to annual turnover during the past 2 financial years for which accounts have been closed; this statement must contain balance sheets for the past 2 financial years for which accounts have been closed or extracts thereof (assets/liabilities, profit/loss), should the publication thereof be prescribed under company law in the country in which the company is established.

Minimum level(s) of standards possibly required: with regard to 3. The candidate must have an annual turnover of at least 4 500 000 EUR during the past 2 financial years for which accounts have been closed;

this minimum value is assessed on the basis of the tenderer as a whole, including the combined capacities of all partners (in the case of a consortium) and all subcontractors.

III.2.3. Technical and professional ability

List and brief description of conditions:

4. an existing health and safety structure that is applicable to the performance of the works. A clear description of this health and safety structure must be submitted and, if applicable, copies of related certificates and other associated official documents. This structure must be sufficient to demonstrate that accident prevention and security matters are covered.

5. At least 1 person must be put forward to be on site on a full-time basis while works are

being carried out and act as the person responsible both for performance and for health, safety and the environment (foreman). CVs for the persons put forward must be provided in order to confirm that the minimum requirements have been met.

6. At least 1 person must be put forward to support the full-time foreman while the works are being carried out and act as the person responsible for energy-efficient/passive/(near-)zero energy building so as to ensure the energy-efficient/passive quality of the building under construction. CVs for the persons put forward must be provided in order to confirm that the minimum requirements have been met.

7. It must be demonstrated that the requirements of Regulation (EU) No 995/2010 of the European Parliament and of the Council (EU Timber Regulation) on the delivery of necessary timber or timber products have been met, i.e. that said products have been legally placed on the EU market.

8. A list must be provided of the main related contracts involving energy-efficient building /passive building (non-residential and office construction) that were carried out in the past 10 years, with an indication of their titles, a description of the works carried out and, if applicable, the specific energy-efficient/passive-building aspects and assurance measures, the name of the recipients (public and private), the start and end dates and values of the contracts (these values may, for confidentiality reasons, be attached to the main list on a separate page).

Minimum level(s) of standards possibly required:

with regard to 5. The person(s) put forward to be responsible for performance must have:

- at least 3 years' professional experience in non-residential or office construction as a person responsible for performance,
- at least 2 years' professional experience in energy-efficient/passive building as a person responsible for performance,
- valid full construction-sector safety certificate (Volledig Veiligheidscertificaat voor Aannemerij — VCA-VOL) or equivalent. A copy thereof must be provided along with the CV,
- verbal command of English, corresponding to at least level A2 in accordance with the 'Common European Framework of Reference for Languages' (<https://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>). The exact verbal command level of English of the person put forward must be stated on the CV.

With regard to 6. The person(s) put forward to be responsible for energy-efficient/passive/(near-)zero energy building must have:

- at least 2 years' professional experience in energy-efficient/passive building as a person responsible for performance or in a role with a supporting/quality-control capacity vis-à-vis the site manager,
- valid construction-sector safety certificate (Veiligheidscertificaat voor Aannemerij — VCA) or equivalent. A copy thereof must be provided along with the CV,
- verbal command of English, corresponding to at least level A2 in accordance with the 'Common European Framework of Reference for Languages' (<https://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>).

The exact verbal command level of English of the person put forward must be stated on the CV.

With regard to 8. Proof of experience in the following must be provided:

- construction of an energy-efficient/passive building (new building), including fitting out and installation works, with a minimum total project value of 1 500 000 EUR. A certificate of satisfactory performance signed by the client must be provided, stating that the contract was carried out to a satisfactory standard,
- installation, commissioning and maintenance (under warranty) of high-performance renewable and/or energy-generation equipment,
- installation of Building (Energy) Monitoring Systems (B(E)MS),

— drafting of management plans for construction and demolition waste in order to limit waste generation as much as possible.

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

JRC/PTT/2015/F.1/0029/RC.

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

29.5.2015

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

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

If the follow-up to your response concerning this call for invitation to tender involves registration and processing of personal data (e.g. name, address, CV), this data will be processed in accordance with 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 otherwise specified, answers to questions and the personal data requested are necessary for evaluating your tender in accordance with the specifications, and will be processed for this purpose only by the JRC-IET. Detailed information on the processing of your personal data can be found in the privacy statement at: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf

Your personal data may be recorded by the accounting officer of the Commission either in the Early Warning System (EWS), or both in the EWS and the central exclusion database, if you are in any of the situations cited in:

- 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 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 more information, see the privacy statement at: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE).

During the first phase of this restricted procedure, interested parties will be invited to submit a request to participate. Only candidates who have been selected based on meeting the requirements in this invitation to tender (described in point III.2 of this contract notice) shall proceed to the second phase and have access to the tender documents (including the specifications, draft contract, etc.), and will then be invited to submit a tender.

The letter of invitation to submit a request to participate and the annexes (including the template document 'Declaration on honour') referred to in point III.2.1.1 of this notice may be downloaded from the JRC's website: <http://web.jrc.ec.europa.eu/callsfortender/> (under IET in the 'Filter by' tab and with reference JRC/PTT/2015/F.1/0029/RC).

Interested parties should note that this site is updated on a regular basis and it will be their responsibility to consult it regularly in order to have complete and up-to-date information concerning this invitation to tender.

— The Commission reserves the right to use a negotiated procedure as described in Article 134(1)(f) of Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012 which states that a negotiated procedure may be used without a prior contract notice, consisting in the repetition of similar services or works entrusted to the person to whom an initial contract has been awarded, provided that these services conform to a basic project and that this project was awarded by the same contracting authority via an open or restricted procedure.

VI.4. Procedures for review

VI.4.1. Review body

Official name: General Court of the European Union
Postal address: rue du Fort Niedergrünewald
Town: Luxembourg
Postal code: 2925
Country: Luxembourg
E-mail: cfi.registry@curia.europa.eu
Telephone: +352 4303-1
Fax: +352 433766
Internet address: <http://curia.europa.eu/>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: any queries regarding the contract procedure may be sent to the contracting authority stated in point I.1.

If you believe that there has been maladministration, you may lodge a complaint with the European Ombudsman within 2 years of the date you became aware of the facts on which your complaint is based (see <http://www.ombudsman.europa.eu>). Said complaint neither suspends the deadline for launching an appeal nor creates a new deadline for appeal.

Appeals may be lodged with the body stated under point VI.4.1 within 2 months of the award decision being notified.

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

Official name: General Court of the European Union
Postal address: rue du Fort Niedergrünewald
Town: Luxembourg
Postal code: 2925
Country: Luxembourg
E-mail: cfi.registry@curia.europa.eu
Telephone: +352 4303-1
Fax: +352 433766
Internet address: <http://curia.europa.eu/>

VI.5. Date of dispatch of this notice

16.4.2015