

IRL-Dunsany: Provision of catering services in the on-site restaurant, cafeteria and crèche at its premises at Grange, Dunsany, County Meath

OJ S 93/2013 15/05/2013

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Directorate-General for Health and Consumers

Postal address: County Meath

Town: Dunsany

Country: Ireland

For the attention of: Ms Laura Cahill

E-mail: sanco-irl-cft@ec.europa.eu

Internet address(es):

General address of the contracting authority: http://ec.europa.eu/comm/dgs/health_consumer/

Electronic access to information: http://ec.europa.eu/dgs/health_consumer/funding/call_catering_services_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

General public services

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 catering services in the on-site restaurant, cafeteria and crèche at its premises at Grange, Dunsany, County Meath.

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

Services

Service category No 17: Hotel and restaurant services

Main site or place of performance: Grange, Dunsany, County Meath, Ireland. The attention of applicants is drawn to the location of the European Commission's premises, which are situated in County Meath, some 45 km north-west of Dublin, approximately 8 km from Trim and 25 km from Navan.

NUTS code IE022 Mid-East

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 principal components of the catering service covered by this contract are the operation of the on-site restaurant and cafeteria as well as the catering service for the on-site crèche. The contract also covers provision of refreshments for meetings and on-site conferences when requested. All the necessary equipment (apart from consumables) for carrying out the tasks covered by the contract is provided on site. The average number of meals served per day is 75. European Commission personnel represent a wide range of European nationalities. The eventual contractor shall ensure that this fact is reflected in the range of food and beverage items offered under this contract.

The eventual contractor shall be fully responsible for:

compliance with all aspects of local and European legislation regarding food safety and hygiene in relation to the services provided under this contract;

the provision of consumables, i.e. paper napkins, paper towels, disposable cups, etc. in both the restaurant and the cafeteria (where possible the items should be recyclable);

the cleaning of the entire kitchen and associated food preparation and food storage areas, and providing all the necessary cleaning products to carry out this task;

management of kitchen waste ensuring compliance with the required standards under local and European legislation;

provision of 2 vending machines to cater for out-of-hours cold drinks and snacks.

The contract duration will be for an initial period of 3 years, with an option to renew for a further 1-year period.

II.1.6. CPV code(s)

55511000 Canteen and other restricted-clientele cafeteria 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

Number of meals served in 2012: 15 000.

Number of coffees served in 2012: 46 000.

These figures are indicative and in no way binding on the European Commission.

Estimated value excluding VAT: 350 000 EUR

II.2.2.

Information about options

Options: yes

Description of options: In line with Article 126 of the implementing rules to the Financial Regulation, the Directorate-General for Health and Consumers reserves the right to negotiate with the eventual contractor additional services up to a maximum of 50 % of the contract value where:

- a) such additional contracts cannot be technically or economically separated from the main contract without serious inconvenience for the European Commission; or
- b) such additional services, although separable from the performance of the original contract, are strictly necessary for its completion.

II.2.3. Information about renewals

This contract is subject to renewal: yes

Number of possible renewals: 1

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

Duration in months: 36 (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

None.

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

To be stated in the tender documents which will be sent to shortlisted candidates.

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

Tenders can be submitted by groupings of service providers/suppliers 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 if this formulation is necessary for the good execution of the contract. However, a grouping of firms must nominate 1 party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following paragraphs 'Exclusion criteria and supporting documents' and 'Selection criteria' must be supplied by every member of the grouping. Each member of the grouping assumes a joint and several liability towards the Commission.

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: Candidates shall be excluded from participation in a 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 judgment 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 European Investment Bank and international organisations;
 - (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 judgment 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 are currently subject to an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.

Points (a) to (d) of the first subparagraph shall not apply in the case of purchase of supplies on particularly advantageous terms from either a supplier which is definitively winding up its business activities, or from the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.

Candidates must certify that they are not in one of the situations listed above by completing and signing the form in Annex IV, 'Certification with respect to the exclusion criteria'.

The tenderer to whom the contract is to be awarded must also provide evidence that they are not in any of the situations described in points (a), (b), (d) and (e) above within the time limit stipulated by the contracting authority. This evidence must be in one of the forms described below.

Evidence:

a) 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) above, 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. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision-making or control in relation to the tenderer;

b) the contracting authority shall accept, as satisfactory evidence that the candidate is not in the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned. These documents must provide evidence covering all taxes and social security contributions for which the candidate is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in the 2 paragraphs above is not issued in the country concerned, 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;

c) depending on the national legislation of the country in which the candidate is established, the documents referred to above 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.

Contracts may not be awarded to candidates 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 in above, for this procurement procedure.

Candidates must certify that they are not in the situation in point (a) by completing and signing the form in annex, 'Certification with respect to the exclusion criteria'.

III.2.2. Economic and financial ability

List and brief description of conditions: See paragraph (1)(b) of the document on selection criteria.

Minimum level(s) of standards possibly required: See paragraph (1)(b) of the document on selection criteria.

III.2.3. Technical and professional ability

List and brief description of conditions:

See paragraph (1)(c) of the document on selection criteria.

Minimum level(s) of standards possibly required:

See paragraph (1)(c) of the document on selection 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: 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

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

'F7/02/2013 Catering Tender'.

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

14.6.2013 - 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

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: yes

Estimated timing for further notices to be published: 2016–2017.

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. The procedure consists of 2 distinct phases. In the first phase, requests to participate sent in response to this notice will be appraised by a selection committee on the basis of the criteria indicated in Section III.2 'Conditions for participation'. In phase 2, all applicants who meet the minimum levels of standards indicated will be shortlisted and subsequently invited to submit a tender. Applicants who are not shortlisted after phase 1 will be informed of the reasons for their elimination from the procedure.

(2) NB: interested parties are requested to strictly observe the conditions stated in point III.2 when submitting their request to participate. In addition, interested parties must:

— send their application before the deadline in point IV.3.4. Applications sent after the deadline in point IV.3.4 will be automatically rejected,

— enclose all the documents and information requested in points III.2.1 to III.2.3.

Candidates may elect to send their requests to participate either by:

(a) registered post to the official address in point I.1 of this notice. In this case, the date of dispatch will be evidenced by the postmark; or

(b) delivery (in person or by any party representing the candidate, or by courier) to the address

indicated in Section I.1. This department is open from 9:30 until 16:30, Monday to Thursday, and from 9:30 until 15:30 on Fridays. It is closed at weekends and on European Commission holidays. For deliveries by courier, the valid date of dispatch will be the date on the courier's delivery note. For deliveries made in person or by any party representing the candidate, delivery will, in this case, be confirmed by a receipt dated and signed by an official of the department indicated in Section I.1.

(3) Interested parties are requested to refrain from seeking further information at this stage.

(4) It is likely that a visit to the Grange site will be arranged in order for shortlisted candidates to view the premises. However, no costs incurred by candidates in this regard can be reimbursed by the European Commission. A maximum of 3 representatives from any tenderer may participate in the site visit. Participation in a site visit is not obligatory.

TUPE or the Transfer of Undertakings Directive of 1977, which became part of Irish law by the European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) Regulations, 1980, protects the rights of employees where the business in which they are employed is transferred to a new owner, and is applicable to this contract.

The key relevant legislation in Ireland includes:

— European Council Directive 2001/23/EC, introduced into Ireland as the European Communities (Protection of Employees on Transfer of Undertakings) Regulations SI 131/2003

— Annex V,

— Employees (Provision of Information and Consultation) Act, 2006 — Annex VI.

NB: All information concerning this procedure has been published. In the unlikely event that any supplementary information may be required, it will be posted on http://ec.europa.eu/dgs/health_consumer/funding/call_catering_services_en.htm

It is up to each interested party to monitor this page.

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

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 of the plaintiff.

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

VI.5. Date of dispatch of this notice

3.5.2013