

**Italy-Ispra: Framework contract for radiolabelling of nanoparticles**

OJ S 105/2015 03/06/2015

Contract notice

Services

Directive 2004/18/EC

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: European Commission, Joint Research Centre, Institute for Health and Consumer Protection

Postal address: via Enrico Fermi 2749

Town: Ispra VA

Postal code: 21027

Country: Italy

Contact person: Mr Aivaras Bagdonas

For the attention of: B.5 Finance and Procurement Unit

E-mail: [jrc-ihcp-procurement@ec.europa.eu](mailto:jrc-ihcp-procurement@ec.europa.eu)

Fax: +39 0332789434

**Internet address(es):**

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

Electronic access to information: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=867>

**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**

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**

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

Framework contract for radiolabelling of nanoparticles.

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

Services

Service category No 8: Research and development services

Main site or place of performance: At the contractor's premises.

NUTS code

### **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 a single operator

#### **Duration of the framework agreement**

Duration in months: 48

#### **Estimated total value of purchases for the entire duration of the framework agreement**

Estimated value excluding VAT: 225 000 EUR

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

The JRC is seeking to conclude a framework contract to cover the following irradiation services:

1. irradiation of various types of nanoparticles and nanoparticles mixed with a lithium compound;
2. irradiation of coarse-grained powder of enriched <sup>107</sup>Ag;
3. irradiation of Au disks of natural isotopic composition provided by the JRC.

### **II.1.6. CPV code(s)**

09344000 Radio-isotopes, 31643000 Particle accelerators

### **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**

The total estimated number of beam time in hours is expected to be 360 over 4 years.

### **II.2.2. Information about options**

Options: no

### **II.2.3. Information about renewals**

This contract is subject to renewal: yes

Number of possible renewals: 3

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months: 12 (from the award of the contract)

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

## **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions related to the contract**

#### **III.1.1. Deposits and guarantees required**

Please refer to tender documents.

#### **III.1.2.**

## **Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them**

Please refer to tender documents.

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

Economic operators can submit a tender either as a sole tenderer or as partners in a consortium (with or without legal personality). In either case subcontracting is permitted. The tenderer must clearly specify the role of each economic operator — as a sole tenderer, a partner in a consortium or subcontractor. This also applies where the entities involved belong to the same economic group.

Each partner in a consortium assumes joint and several liability towards the contracting authority for implementation of the contract and will become a party to the contract if the consortium's tender is successful. The consortium shall nominate 1 legal entity ('the leader') who will have full authority to bind the consortium and each of its members during contract execution and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other partners.

Subcontracting is the situation where the contractor enters into legal commitments with other legal entities which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for implementation of the contract. Freelancing, drawing on the activities or staff of any other entirely different legal entity than the contractor, qualifies as subcontracting, independently of the applicable national law.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract. They must also identify all subcontractors:

— on whose capacities they rely to meet the minimum capacity levels under headings III.2.2 and III.2.3,

— whose individual share of the contract is above 20 %.

Subcontractors must provide a letter of intent stating their willingness to participate in the performance of the contract as specified in the tender.

During contract execution any change of subcontractors will be subject to prior written approval of the contracting authority.

A sole tenderer or a consortium may also rely on the capacities of other entities for meeting the minimum capacity levels under headings III.2.2 and III.2.3, regardless of the legal nature of the links which it has with them. If so, it must prove to the contracting authority that it will have the resources necessary for performance of the contract at its disposal, for example by providing an undertaking on the part of those entities. Reliance on the capacities of a third party which is a different legal entity from the sole tenderer or the consortium members, even though part of the same economic group, is considered subcontracting for the purposes of the procedure. If the contract is awarded to a tenderer relying on a third party to provide more than 70 % of the minimum requirements for economic and financial capacity listed under heading III. 2.2, the contracting authority will require that the third party sign the contract and become jointly liable for its execution together with the tenderer.

The role and tasks of each consortium partner and identified subcontractors must be clearly specified in the tender. The cover letter must give the name of the tenderer (including all partners in case of a consortium) and subcontractor(s), including third parties on whose capacities the tenderer relies, and the name of the single contact person in relation to this procedure. For consortia the cover letter must be signed by each partner, or by a partner duly authorised to sign the tender and the contract on behalf of all partners. In the latter case authorisation can be, for instance, in the form of a power of attorney, a letter of intent or a consortium agreement.

Tenderers (all partners in case of a consortium) must also provide a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

#### **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:

Tenderers will not be eligible to take part in this procedure if they are in any 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. Tenderers (including consortium partners) and subcontractors identified as per heading III.1.3 shall sign the declaration on honour (available on the contracting authority's website indicated in heading I.1) to declare that they are not in any of these situations.

Upon request of the contracting authority the successful tenderer (including all partners in case of a consortium) and all subcontractors identified by the tenderer in accordance with III.1.3 shall 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 waive the obligation to submit the required supporting documents 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 1 year from the date of the award notification and that they are still valid. In such a case, the 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.

2. Selection criteria: legal capacity:

Tenderers (all partners in case of a consortium) shall prove that they have the legal capacity to perform the contract by providing a certificate of registration in the relevant trade or professional register in their country of establishment/incorporation. If the tenderer is not required or allowed to register in such a register for reasons related to its statute or legal status, the contracting authority may accept, as satisfactory evidence, a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.

##### **III.2.2. Economic and financial ability**

List and brief description of conditions: Tenderers must comply with the following criterion:  
— annual turnover meeting the minimum capacity level.

The following evidence must be provided by each tenderer (each partner in case of a consortium) and each subcontractor on whose capacities the tenderer relies for meeting the minimum capacity level for economic and financial ability:

(a) copy of financial statements (balance sheets, profit and loss accounts and any other related financial information) for the past 3 financial years for which accounts have been closed, published and/or audited or, where publication/auditing is not required under the law of the country in which the economic operator is established, self-certified as exact and sincere

by the duly authorised representative. If the provided documents show net loss in any of the requested years, the economic operator must furnish another document as proof of its financial and economic capacity, such as appropriate bank references or a letter/statement by certified auditors attesting to the economic operator's financial stability, proof of professional risk insurance, or an appropriate guarantee from a third party (e.g. the parent company); (b) a statement as to the economic operator's annual turnover and the annual turnover in the field covered by the contract, over the past 3 financial years for which accounts have been closed.

If, for some exceptional reason which the contracting authority considers justified, an economic operator is unable to produce the references required above, he may prove his economic and financial capacity by any other document which the contracting authority considers appropriate. In any case, the contracting authority must at least be notified of the exceptional reason and justification must be provided. The contracting authority reserves the right to request any other document enabling it to verify the economic operator's economic and financial capacity or to seek additional information and/or clarifications by any appropriate means (websites, official bodies, etc.).

The contracting authority may waive the obligation of an economic operator to submit the documentary evidence referred above if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that it complies with the requirements of the present call for tenders. In such a case, the economic operator shall provide reference to the contract and Commission service for which the evidence has been provided.

Minimum level(s) of standards possibly required: For point III.2.2(b) the annual turnover for each of the past 3 financial years or the average of the annual turnover for the past 3 financial years must be at least 140 000 EUR.

This minimum will be assessed in relation to the tenderer as a whole, including the combined capacities of all partners in case of a consortium and all subcontractors.

### **III.2.3. Technical and professional ability**

List and brief description of conditions:

- (a) Experience in at least one of the fields of supply of radionuclides, supply of radiolabelled compounds, supply of radiopharmaceuticals, irradiation of materials or components, specifying the type of supplies by radionuclide and/or compound proven by a list of similar (in value, scope and complexity) contracts completed in the 3 years preceding the tender deadline. The list of past contracts shall include details of their start and end dates, total contract amount and scope, role and amount invoiced by the economic operator. In the case of contracts still ongoing only the portion completed during the reference period will be taken into consideration.
- (b) Experience in producing and/or modifying target systems and experience with the construction of target systems for third parties (academic or commercial, with or without scope of profit) proven by a list of past contracts and/or academic collaborations that shall include details of their start and end dates, total contract amount and scope, role and amount invoiced by the economic operator. In the case of contracts still ongoing only the portion completed during the reference period will be taken into consideration.
- (c) Material/technical resources necessary to perform the contract in accordance with the technical specifications. To demonstrate compliance with this criterion the tenderer shall provide a list of the equipment, tools and facilities available to it for the performance of the contract and, where applicable, indicate the name of the economic operator placing these at its disposal.
- (d) The tenderer shall describe the target system already in use.
- (e) Give some examples for the use of the target system currently in place (type of material,

whether solid, powder or liquid, maximum beam energy and beam current on target) if applicable.

Minimum level(s) of standards possibly required:

The minimum capacity levels will be assessed in relation to the tenderer as a whole, including the combined capacities of all partners in case of a consortium and all subcontractors.

For point III.2.3(a) at least 3 years of experience and at least 5 contracts in one of the fields: supply of radionuclides, supply of radiolabelled compounds, supply of radiopharmaceuticals, irradiation of materials or components, specifying the type of supplies by radionuclide and/or compound.

For point III.2.3(b) at least 3 years of experience in the field of producing and/or modifying target systems and experience with the construction of target systems for third parties (academic or commercial, with or without scope of profit).

For point III.2.3(c) in view of the degradation of the proton beam energy in the cooling water layer and the window separating the cooling water layer from the beam line vacuum the tenderers must have a cyclotron with a maximum proton energy of at least 35 MeV. The tenderer shall specify the maximum proton beam energy.

### **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**

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### **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**

JRC/IPR/2015/I.4/0016/OC.

#### **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**

14.7.2015

### **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**

Duration in months: 6 (from the date stated for receipt of tender)

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

Date: 21.7.2015 - 10:00

Place:

JRC Ispra, external building, room 7, via Enrico Fermi 2749, 21027 Ispra VA, ITALY.

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

Information about authorised persons and opening procedure: Max. 2 authorised representatives per tenderer can attend the opening. The request must be sent to the contact point before 17.7.2015, together with a copy of the identity card/passport.

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about European Union funds**

### **VI.3. Additional information**

At the request of the tenderer, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing only through the e-tendering website at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=867> in the 'questions and answers' tab, by clicking 'create a question'.

The contracting authority is not bound to reply to requests for additional information received less than 5 working days before the final date for submission of tenders.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

Any additional information including that referred to above will be posted on the e-tendering website indicated above. The website will be updated regularly and it is your responsibility to check for updates and modifications during the tendering period.

Based on Article 134(1)(f) of Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012 during the 3 years following conclusion of the original contract the contracting authority may use the negotiated procedure without prior publication of a contract notice to procure additional services consisting of the repetition of similar services (up to a maximum of 50 % of the original contract value) from the economic operator to whom the contract is awarded.

### **VI.4. Procedures for review**

#### **VI.4.1. Review body**

Official name: General Court  
Postal address: rue du Fort Niedergrünewald  
Town: Luxembourg  
Postal code: 2925  
Country: Luxembourg  
E-mail: [generalcourt.registry@curia.europa.eu](mailto: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: You may submit any observations concerning the award procedure to the contracting authority indicated under heading I.1.

If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within 2 years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>). Such complaint does not have as an effect either to suspend the time limit to launch an appeal or to open a new period for lodging an appeal.

Within 2 months of the notification of the award decision you may lodge an appeal to the body referred to in VI.4.1.

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

Official name: General Court  
Postal address: rue du Fort Niedergrünewald  
Town: Luxembourg  
Postal code: 2925  
Country: Luxembourg  
E-mail: [generalcourt.registry@curia.europa.eu](mailto: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**

22.5.2015