

Belgium-Brussels: Framework contract on legal compliance assessment and legal services in the area of migration and home affairs

OJ S 110/2016 09/06/2016

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Directorate-General for Migration and Home Affairs,
Directorate E: Migration and Security Funds

Postal address: LX-46 5/121

Town: Brussels

Postal code: 1049

Country: Belgium

For the attention of: Mr Matthias Oel

E-mail: HOME-E1-PROCUREMENT@ec.europa.eu

Fax: +32 22979590

Internet address(es):General address of the contracting authority: http://ec.europa.eu/dgs/home-affairs/financing/tenders/index_en.htm#/c**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**

Framework contract on legal compliance assessment and legal services in the area of migration and home affairs.

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

Services

Service category No 21: Legal services

Main site or place of performance: 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: 5 000 000 EUR

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

To provide DG Migration and Home Affairs with timely evidence-based services of an intellectual nature to support its compliance assessment activities, and to provide legal consultancy services in relation to ad hoc queries which may arise throughout the duration of the contract. The required services may cover not only the EU Member States, but also all third countries participating in the Schengen area and not being EU MS.

II.1.6. CPV code(s)

79111000 Legal advisory services, 79400000 Business and management consultancy and related 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

II.2.2. Information about options

II.2.3. Information about renewals

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

As indicated in the framework contract, point I.6.

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

III.1.4. Contract performance conditions

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

III.2.2. Economic and financial ability

List and brief description of conditions: The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria:

- criterion F1: turnover of the last 2 financial years above 2 000 000 EUR; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in the case of a joint tender,
- criterion F2: ratio between assets and liability above 1:1; this criterion applies to each member of the group in the case of a joint tender as well as any subcontractor declared as delivering at least 20 % of the services.

Evidence to be provided with the tender:

- the completed 'simplified balance sheet' and 'simplified profit and loss account' completed for the last 2 years (Annex 2), and
- a copy of the profit and loss accounts and balance sheet for the last 2 years for which accounts have been closed from each concerned legal entity.

III.2.3. Technical and professional ability

List and brief description of conditions:

Criterion A1: the tenderer must prove experience in the field of legal research and legal compliance assessment.

Evidence A1: the tenderer must provide references for at least 3 projects delivered in this field in the last 3 years with a minimum value for each project of 100 000 EUR.

Criterion A2: the tenderer must prove expertise in the policy areas (see point 2.1) under the responsibility of DG Migration and Home Affairs.

Evidence A2: the tenderer must provide references: at least 3 projects delivered in the last 3 years with a minimum value for each project of 15 000 EUR.

Criterion A3: the tenderer must prove capacity to draft reports in English.

Evidence A3: the tenderer must provide 1 document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last 2 years. The verification will be carried out on 5 pages of the document.

The team delivering the service should include, as a minimum, the following profiles.

Evidence will consist of CVs of the team responsible for delivery of the service. Each CV should indicate the intended function in delivery of the service.

B1 — project director(s): at least 12 years of professional experience as project director in project management and covering at least 10 EU Member States. The professional experience shall include the overall responsibility for quality control and the continuity of service in case the contractor is in charge of several specific assignments running in parallel.

Evidence: 1 CV.

B2 — project manager(s): at least 6 years' experience in project management as project manager in similar projects in terms of size (at least 100 000 EUR) and coverage (geographical scope of at least 10 Member States). A project back-up manager with the same profile should also be provided in the tender. Project manager(s) must have EN native language level as guaranteed by a certificate or relevant past.

Evidence: 2 CV.

B3 — senior legal analyst(s): relevant higher education degree in law (Masters and/or PhD) and at least 6 years of legal professional experience, of which at least 3 years of experience in

EU affairs. The senior legal analyst may also be a national legal expert.

Evidence: at least 1 CV.

B4 — country expert with legal background for each Member State (at least 28 experts) and country expert for Schengen participating countries which are not MS (at least 4 experts).

Relevant higher education degree in law (Masters and/or PhD) and 3 years of legal professional experience in the country proposed for assessment. NB: 1 country expert can be proposed to cover several countries provided that he/she can justify a minimum of 3 years of legal professional experience in each additional country.

Evidence: minimum of 32 CVs.

B5 — junior legal analyst(s): relevant higher education degree in law (Masters and/or PhD) and 3 years of legal professional experience — junior legal analysts may not be country experts.

Evidence: at least 5 CVs.

B6 — English drafting skills — at least 1/3 of the proposed team members must be English native speakers or have equivalent knowledge (C2 level).

Evidence: a language certificate or past relevant experience.

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: yes

Section IV: Procedure

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

HOME-2016-FW-LECO-0001.

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

22.7.2016

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

Date: 29.7.2016

Place:

European Commission, DG Migration and Home Affairs, rue du Luxembourg 46, 1049 Brussels, BELGIUM.

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

Information about authorised persons and opening procedure: A maximum of 2 representatives per tender.

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

VI.4. Procedures for review

VI.4.1. Review body

Body responsible for mediation procedures

Official name: European Ombudsman

Internet address: <http://www.ombudsman.europa.eu>

VI.4.2. Review procedure

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

Official name: General Court of the Court of Justice of the European Union

Town: Luxembourg

Postal code: 2925

Internet address: http://curia.europa.eu/jcms/jcms/j_6/

VI.5. Date of dispatch of this notice

30.5.2016