

Italy-Ispra: 'Supply and maintenance of an inductively coupled plasma-mass spectrometer (ICP-MS)'

OJ S 117/2015 19/06/2015

Contract notice

Supplies

Directive 2004/18/EC

Section I: Contracting authority

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: B.5 Finance and Procurement Unit — Ispra

For the attention of: Mrs Pita

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

Fax: +39 0332789434

Internet address(es):

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

Electronic access to information: <http://web.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**

'Supply and maintenance of an inductively coupled plasma-mass spectrometer (ICP-MS).'

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

Supplies

Purchase

Main site or place of performance: Joint Research Centre, Ispra VA, Italy.
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)

This call is to invite economic operators for the 'Supply and maintenance of an inductively coupled plasma-mass spectrometer (ICP-MS)'.
The contract shall be divided into 2 stages:

stage 1: supply, delivery, installation, testing, calibration, on-site training, provision of documentation within 4 months and 24-month guarantee;

stage 2: 12 months' maintenance renewable up to 6 times for 12 months each time.

II.1.6. CPV code(s)

33114000 Spectroscopy devices, 38433000 Spectrometers, 50000000 Repair and maintenance 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

Estimated value excluding VAT:

Range: between 220 000 and 270 000 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: 112 (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

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 %, or
- when the total subcontracted amount is above 50 % of the total contract value.

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 the 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 it is 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 80 % 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 the 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 the 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

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 Council 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 the 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 the 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 criteria:

- annual turnover meeting the minimum capacity level,
- financial viability sufficient to undertake and perform the contract.

The following evidence must be provided by each tenderer (each partner in the 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 of the economic operator's annual overall 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 to 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.

The contracting authority reserves the right not to select a tenderer where the evidence provided gives rise to major concerns on its financial viability to perform the contract and the tenderer has failed to mitigate these concerns by submitting observations or other evidence of financial viability.

Minimum level(s) of standards possibly required: The annual turnover for the last 3 financial years or the average of the annual turnover for the last 3 financial years must be at least 420 000 EUR.

This minimum will be assessed in relation to 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:

Tenderers must comply with the following criteria:

Experience in the field of the supply of laboratory instruments proven by an extract from a trade or professional register, or an equivalent proof of establishment, and 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.

In the case of a consortium or subcontracting the evidence requested must be provided by those consortium partners/subcontractors on whose capacity the tenderer relies to satisfy the minimum capacity levels.

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 the case of a consortium and all subcontractors.

At least 3 years of experience and at least 3 similar contracts in 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

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.1/0018/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

31.7.2015

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: 10.8.2015 - 15:00

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: Maximum 1 authorised representative can attend the opening session. The request must be sent to [jrc-ihcp-](#)

procurement@ec.europa.eu at least 10 days prior to the opening together with a copy of the identity card/passport.

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

Documents and communication related to this procedure are available free of charge at the following website:

<http://web.jrc.ec.europa.eu/callsfortender>

Any additional information and reply to requests for clarifications will be published on this website. It is therefore the responsibility of economic operators to check this website on a regular basis.

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
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
Telephone: +352 4303-1

Fax: +352 4303-2100

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

VI.5. Date of dispatch of this notice

9.6.2015