

**Luxembourg-Luxembourg: Evaluation of national actions regarding the transposition of Council Directive 2013/59/Euratom's requirements in the medical sector**

OJ S 120/2015 25/06/2015

Contract notice

Services

**Directive 2004/18/EC****Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: European Commission, Directorate-General for Energy, Directorate D — Nuclear Safety and Fuel Cycle

Postal address: 1, rue Henri Schnadt, Zone d'activité Cloche d'Or

Town: Luxembourg

Postal code: 2530

Country: Luxembourg

For the attention of: Georgi Simeonov, EUFO 4187

E-mail: [georgi.simeonov@ec.europa.eu](mailto:georgi.simeonov@ec.europa.eu)

Telephone: +352 4301-31420

**Internet address(es):**

General address of the contracting authority: [http://ec.europa.eu/dgs/energy/tenders/index\\_en.htm](http://ec.europa.eu/dgs/energy/tenders/index_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****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**

Evaluation of national actions regarding the transposition of Council Directive 2013/59 /Euratom's requirements in the medical sector.

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

Services

Service category No 27: Other 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 notice involves a public contract

### **II.1.4. Information about framework agreement**

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

The recently published new Basic Safety Standards Directive (Council Directive 2013/59 /Euratom) modernises European radiation protection legislation by taking account of the latest scientific knowledge, technological progress, and operational experience with current legislation. At the same time, the new BSS Directive consolidates the existing 'acquis' of Euratom radiation protection legislation into 1 single piece of legislation, merging 5 directives and upgrading a recommendation to become legally binding.

As a result of the consolidation process, the new BSS Directive was given a broader scope and a completely new structure improving coherence and clarity of both definitions and requirements. Taking account of the latest scientific knowledge and technological progress, the new Directive entails substantial new requirements in various topical areas, e.g. improving the protection of patients in medical applications, improving the protection of workers, and improving the protection of the public in particular from natural radiation sources. Further to this, the new BSS Directive introduces strengthened requirements on emergency preparedness and response, especially with a view to the lessons learned from the Fukushima accident.

After entry into force of the Council Directive 2013/59/Euratom on 6.2.2014, Member States will have 4 years to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive.

The Commission is aware that the transposition and implementation of this comprehensive piece of legislation, comprising 99 definitions, 109 articles and 19 annexes, will constitute a major challenge for the respective national legislators and regulators in European Union Member States, candidate States, and EFTA States.

The Commission is therefore planning to organise actions and activities to monitor the transposition of the BSS Directive into Member States' national legislation and to support its implementation.

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

85100000 Health 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**

The total value of the contract has been estimated at 100 000 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: 18 (from the award of the contract)

## **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**

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

See draft contract attached to the tender specifications.

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

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers. In the case of a joint tender, all economic operators in a joint tender assume joint and several liability towards the contracting authority for the performance of the contract as a whole. These economic operators shall designate one of them to act as leader with full authority to bind the grouping or the consortium and each of its members. It shall be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination. The composition and constitution of the grouping or consortium, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Commission.

The tenderers should indicate in their offer whether the partnership takes the form of:

- a) a new or existing legal entity which will sign the contract with the Commission in the case of award; or
- b) a group of partners not constituting a new legal entity, who via a power of attorney, signed by an authorised representative of each partner (except the lead partner), designate one of the partners as lead partner, and mandate him as lead contractor to sign the contract with the Commission in the case of award.

#### **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: — The tenderer's identification form in Annex 1 of the tender specifications shall be filled in and signed by:

- the tenderer (including any member of a consortium or grouping),
- subcontractor(s) whose share of the work represents more than 20 % of the contract.

— In order to prove their legal capacity and their status, all tenderers (including any member of a consortium or grouping) must provide a signed legal entity form with its supporting evidence.

The form is available on:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

Tenderers that are already registered in the contracting authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

— If it has not been included with the legal entity form, tenderers must provide the following information:

- for legal persons, 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,
- for natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

— The tenderer (only the leader in the case of a joint tender) must provide a financial identification form and supporting documents. The form is available on: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/index\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm)

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

List and brief description of conditions: In order to prove their economic and financial capacity, the tenderer (i.e. in the case of a joint tender, the combined capacity of all members of the consortium) must comply with the following criterion:

— turnover of the last 2 financial years above 50 000 EUR.

The following evidence should be provided:

- copy of the profit & loss account for the last 2 years for which accounts have been closed,
- failing that, appropriate statements from banks,
- if applicable, evidence of professional risk indemnity insurance.

If, for some exceptional reason which the contracting authority considers justified, a tenderer is unable to provide 1 or the other of the above documents, he or she may prove his or her 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 its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

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

List and brief description of conditions:

a. Criteria relating to tenderers:

Tenderers (in the case of a joint tender the combined capacity of all tenderers) must comply with the following criteria:

- the tenderer must prove experience relating to the drafting of radiation protection legislation and implementing radiation protection requirements in the medical area with at least 1 project delivered in this field in the last 5 years,
- the tenderer must prove capacity to draft reports in English,
- the tenderer must prove experience with projects delivered in the last 5 years, which involved the analysis of regulations, technical guidance and recommendations in the area of radiation protection in medicine,
- the tenderer must prove experience in evaluating strategies and plans, synthesising information and drafting reports and recommendations,
- the tenderer must demonstrate experience in organising international meetings and workshops.

b. Criteria relating to the team delivering the service:

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

— a project leader who will meet the following requirements:

- professional qualifications in radiation protection,
- a minimum of 5 years of professional experience with radiation protection regulations and their implementation in the medical sector,

— a minimum of 3 task leaders who will meet the following requirements:

- professional qualifications in radiation protection,
- a minimum of 5 years of professional experience with radiation protection regulations and their implementation in the medical sector.

c. Evidence:

The following evidence should be provided to fulfil the above criteria:

— list of relevant services provided in the past 5 years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed,

— the educational and professional qualifications (CVs) of the project and task leaders and the persons who will provide the most relevant tasks for this tender. Each CV provided should indicate the intended function in the delivery of the service.

#### **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**

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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**

ENER/D3/2015-330.

**IV.3.2. Previous publication concerning this procedure**

no

**IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document**

Time limit for receipt of requests for documents or for accessing documents: 30.7.2015 - 16:00

Payable documents: no

**IV.3.4. Time limit for receipt of tenders or requests to participate**

6.8.2015 - 16:00

**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**

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

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

Date: 13.8.2015 - 11:00

Place:

European Commission, DG Energy, Euroforum Building, Office 4198, 1, rue Henri Schnadt, Zone d'activité Cloche d'Or, 2530 Luxembourg, LUXEMBOURG.

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

Information about authorised persons and opening procedure: 1 representative per tenderer.

**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**

The procurement is related to a project and/or programme financed by European Union funds:

no

**VI.3. Additional information**

The tender specifications related to this call for tenders can be downloaded on the website of the Directorate-General for Energy at the following address: [http://ec.europa.eu/dgs/energy/tenders/index\\_en.htm](http://ec.europa.eu/dgs/energy/tenders/index_en.htm)

**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

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: Within 2 months of the notification to the plaintiff, or, in absence thereof, of the day on which it came to the knowledge. A complaint to the European Ombudsman does not have as an effect either to suspend this period or to open a new period for lodging appeals.

**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 Niedergrünwald  
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**

15.6.2015