

Belgium-Brussels: Supply and update of data for the sections 'requirements' and 'internal taxes' of the EU Commission's Export Helpdesk website and database

OJ S 132/2015 11/07/2015

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Directorate-General for Trade, Directorate A — Resources, Information and Policy Coordination

Postal address: CHAR 07/03, rue de la Loi 170

Town: Brussels

Postal code: 1049

Country: Belgium

Contact person: Lutz Guellner, Head of Unit Trade.A3 — Information, Communication and Civil Society; Andrea Scheidl, Export Helpdesk Coordinator, tel. +32 22987766

E-mail: trade-contracts@ec.europa.eu

Telephone: +32 22964641

Internet address(es):

General address of the contracting authority: <http://ec.europa.eu/trade/trade-policy-and-you/calls-for-tender/>

Electronic access to information: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=919>

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: Official name: European Commission, Directorate-General for Trade, Unit A1 — Resources and Strategic Planning

Postal address: CHAR 7/173, rue de la Loi 200

Town: Brussels

Postal code: 1049

Country: Belgium

For the attention of: Philippe Duponteil, Head of Unit A1

E-mail: trade-contracts@ec.europa.eu

Telephone: +32 22992155

Fax: +32 22969931

Internet address: <http://ec.europa.eu/trade/trade-policy-and-you/calls-for-tender/>

I.2. Type of the contracting authority

European institution/agency or international organisation

I.3. Main activity

General public services

Other: Trade policy.

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 update of data for the sections 'requirements' and 'internal taxes' of the EU Commission's Export Helpdesk website and database.

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

Services

Service category No 11: Management consulting services [6] and related services

Main site or place of performance: The services will be performed at the premises of the contractor.

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)

Lot 1: contract for the supply and regular update of the general and specific import requirements within the Export Helpdesk website and database of DG Trade.

Lot 2: contract for data supply and regular update of the EU internal taxes within the Export Helpdesk website and database of DG Trade.

The Export Helpdesk website can be visited under: <http://exporthelp.europa.eu>

The database for requirements and internal taxes is part of this website and can be accessed via the single input form under 'My export'.

II.1.6. CPV code(s)

79400000 Business and management consultancy and related services, 72300000 Data 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: yes

Tenders may be submitted for one or more lots

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 tenderer will need to supply and update the data for the year 2016 with 2 possible renewals of the contract for the years 2017 and 2018 respectively. Each contract concerns 1 lot out of 2. The 2 lots are as follows:

lot 1: overview of import procedures at EU and Member State levels. General import requirements applicable to all products. Specific requirements at EU and Member State levels whenever applicable to specific goods;

lot 2: overview of internal taxation at EU and Member State levels. Internal taxes at Member

State level, i.e. value added tax, excise duties applicable to a number of products, e.g. alcoholic beverages, tobacco products, mineral oil products, etc.

Estimated value excluding VAT: 500 000 EUR

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: 2

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

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

Information about lots

Lot No: 1

Lot title: Contract for data supply and update of the general and specific import requirements section within the European Commission's Export Helpdesk website and database

1) Short description

Lot 1 includes all information concerning:

- a) overview of import procedures;
- b) general requirements (including models of forms to be used to import goods into the EU);
- c) specific requirements, explanatory texts and information to link the explanatory texts to both the 8-digit CN codes and the country of origin of the product (including possible exceptions).

2) CPV code(s)

79400000 Business and management consultancy and related services, 72300000 Data services

3) Quantity or scope

The deliverables for lot 1 include all information concerning EU and Member States' import requirements:

- a) overview of import procedures;
- b) general requirements (including models of forms to be used to import goods into the EU);
- c) specific requirements, explanatory texts and information to link the explanatory texts to both the 8-digit CN codes and the country of origin of the product (including possible exceptions), relevant competent authorities in the EU Member States;
- d) suggested draft texts on important changes to the import and marketing requirements for the 'What's new' section of the Export Helpdesk website should be submitted in a separate document;
- e) assistance with the handling of product-specific requests for information.

For the purpose of these terms of reference, 'explanatory text' (for the overview of import procedures, general requirements for all products, overview of internal taxation, and specific requirements) means the summary of the subject matter. For example the 'explanatory text' for the specific requirement 'Health control of products of animal origin for human consumption' will contain, for example, an explanation of the conditions to be fulfilled for such products to be imported into the EU, including references to sources of information, applicable legislation, etc. and the contact details of the competent authorities in each Member State.

The explanatory texts' titles have to be delivered in English, French, Portuguese, Spanish,

since these document titles appear in the 'list of requirements' of the result page of a product-specific search on the Export Helpdesk database.

The explanatory texts shall be delivered in English only, in the electronic format described in the technical requirements described in Annex 1 to the terms of reference, and will be kept continuously updated during 2016 and, provided the contract is prolonged, also during 2017 and 2018.

The 'Latest revision date' will have to be included in the files for each update delivery.

Estimated value excluding VAT: 400 000 EUR

4) Indication about different time frame or duration

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

5) Additional information about lots

It is permitted to submit an offer either for 1 lot only or for both lots.

Lot No: 2

Lot title: Contract for the supply and regular update of the EU internal taxes and excise duties within the European Commission's Export Helpdesk website and database

1) Short description

The deliverables for lot 2 include all information concerning EU and Member States' internal taxation:

a) overview of internal taxation including the contact details of the competent authority of each Member State and any other information considered useful for the users;

b) specific internal taxes applicable in each of the EU Member States for goods imported from trade partner countries as identified by their 8-digit CN code. These data include:

i. VAT rates;

ii. excise and other duties applicable to a number of products, e.g. alcoholic beverages, tobacco products, mineral oil products;

c) suggested draft texts on important changes in the area of taxation for the 'What's new' section of the Export Helpdesk website should be submitted in a separate document.

2) CPV code(s)

79400000 Business and management consultancy and related services, 72300000 Data services

3) Quantity or scope

The deliverables for lot 2 include all information concerning EU and Member States' internal taxation:

a) overview of internal taxation including the contact details of the competent authority of each Member State and any other information considered useful for the users;

b) specific internal taxes applicable in each of the EU Member States for goods imported from trade partner countries as identified by their 8-digit CN code. These data include:

i. VAT rates;

ii. excise and other duties applicable to a number of products, e.g. alcoholic beverages, tobacco products, mineral oil products;

c) suggested draft texts on important changes in the area of taxation for the 'What's new' section of the Export Helpdesk website should be submitted in a separate document.

The information is expected to be delivered in English, French, Portuguese and Spanish in the electronic format described in the technical requirements described in Annex 1 to the terms of reference, and will be kept continuously updated during 2016, and provided the contract is prolonged, also for 2017 and 2018.

The 'Latest revision date' will have to be included in the files for each update delivery.

Estimated value excluding VAT: 100 000 EUR

4) Indication about different time frame or duration

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

5) Additional information about lots

It is permitted to submit an offer for either 1 lot or for both lots together.

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

Conditions of the Commission's service contract. Terms of payment are stated in 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

No specific legal form is required but each service provider will be required to become jointly and severally responsible under the contract.

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: Tenderers shall be excluded from participation in this 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;
- 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 have been the subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply information, or being declared to be in serious breach of his obligation under contract covered by the budget.

Contracts may not be awarded to tenderers 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 at the beginning of point III.2.1 (letters (a) to (f)).

Tenderers must provide a declaration on honour that they are not in one of the abovementioned situations.

Only the tenderer to whom the contract is to be awarded shall be required to submit, before signing the contract, evidence confirming his declaration on honour, by providing:

— for point (a), (b) or (e): 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,

— for point (d), a recent certificate issued by the competent authority of the State concerned.

Where no such documents or certificates are issued in the country concerned, they 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.

Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in the above 3 paragraphs 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 or tenderer.

Wherever the tenderer is a consortium of firms or groups of service providers, the abovementioned information must be provided for each member or group.

However, the obligation for a candidate or tenderer to submit documentary evidence is waived if such evidence has already been submitted for another procurement procedure and provided the documents were issued not more than 1 year earlier and are still valid. In such cases, the candidate or tenderer must declare on his honour that the documentary evidence has already been provided in a previous procurement procedure, provide reference to that procedure, and confirm that there has been no change in the situation.

Please refer to the e-Certis website, which provides the possibility of determining the exact certificates and attestations required: <http://ec.europa.eu/markt/ecertis/login.do>

III.2.2. Economic and financial ability

List and brief description of conditions: Sufficient economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract.

Reliability of the mitigating measures presented to cover possible deficiencies in the evidence presented for the above criteria.

Proof of economic and financial capacity may in particular be furnished by 1 or more of the following documents:

- a) appropriate statements from banks or where appropriate, evidence of relevant professional risk indemnity insurance;
- b) financial statements for the last 3 years for which accounts have been closed;
- c) a statement of overall turnover and turnover concerning the services covered by the contract during a period of the last 3 financial years available.

The Commission may waive the obligation of a candidate or tenderer to submit the documentary evidence above if such evidence has already been submitted to it for the purposes of another procedure and it is still valid.

If, for some exceptional reasons which the Commission considers justified, the tenderer or

candidate is unable to provide the references requested, he may prove his economic and financial capacity by any other means which the Commission considers appropriate. If the economic and financial selection criteria are fulfilled by relying on a third party, the Commission may demand, if that tender wins the contract, that this party signs the contract (becomes a contractor) or, alternatively, provides a joint and several first-call guarantee. If the third party chooses to sign the contract it should prove that it is not in an exclusion situation and that it has access to the market.

III.2.3. Technical and professional ability

List and brief description of conditions:

For both lots 1 and 2, the team must include substantial expertise and professional experience in the following areas:

- substantial experience and up-to-date expertise in handling data processing and website applications,
- thorough knowledge of non-tariff measures harmonised at EU level and the ability to describe, in a reader-friendly way, EU legislation applying to import procedures and to specific product groups,
- capability to produce written material in English to a very high standard.

The following information, concerning the service provider's own position and the information and formalities necessary for an appraisal of the minimum technical standards required, should be supplied:

1. details of educational and professional qualifications of the proposed experts providing the services by including detailed CV's:

— for lot 1: this should clearly indicate their expertise in, and their knowledge of:

- (1) trade measures affecting imports into the EU and customs procedures at EU and Member State levels;
- (2) the European Union's coding system for classifying products (combined nomenclature), including practical experience with the classification of goods,

— for lot 2: this should clearly indicate their expertise in, and their knowledge of:

- (1) VAT and other internal tax-related legislation;
- (2) the European Union's coding system for classifying products (combined nomenclature), including practical experience with the classification of goods; and

2. a list of the principal similar projects that were carried out under the applicant's direct responsibility during the past 3 years proving merit and experience in:

— for lot 1:

- (1) trade measures affecting imports into the EU and other related legislations at EU and Member State levels;
- (2) the European Union's coding system for classifying products (combined nomenclature), including practical experience with the classification of goods,

— for lot 2:

- (1) VAT and other internal tax-related legislation;
- (2) the European Union's coding system for classifying products (combined nomenclature), including practical experience in the classification of goods;

3. a description of the technical equipment and tools to be employed by the firm for performing the requested service;

4. a description of the measures employed to ensure the quality of the services to ensure that the data delivered are correct.

Where tenderers wish to subcontract or otherwise rely on the capacities of other entities, they must in that case prove that they will have at their disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those

entities to place those resources at their disposal.

Where the successful tenderer is an individual, a partnership of individuals, or a sole trader, it will be expected to demonstrate that continuity of service can be guaranteed. The Commission will consider, inter alia, the risk to successful project completion that would be occasioned by the death or resignation of 1 or more of the individuals involved.

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

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

Trade15/A3/14.

IV.3.2. Previous publication concerning this procedure

Prior information notice

Notice number in the OJ S: [2015/S 56-096717](#) of 20.3.2015

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

11.9.2015 - 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: 9 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Date: 17.9.2015

Place:

rue de Loi 170, 7th floor, room 7/209, Brussels, BELGIUM.

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

Information about authorised persons and opening procedure: Requests have to be submitted by 4.9.2015 at the latest exclusively by e-mail to trade-contracts@ec.europa.eu

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

Tenderers are invited to download the documents and any additional information from the website of DG Trade mentioned above. The site will be regularly updated and it is the tenderers' responsibility to check for updates and modifications during the tendering period.

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

VI.5. Date of dispatch of this notice

30.6.2015