

**Belgium-Brussels: Invitation to tender No CDR/GREFFE/12/2015 — Purchase, installation and adaptation of business software for archive management**

OJ S 136/2015 17/07/2015

Contract notice

Supplies

Directive 2004/18/EC

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Committee of the Regions of the European Union

Postal address: rue Belliard 101

Town: Brussels

Postal code: 1040

Country: Belgium

For the attention of: Ms Lourdes Martínez de Antoñana, 'Archives/official mail/transparency'

E-mail: [archives@cor.europa.eu](mailto:archives@cor.europa.eu)**Internet address(es):**General address of the contracting authority: <http://cor.europa.eu>**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**

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

Invitation to tender No CDR/GREFFE/12/2015 — Purchase, installation and adaptation of business software for archive management.

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

Supplies

Purchase

NUTS code BE10 Région de Bruxelles-Capitale/ Brussels Hoofdstedelijk Gewest

**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 Committee of the Regions of the European Union (hereinafter referred to as 'the Committee') is intending to sign a direct supplies contract with the aim of purchasing, installing and adapting business software for archive management. This purchase involves comprehensive services for configuration, data and digital-object migration, user training, as well as related annual 'all-purpose' maintenance services.

This software is to replace the Archives Department's current software, with the addition of certain features that have become essential.

The number of required licences is: 2 administrators, 20 workstations and 50 simultaneous web consultations.

All services required under the contract must be provided in English and French.

##### **2.1. Software installation and adaptation:**

the aim of the invitation to tender is to select a supplier able to offer software that can be integrated into the Committee's technical environment and, if the basic software version does not have all the required features, adapt it in accordance with these tender specifications. Nonetheless, the basic software version must include a maximum number of services, and developments to be carried out in relation to the standard configuration must be kept to a minimum.

Delivery and installation of the software is subject to a compliance report following installation, adaptation, configuration, any developments carried out, migration of data and digital objects from the current system and the integration thereof into the new one, user training.

Compliance involves the quantitative and qualitative verification of the equipment and services provided.

Delivery and installation of the software, as well as the related services, must be carried out within 1 year following the date of contract signature.

##### **2.2. Annual 'all-purpose' maintenance:**

the invitation to tender also includes related annual 'all-purpose' maintenance services, whereby the contractor shall manage, throughout the full contract duration (not exceeding 10 years), various service aspects which he will need to provide such as:

- preventive and corrective maintenance, updates,
- help and assistance to users,
- development,
- consultancy,
- training.

The annual 'all-purpose' maintenance services shall enter into force on the date of signature of the compliance report approved by the Committee.

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

48311000 Document management software package, 72226000 System software acceptance testing consultancy services

#### **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**

### **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**

## **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**

Payment within 30 calendar days of the payment request being received in due form by the Committee, in accordance with the provisions of the draft contract appended to the specifications.

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

All the members of the grouping must comply with the non-exclusion and selection criteria (see points III.2.1, III.2.2, III.2.3) and be jointly and severally liable for performance of 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: 1. name of the country in which the candidate has his head office or is domiciled, enclosing documents evidencing this under law in his country of residence;

2. with regard to the candidate's legal status and capacity, a copy of the candidate's memorandum and articles of association or, failing this, an equivalent document recently issued by an appropriate judicial or administrative body in the country in which the tenderer resides, providing clear evidence of the candidate's status and that the candidate has the legal capacity to enter into this contract;

3. duly signed and dated solemn declaration stating that the candidate is not in any of the situations which would exclude him from participating in a contract procedure or being awarded a contract by the European Union.

The solemn declaration must take the form of the following template in inverted commas, in its entirety, by selecting an option for the parts in square brackets[], and duly filling in the dotted line... parts and deleting the parts in brackets():

'Solemn declaration concerning the exclusion criteria and the absence of a conflict of interests:

The undersigned: .....(name of signatory of this form):

[acting in own name (in the case of a natural person)]

[acting as representative of the following legal entity (only if the economic operator is a legal entity)]:

full official name: .....

official legal form: .....

full official address: .....

VAT number: .....

— hereby declares [that the aforementioned legal entity][that he][that she] is not in a situation in which [it][he][she]:

(a) is bankrupt or being wound up, is having his affairs administered by the court or has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings of this nature or is in any analogous situation arising from a similar procedure under national laws or regulations;

(b) has been convicted of an offence concerning their professional conduct by a judgment which has the force of 'res judicata', delivered by the appropriate body in a Member State;

(c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify, including by a decision of the EIB or an international organisation;

(d) has not fulfilled the obligations relating to the payment of social security contributions and taxes in accordance with the legal provisions of [its][his][her] country of residence or those of the country of the contracting authority or those of the country where the contract will be carried out;

(e) has been the subject of a judgment which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, when said illegal activity is detrimental to the Union's financial interests;

(f) is the subject of an administrative penalty for being guilty of misrepresentation in providing the information required by the contracting authority in order to participate in a contract, or has not provided this information, or has been declared to be in serious breach of contract by virtue of contracts financed from the Union budget,

— (only for legal entities other than the Member States and the local authorities; if not, remove) hereby declares that the natural persons with powers of representation, decision making or control\* over the aforementioned legal entity are not in any of the situations specified in points (b) or (e) above,

— hereby declares [that the aforementioned legal entity][that he][that she]:

(g) has no conflict of interests in connection with this contract; a conflict of interests may arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other kind of relationship or mutual interest;

(h) shall inform the contracting authority, without delay, of any situation constituting a conflict of interests or which could give rise to a conflict of interests;

(i) has not agreed to, sought, tried to obtain or accepted any inducement, whether financial or in kind, and undertakes not to do so, for or on behalf of any person, which, directly or indirectly, would constitute an illegal or corrupt practice serving as an incentive or reward linked to the award of the contract;

(j) has provided exact, sincere and complete information to the contracting authority as part of this contract award procedure,

— acknowledges [that the aforementioned legal entity][that he][that she] is aware of the administrative and financial penalties\*\* which may be applied if it is established that false declarations were made or false information was provided.

If awarded the contract, the following is provided on request and within the time limit set by the contracting authority:

\* for the cases mentioned in points a), b) and e): a recent extract from the judicial record is required or, failing this, an equivalent document recently issued by the appropriate judicial or administrative body in the country of origin or provenance, showing that the relevant requirements have been met. Should the tenderer be a legal entity residing in a country where under national laws such documentary evidence cannot be produced for legal entities, these documents are requested for natural persons such as company directors or any person with powers of representation, decision making or control in relation to the tenderer;

\* in the case referred to in point d) above: recent certificates or letters from the appropriate bodies in the country concerned are required. These documents must confirm that the tenderer has paid all taxes and social security contributions for which he is liable, such as VAT, income tax (natural persons only), corporation tax (legal entities only) and social costs. As regards the situations described in points (a), (b), (d) and (e), should the document referred to in the above 2 paragraphs not be issued in the country concerned, it may be replaced by a statement under oath or, failing this, a solemn declaration made by the interested party before a judicial or administrative body, a notary or a qualified professional body in the country of origin or provenance.

If the tenderer is a legal entity, information about natural persons with powers of representation, decision making or control over this legal entity must be given only at the request of the contracting authority.

Surname, first name: .....

Date: .....

Signature: .....

\* i.e. company directors, members of managerial or supervisory bodies and natural persons owning, individually, the majority of the shares;

\*\* in accordance with the provisions of Article 109 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012 (Financial Regulation) and Article 145 of the rules of application of that regulation'.

### III.2.2. Economic and financial ability

List and brief description of conditions: 1. copy of the balance sheets or summaries thereof and of the operating accounts for the past 3 financial years, showing the annual pre-tax profit. If, for a valid reason, the candidate is unable to provide them, he must enclose a statement as to annual pre-tax profits for the past 3 years. If the balance sheets or the statement show an average loss over the past 3 years, the candidate must provide any another document as proof of his financial and economic capacity, such as suitable bank references or proof of professional risk insurance cover;

2. statement as to annual turnover specific to the field covered by this contract notice, realised during the past 3 financial years. Should the overall turnover be equal to the specific turnover, the candidate must specify this. The candidate's specific average annual turnover relating to the field in this contract notice must have been at least 80 000 EUR per year for the past 3 financial years;

3. proof that the candidate has civil and professional liability insurance cover, with details of the amount of cover, the duration and expiry date of the policy, the name of the insurance company, etc.

General remark: it should be noted that an economic operator may, if necessary and for a specific contract, make use of the capacities of other bodies irrespective of the legal nature of the connection between himself and said bodies. In such an event, he must provide the contracting authority with proof that he will have the resources needed to carry out the contract by, for example, producing a written commitment by said bodies to make such resources

available. Under the same terms and conditions, a grouping of economic operators may make use of the capacities of members of the grouping or of other bodies.

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

List and brief description of conditions:

1. the candidate's technical and professional capacity must be sufficient for him to carry out the contract in accordance with the contract provisions. If, in the light of the information given, the Committee has serious doubts as to the tenderer's technical and professional capacities or if the latter prove to be clearly insufficient to carry out the contract, the request may be rejected without the candidate being entitled to any financial compensation. For the contract referred to in this invitation to tender, the Committee requires candidates to have the following technical and professional capacities:

(a) human resources:

a team of experts in the field of development, support and maintenance of the software proposed, comprising 2 or more people, whereby, the project manager, as a minimum, must have 5 years' proven experience in the field of the invitation to tender;

(b) number of customers - experience in the field:

at least 3 years' experience in services/deliveries similar to those required under the contract in question for each of the past 3 financial years.

The technical and professional capacity will be assessed on the information contained in the following documents, to be supplied by candidates:

— document describing the composition of the team to be responsible for performing this contract. A detailed CV for the project manager assigned to this contract must be enclosed with said document,

— list of the principal services performed and supplies delivered over the past 3 years, with details of their values, dates and the public or private recipients thereof. Where the recipient of said services and deliveries was a department of an EU institution, economic operators shall furnish proof of this in the form of certificates issued or countersigned by the appropriate body;

2. statement as to whether or not the candidate intends subcontracting part of the contract and, if so, the proportion likely to be subcontracted. Any part of the contract which is subcontracted remains the candidate's responsibility. Furthermore, the contracting authorities may request information as to the identity of subcontractors. In addition to the information required under point III.2.1 of this notice, the contracting authority may also request that the candidate, or the contractor where applicable, furnish the information on financial, economic, technical and professional capacity required under points III.2.2 and III.2.3 of this notice for any envisaged subcontractors, particularly when a large part of the contract is being subcontracted.

General remark: it should be noted that an economic operator may, if necessary and for a specific contract, make use of the capacities of other bodies irrespective of the legal nature of the connection between himself and said bodies. In such an event, he must provide the contracting authority with proof that he will have the resources needed to carry out the contract by, for example, producing a written commitment by said bodies to make such resources available. Under the same terms and conditions, a grouping of economic operators may make use of the capacities of members of the grouping or of other bodies.

### **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

Restricted

#### 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

CDR/GREFFE/12/2015.

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

##### Other previous publications

Notice number in the OJ S: [2015/S 17-025721](#) of 24.1.2015

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

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

28.8.2015

#### 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

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

## 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

1. The attention of interested parties is drawn to the aim of this notice, i.e. to select candidates who will receive the specifications and be invited to tender.

2. NB: requests to participate are to be sent in letter form, in duplicate (1 original and 1 copy; the original should be clearly marked as such) before the date given in point IV.3.4 of this notice. Requests to participate must be sent in a double envelope. Both envelopes must be sealed and the inner and outer envelopes must be marked with both the name of the department which they are addressed to (see above) and the following: 'CDR/GREFFE/12/2015 — Demande de participation de (company name) — À ne pas ouvrir par le service du courrier'.

Self-seal envelopes must be sealed with adhesive tape, with the sender's signature written across the tape.

Candidates may elect to send their requests to participate:

(a) either by post or by private courier (evidenced by the postmark or the date on the delivery receipt) to the official address in point I.1 of this notice;

(b) or deliver them to the following address: rue Belliard 99-101, 1040 Brussels, BELGIUM, Reception, 9:30–12:00 and 14:30–16:30 from Monday to Thursday and 9:30–12:00 on Fridays. This department is closed at weekends and on official Committee holidays. In this latter case, the full address given in point I.1 of this notice must be written on the outer envelope. Delivery of the request to participate will be confirmed by a dated receipt signed by the official from the aforementioned department who takes delivery of the documents.

3. The candidate (individual or 'grouping') shall:

(a) quote reference 'CDR/GREFFE/12/2015' in his request to participate;

(b) enclose identity details (groupings shall provide these separately for each member, if applicable, and state which is the lead company) as follows: name, legal status, nationality, address, telephone and fax numbers, contact name and e-mail address, VAT number, legal registration number (where applicable) and bank details;

(c) enclose the documents and information required in points III.2.1, III.2.2 and III.2.3 of this notice. Incomplete applications may be automatically rejected. Groupings must furnish separate documents and information for each member.

4. Interested parties should be made aware that, to ensure protection of the European Union's financial interests, their personal data may be passed on to internal audit services, the European Court of Auditors, the specialised financial irregularities panel and/or the European Anti-Fraud Office (OLAF).

This personal data (surname and first name in the case of a natural person and, in the case of a legal entity, address, legal form and surname and first name of persons with powers of representation, decision making or control) regarding economic operators in 1 of the situations referred to in Articles 106, 107, 108 and 109(1) and (2) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012 may be registered in a centralised database managed by the Commission (central exclusion database) and passed on to designated persons at the Commission, as well as other institutions, agencies, authorities and bodies mentioned in Article 108 of the regulation. Any person registered in the database is entitled to be informed of the registered data concerning them, by submitting a request to the Committee's accounting officer or directly to the Commission's accounting officer. Before being registered in the central exclusion database, the candidate or tenderer shall have 14 calendar days in which he may express his opinion in writing. However, while a decision regarding the exclusion duration is pending and in order to protect the Union's financial interests, it may be necessary to issue an exclusion warning provisionally before the third party concerned has had the possibility to express an opinion. The central exclusion

database is managed by the Commission. A specific privacy policy statement may be consulted on the Commission's website at the following address:

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_fr.cfm#BDCE](http://ec.europa.eu/budget/explained/management/protecting/protect_fr.cfm#BDCE)

5. The monitoring of your response to the contract notice involves the registration and processing of personal data (e.g. name, address, CV). This data will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18.12.2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless otherwise specified, the answers to questions and the personal data requested are necessary for the evaluation of your request to participate, in accordance with the specifications in the contract notice, and will be processed for this purpose only by the Committee's Unit A1 — 'Archives/official mail/transparency Department' (e-mail address: [archives@cor.europa.eu](mailto:archives@cor.europa.eu)). On request, you may receive a copy of your personal data and you may amend any personal data which is inaccurate or incomplete by contacting the person responsible for processing (e-mail address: [archives@cor.europa.eu](mailto:archives@cor.europa.eu)). If you have any questions on the processing of your personal data, you may contact [data.protection@cor.europa.eu](mailto:data.protection@cor.europa.eu)

You have the right to contact the European Data Protection Supervisor at any time regarding the processing of your personal data (<http://www.edps.europa.eu>).

6. The contract will run for an initial 2 years and may then be renewed 8 times for 1 year each time. The total contract term cannot exceed 10 years.

7. Candidates may submit their request to participate using the double-sided printing format and/or on recycled paper.

8. Interested parties are requested to follow the procedures given in this notice and to refrain from seeking further information at this stage.

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

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

Official name: The General Court

Postal address: rue du Fort Niedergrünewald

Town: Luxembourg

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 plaintiff being notified or, failing this, of the date on which it became known to them. A complaint made to the European Ombudsman neither suspends this period nor opens a new period for lodging appeals.

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

#### **VI.5. Date of dispatch of this notice**

7.7.2015