

Belgium-Brussels: Study on the law applicable to companies with the aim of a possible harmonisation of conflict of laws rules on the matter

OJ S 149/2014 06/08/2014

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, DG Justice, Unit JUST/A4 Programme Management

Postal address: Office MO59 04/21

Town: Brussels

Postal code: 1049

Country: Belgium

For the attention of: Mr Renatas Mazeika

E-mail: just-a4-cft@ec.europa.eu

Telephone: +32 22962152

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Internet address(es):General address of the contracting authority: http://ec.europa.eu/justice/newsroom/contracts/index_en.htmElectronic access to information: http://ec.europa.eu/justice/newsroom/contracts/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

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**

Study on the law applicable to companies with the aim of a possible harmonisation of conflict of laws rules on the matter.

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: 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 purpose of the study is to evaluate the practical problems caused by the lack of harmonisation of the conflict of laws rules concerning companies and the possibilities for harmonising such rules, if necessary in combination with a harmonisation of certain matters of procedure or substantive law. For this purpose, the study will conduct a comparative analysis on the provisions of private international law, and, where relevant for the purpose of the study, substantive law related to companies in the 28 Member States. It will, in addition, carefully analyse the relationship with other areas of private international and substantive law and set out the pros and cons of the solutions proposed.

II.1.6. CPV code(s)

79000000 Business services: law, marketing, consulting, recruitment, printing and security, 79400000 Business and management consultancy and related services, 79410000 Business and management consultancy services, 79420000 Management-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

Estimated value excluding VAT: 350 000 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: 12 (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

See tender specifications.

III.1.2.

Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

See tender specifications.

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

See tender specifications.

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: See tender specifications.

III.2.2. Economic and financial ability

List and brief description of conditions: In order to prove their economic and financial capacity, the tenderers (i.e. in the case of a joint tender, the combined capacity of all members of the consortium and identified subcontractors) must show that their annual consolidated turnover exceeds 350 000 EUR (average for the past 3 years).

The following evidence should be provided:

- the completed 'Simplified balance sheet' and 'Simplified profit & loss account' completed for the last 3 years,
- a copy of the profit & loss account and balance sheet for the last 3 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 and identified subcontractors) must comply with the following criteria:

- the tenderer must prove experience in the field of comparative law studies including national and private international law,
- the tenderer must prove the ability to put together a team covering each of the jurisdictions which is a subject of the study with at least 1 national correspondent, i.e. a lawyer responsible for the part of the study concerning that jurisdiction with a local legal background, preferably in the subject matter of the study,
- the tenderer must prove experience of working in English with at least 2 projects delivered in the last 5 years and demonstrate sufficient necessary language coverage to cover the 28 Member States,
- the tenderer must prove capacity to draft reports in English.

b. Criteria relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles:
project manager: at least 5 years of experience in project management including professional and/or academic experience in law, preferably in the subject matter of the study. The experience should also include overseeing project delivery, quality control of the delivered service, client orientation and conflict resolution experience in projects of a similar size and coverage (geographical scope of at least half of the one subject to this call for tender), with experience in managing a large team of national reporters;

team: the team must comprise, for each of the jurisdictions which is a subject of the study, at least 1 national correspondent, i.e. a lawyer responsible for the part of the study concerning that jurisdiction with a local legal background, preferably in the subject matter of the study. Each team member should have a university degree or equivalent, or a professional qualification in law and professional and/or academic experience in law, preferably in the subject matter of the study.

At least 1 member involved in drafting the report should have native-level experience language skills in English, as proven by a certificate or relevant past experience.

The team for data collection and analysis: collectively the team should have knowledge of all EU official languages for the purpose of collecting data on national laws from Member States and proven experience in the subject matter of the study and in managing comparative law research projects.

If several service providers/subcontractors are involved in the bid, they must jointly have the professional and technical capacity to perform the tasks assigned to them.

a. Evidence:

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

1. tenderers should provide with their offer detailed curriculum vitae of each staff member responsible for carrying out the work, including his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills. The CVs shall be presented, preferably, in accordance to the Commission Recommendation on a common European format for curricula vitae, published in OJ L 79 of 22.3.2002, p. 66;
2. a list of the principal services of the same type provided in the past 5 years, with the sums, dates and recipients, whether public or private, of the services provided, together with certificates issued or countersigned by public authorities or by private clients or, failing this, simply declared by the service provider to have been effected;
3. part of the contract which the service provider intends to subcontract.

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

JUST/2014/JCOO/PR/CIVI/0051.

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: 25.9.2014

Payable documents: no

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

30.9.2014 - 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: 9.10.2014 - 10:30

Place:

rue Montoyer 59, 1040 Brussels, BELGIUM.

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

Information about authorised persons and opening procedure: 1 representative of each tenderer may attend the opening of the bids.

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

The specifications can be downloaded at: http://ec.europa.eu/justice/newsroom/contracts/index_en.htm

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/>

Body responsible for mediation procedures

Official name: Same as above

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

VI.5. Date of dispatch of this notice

25.7.2014