

Belgium-Brussels: Evaluation of the implementation of the EU–Mexico Free Trade Agreement and an assessment of the possible modernisation of this Agreement

OJ S 154/2013 09/08/2013

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 C — Asia and Latin America

Postal address: CHAR 08/234

Town: Brussels

Postal code: 1049

Country: Belgium

Contact person: Martin Pouliot

For the attention of: Matthias Jorgensen

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

Telephone: +32 22988567

Fax: +32 22992682

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=341>

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, Directorate C — Asia and Latin America

Postal address: CHAR 08/234

Town: Brussels

Postal code: 1049

Country: Belgium

Contact person: Martin Pouliot

For the attention of: Matthias Jorgensen

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

Telephone: +32 22988567

Fax: +32 22992682

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

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

Evaluation of the implementation of the EU–Mexico Free Trade Agreement and an assessment of the possible modernisation of this Agreement.

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: The evaluation will be carried out through a desktop (data and literature) analysis which can be performed at the premises of the contractor, but also through fieldwork in Mexico for the organisation of the requested event, collection and interpretation of information, gathered through a variety of methodologies.

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 objectives for this project are divided between 2 modules: an 'ex post' analysis (assessment of the economic, social and environmental impacts of the EU–Mexico FTA since its entry into force), and an 'ex ante' analysis (identification of new/future trade and investment interests, and of the most relevant manner to address them in the context of a modernisation of the EU–Mexico FTA).

II.1.6. CPV code(s)

79419000 Evaluation consultancy 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 budget of the contract, including all costs, is expected not to exceed 300 000 EUR for its total duration. The tenderer should however be aware that the contract will be awarded using the best value for money procedure, i.e. to the most economically advantageous tender.

Estimated value excluding VAT: 300 000 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: 14 (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

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

As stated in the terms of reference.

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

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 judgement 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 judgement 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 their 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 points (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 2 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 Commission may waive the obligation for a candidate or tenderer to submit documentary evidence 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 tenderer must declare on his honour that the documentary evidence has already been provided in a previous procurement procedure, provide the reference to that procedure, and confirm that there has been no change in the situation. The abovementioned information must be included in the terms of reference.

III.2.2. Economic and financial ability

List and brief description of conditions: For this purpose all tenderers must provide a full set of financial statements (comprising at least a balance sheet and profit and loss account) for the last 2 financial years (or the annual budget of the last 2 years in the case of semipublic or non-profit organisations), where the tenderer is required by law to produce such statements.

Proof of economic and financial capacity may in particular be furnished by one 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 at most 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 which may be no more than 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 tenderer 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:

(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 fields of:

- 1) trade policy (knowledge of WTO rules, of the EU trade policy and of the Mexican/North American trade policy, trade barriers, including their treatment in major recent bilateral and multilateral negotiations, in the agricultural, the manufacturing and the services sectors);
- 2) developing and applying methodologies for evaluating trade policies;
- 3) quantitative analysis in economics and social science (e.g. econometrics);
- 4) qualitative impact assessment for unquantifiable matters (such as non-tariff barriers and regulatory issues);
- 5) quantitative and qualitative analysis of social impacts (including issues related to employment, wages, decent work, gender and poverty; human rights expertise);
- 6) carrying out counterfactual analysis;
- 7) conducting surveys and other forms of consultation activities engaging civil society and other target groups;
- 8) producing forecast studies;
- 9) formulating policy recommendations with at least 3 projects delivered in this field in the last 3 years with a minimum value for each project of 100 000 EUR;
- 10) developing methodologies for assessing and comparing several policy options.

The tenderer must prove experience of working and drafting reports in 2 languages (English and Spanish) with at least 3 projects delivered in the last 3 years showing the necessary language coverage.

(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 10 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least 200 000 EUR) and coverage (assessment of trade policy and formulation of policy recommendations), with experience in management of a team of at least 5 people.

Team: it shall include at least 1 senior expert (with at least 7 years of professional experience in the assessment of trade policies, including analysis of economic, social and environmental impacts), expert with at least 3 years' prior experience in EU–North America trade relations (with a particular focus on Mexico), experts in quantitative and qualitative analysis with at least 3 years' prior experience, expert in surveys and consultations with civil society with at least 3 years' prior experience, and junior experts (with a background in economics or social science and at least 2 years of professional experience). Experience in the economic analysis of the agricultural, the manufacturing and the service sectors as well as sufficient knowledge of trade policies applied in these sectors shall be present in the proposed team.

The study team should also include local experts with prior and in-depth knowledge of Mexico; partnership with a local research institution or with a consultancy firm is encouraged. Local experts should have an active role in organising the workshop and should therefore have previous experience in stakeholder consultation.

Language quality check: at least 3 members of the team should have native-level language skills in English or equivalent, as guaranteed by a certificate or past relevant experience; and

at least 1 member of the team should have native-level language skills in Spanish or equivalent, as guaranteed by a certificate or past relevant experience.

(c) Evidence:

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

list of relevant services provided in the past 3 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 of the persons who will provide the service for this tender (CVs) including the management staff. 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

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 Criteria below

1. Quality of the research method proposed to meet the requirements of the first module, in particular on sources of data (both quantitative and qualitative) and analytical framework (25 points — minimum threshold 50 %). Weighting 60
2. Structural organisation; how the roles and responsibilities of the proposed team and of the economic operators (in the case of joint tenders, including subcontractors if applicable) are distributed for each task (15 points — minimum threshold 50 %). Weighting 30
3. This criterion will assess the quality control system applied to the service foreseen in the terms of reference concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score. Weighting 10

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

TRADE13/C3/C10.

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

30.9.2013

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: 12 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Date: 10.10.2013

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

Information about authorised persons and opening procedure: Requests to attend the public opening must be submitted by 3.10.2013 at the latest, exclusively by e-mail to the name of the contact point and address mentioned in I.1. The exact time and location will be communicated to those having sent an e-mail to show their interest to attend the opening session.

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 can download the tender documents and any possible additional documents and information from Trade DG's Internet site for public procurement <http://ec.europa.eu/trade/trade-policy-and-you/calls-for-tender/>

The site will be updated regularly and it is the tenderer's 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 of the European Union

Postal address: rue du Fort Niedergrünwald

Town: Luxembourg

Postal code: 2925
Country: Luxembourg
E-mail: cfi.registry@curia.europa.eu
Telephone: +352 4303-1
Fax: +352 4303-2100
Internet address: http://curia.europa.eu/jcms/jcms/Jo1_6308

Body responsible for mediation procedures

Official name: The European Ombudsman
Postal address: 1 avenue du Président Robert Schuman
Town: Strasbourg
Postal code: 67001
Country: France
E-mail: euro-ombudsman@europarl.europa.eu
Telephone: +33 3881172313
Fax: +33 338179062

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Within 2 months of the notification of the plaintiff or, in absence thereof, of the day on which it came to the knowledge. A complaint made to the European Ombudsman will neither cause this period to be suspended nor a new period for lodging appeals to begin.

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

VI.5. Date of dispatch of this notice

30.7.2013