

Belgium-Brussels: Liability insurance services
OJ S 154/2015 12/08/2015
Contract notice – utilities
Services

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: Fluxys Belgium NV

Postal address: Kunstlaan 31

Town: Brussels

Postal code: 1040

Country: Belgium

For the attention of: Jan Ravyts

E-mail: jan.ravyts@fluxys.com

Telephone: +32 22827210

Fax: +32 22306124

Internet address(es):

General address of the contracting entity: <http://www.fluxys.com>

Additional information can be obtained from:

Official name: SA Marsh

Postal address: Herrmann-Debrouxlaan 2

Town: Brussels

Postal code: 1160

Country: Belgium

For the attention of: Denis van der Elst

E-mail: denis.vanderelst@marsh.com

Telephone: +32 26749779

Specifications and additional documents (including documents for a dynamic purchasing system) can be obtained from:

Official name: SA Marsh

Postal address: Herrmann-Debrouxlaan 2

Town: Brussels

Postal code: 1160

Country: Belgium

For the attention of: Denis van der Elst

E-mail: denis.vanderelst@marsh.com

Telephone: +32 26749779

Tenders or requests to participate must be submitted: Official name: SA Marsh

Postal address: Herrmann-Debrouxlaan 2

Town: Brussels

Postal code: 1160

Country: Belgium

For the attention of: Denis van der Elst

E-mail: denis.vanderelst@marsh.com

Telephone: +32 26749779

I.2. Main activity

Production, transport and distribution of gas and heat

I.3. Contract award on behalf of other contracting entities

The contracting entity is purchasing on behalf of other contracting entities: yes

Official name: Fluxys NV and its subsidiaries

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Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting entity

Public, Product and Professional Liability Insurance.

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

Services

Service category No 6: Financial services a) Insurances services b) Banking and investment services

Main site or place of performance: Belgium.

NUTS code BE Belgique / België, BEZZ Extra-Regio NUTS 2

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)

Public, Product and Professional Liability Insurance.

II.1.6. CPV code(s)

66516000 Liability insurance services

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

II.1.8. Information about 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: yes

II.2. Scope of the procurement

II.2.1. Total quantity or scope

300 000 000 EUR with an Excess of 200 000 000 EUR for Fluxys LNG only.

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: yes

In the case of renewable contracts, estimated time-frame for subsequent calls for competition:

in months: 36 (from the award of the contract)

II.3. Duration of the contract or time limit for completion

Duration in months: 36 (from the award of the contract)

Information about lots

Lot No: 1

Lot title: Public, Product and Professional Liability Insurance primary

1) Short description

Primary Layer

Lot 1 and Lot 2 will be awarded to the same lead insurer.

2) CPV code(s)

66516000 Liability insurance services

3) Quantity or scope

Primary Insurance Layer of 2 500 000 EUR each and every loss with an aggregate for product and professional liability, partly to be reinsured.

A similar primary for Switzerland.

4) Indication about different time frame or duration

Duration in months: 36 (from the award of the contract)

5) Additional information about lots

Starting time: 2.3.2016.

Lot No: 2

Lot title: Public, Product and Professional Liability Insurance First Excess

1) Short description

First Excess Layer

Lot 1 and Lot 2 will be awarded to the same insurer.

2) CPV code(s)

66516000 Liability insurance services

3) Quantity or scope

First excess Insurance Layer of 97 500 000 EUR each and every loss with an aggregate for product and professional liability and a similar first excess for Switzerland.

4) Indication about different time frame or duration

Duration in months: 36 (from the award of the contract)

5) Additional information about lots

Starting time: 2.3.2016.

Lot No: 3

Lot title: Public, Product and Professional Liability Insurance Second Excess

1) Short description

Second Excess Layer.

2) CPV code(s)

66516000 Liability insurance services

3) Quantity or scope

Second excess Insurance Layer of 100 000 000 EUR each and every loss with an aggregate for product and professional liability.

4) Indication about different time frame or duration

Duration in days: 36 (from the award of the contract)

5) Additional information about lots

Starting time: 2.3.2016.

Lot No: 4

Lot title: Public, Product and Professional Liability Insurance Third Excess

1) Short description

Third Excess layer.

2) CPV code(s)

66516000 Liability insurance services

3) Quantity or scope

Third excess Insurance Layer of 100 000 000 EUR each and every loss with an aggregate for product and professional liability.

Estimated value excluding VAT: 0,00 EUR

4) Indication about different time frame or duration

Duration in months: 36 (from the award of the contract)

5) Additional information about lots

Starting time: 2.3.2016.

Lot No: 5

Lot title: Public, Product and Professional Liability Insurance Fourth Excess

1) Short description

Fourth Excess Layer.

2) CPV code(s)

66516000 Liability insurance services

3) Quantity or scope

Fourth Excess Layer of 200 000 000 EUR each and every loss with an aggregate for product and professional liability for Fluxys LNG only.

4) Indication about different time frame or duration

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

5) Additional information about lots

Starting time: 2.3.2016.

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

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: yes

Description of particular conditions: The contract duration will be 36 months with possible renewals for a total duration of 6 years, if agreeable by all parties.

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: By applying the candidate declares not to be in one of the following exclusions, mentioned in article 15 of the 'Koninklijk Besluit betreffende de mededinging in het raam van de Europese Gemeenschap van sommige opdrachten voor aanneming van werken, leveringen en diensten in de sectoren water, energie, vervoer en postdiensten', implementing the Directive 2004/17/EC of the European Parliament and of the Council of 31.3.2004 coordinating the procurement procedures of entities, operating in the water, energy, transport and postal services sectors.

Regardless the clauses concerning the recognition of the insurance Companies, any candidate can be excluded from participation in a contract, where that candidate:

- 1) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
- 2) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- 3) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
- 4) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
- 5) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority.
- 6) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- 7) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information.

To prove that he is not in one of the above mentioned conditions, the candidate attaches to his request to participate a declaration on oath that none of the above mentioned legal grounds applies.

When the request to participate is sent by a candidate who is a combination of insurance companies, the declaration on oath of each of its members must be attached.

The candidate to lot 1 and lot 2 declares that it is authorized and prepared to issue Liability insurance policies in Switzerland, either directly or through a company belonging to the same group.

III.2.2. Economic and financial ability

List and brief description of conditions: Each candidate or every member of the combination of insurance companies will have to prove his financial and economical capacity through following rating:

(a) BBB (Standard & Poors); or

(b) B+ (AM Best); or

(c) an equivalent rating of a similar rating company; or

(d) A net equity of minimum 40 000 000 EUR if the candidate or member of the combination of insurance companies is not assessed by one of the above mentioned rating instances.

He attaches to his request to participate a recent prove of his rating (for a, b and c) or a copy of the last available Annual Report.

III.2.3. Technical and professional ability

List and brief description of conditions: Regarding the legislation concerning the supervision on insurance companies, every candidate or each member if the candidate is a combination of insurance companies, must, at the moment of awarding the contract, be admitted for the insurance branch he is applying for. He attaches to his request to participate the proof he is admitted.

This admission shall be verified through the lists of the The Financial Services and Markets Authority (FSMA) (www.fsma.be) or a similar commission under the national laws and regulations on the deadline for the receipt of the requests to participate.

Following insurance companies can be admitted to the selection under this criterion:

(a) Insurance companies admitted under Belgian Law;

(b) Insurance companies under the Law of a Member State of the European Economic Area, other than Belgium, that are admitted to have activities through a branch office in Belgium;

(c) Insurance companies that resort under the Law of a Member State of the European Economic Area, admitted to have their activities in Belgium via the freedom of services.

If one of the candidates or a member of a combination of insurance companies will lose his admission,

the candidate or combination will be excluded from awarding the contract.

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: yes

Reference to the relevant law, regulation or administrative provision: Insurance companies having a certificate of the financial services and markets authority (FSMA) or a similar commission and the laws and regulations candidates must participate as

— lead insurer (and automatically as co-insurer)

— co-insurer.

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

Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures): no

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of the criteria stated in the specifications or in the invitation to tender or to negotiate

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 entity

CE-APN 1505

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents

(except for a DPS)

Time limit for receipt of requests for documents or for accessing documents: 13.9.2015 - 15:00

Payable documents: no

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

14.9.2015 - 15:00

IV.3.5. Languages in which tenders or requests to participate may be submitted

English. French. Dutch.

IV.3.6. Minimum time frame during which the tenderer must maintain the tender

IV.3.7. Conditions for opening of tenders

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

Marsh SA, Denis van der Elst, Herrmann-Debrouxlaan, 2 — 1160 Brussel, denis.vanderelst@marsh.com.

vanderelst@marsh.com.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Raad van State

Postal address: Wetenschapstraat 37

Town: Brussels

Postal code: 1040
Country: Belgium
Telephone: +32 22349611
Fax: +32 22349499

VI.4.2. Review procedure

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

VI.5. Date of dispatch of this notice

7.8.2015