

Italy-Ispra: Sample preparation and shipping in the context of comparative testing activity under Regulation (EC) 882/2004 of the European Parliament and of the Council

OJ S 161/2015 21/08/2015

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Joint Research Centre, Institute for Health and Consumer Protection

Postal address: via Enrico Fermi 2749

Town: Ispra VA

Postal code: 21027

Country: Italy

Contact person: Mrs Petya Varbanova

For the attention of: B.5 Finance and Procurement Unit

E-mail: jrc-ihcp-procurement@ec.europa.eu

Fax: +39 0332789434

Internet address(es):

General address of the contracting authority: <http://web.jrc.ec.europa.eu>

Electronic access to information: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=1028>

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

Other: Research.

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**

Sample preparation and shipping in the context of comparative testing activity under Regulation (EC) 882/2004 of the European Parliament and of the Council.

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

Services

Service category No 8: Research and development services

Main site or place of performance: At the contractor's premises.

NUTS code

II.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with a single operator

Duration of the framework agreement

Duration in months: 48

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT: 300 000 EUR

II.1.5. Short description of the contract or purchase(s)

Outsourcing of the sample preparation step and the shipping of the samples to the involved laboratories in the context of comparative testing rounds organised by EURL GMFF under the mandate of Regulation (EC) 882/2004 of the European Parliament and of the Council.

II.1.6. CPV code(s)

73111000 Research laboratory 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

Up to 2 rounds of comparative testing per year.

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: 3

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

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Please refer to tender documents.

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

Please refer to tender documents.

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

Economic operators can submit a tender either as a sole tenderer or as partners in a consortium (with or without legal personality). In either case subcontracting is permitted. The tenderer must clearly specify the role of each economic operator — as a sole tenderer, a partner in a consortium or subcontractor. This also applies where the entities involved belong to the same economic group.

Each partner in a consortium assumes joint and several liability towards the contracting authority for implementation of the contract and will become a party to the contract if the consortium's tender is successful. The consortium shall nominate 1 legal entity ('the leader') who will have full authority to bind the consortium and each of its members during contract execution and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other partners.

Subcontracting is the situation where the contractor enters into legal commitments with other legal entities which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for implementation of the contract. Freelancing, drawing on the activities or staff of any other entirely different legal entity than the contractor, qualifies as subcontracting, independently of the applicable national law.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract. They must also identify all subcontractors:

- on whose capacities they rely to meet the minimum capacity levels under headings III.2.2 and III.2.3,
- whose individual share of the contract is above 20 %.

Subcontractors must provide a letter of intent stating their willingness to participate in the performance of the contract as specified in the tender.

During contract execution any change of subcontractors will be subject to the prior written approval of the contracting authority.

A sole tenderer or a consortium may also rely on the capacities of other entities for meeting the minimum capacity levels under headings III.2.2 and III.2.3, regardless of the legal nature of the links which it has with them. If so, it must prove to the contracting authority that it will have the resources necessary for performance of the contract at its disposal, for example by providing an undertaking on the part of those entities. Reliance on the capacities of a third party which is a different legal entity from the sole tenderer or the consortium members, even though it is part of the same economic group, is considered subcontracting for the purposes of the procedure. If the contract is awarded to a tenderer relying on a third party to provide more than 70 % of the minimum requirements for economic and financial capacity listed under heading III.2.2, the contracting authority will require that the third party sign the contract and become jointly liable for its execution together with the tenderer.

The role and tasks of each consortium partner and identified subcontractors must be clearly specified in the tender. The cover letter must give the name of the tenderer (including all partners in the case of a consortium) and subcontractor(s), including third parties on whose capacities the tenderer relies, and the name of the single contact person in relation to this procedure. For consortia the cover letter must be signed by each partner, or by a partner duly authorised to sign the tender and the contract on behalf of all partners. In the latter case authorisation can be, for instance, in the form of a power of attorney, a letter of intent or a consortium agreement.

Tenderers (all partners in the case of a consortium) must also provide a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

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. Exclusion criteria:

Tenderers will not be eligible to take part in this procedure if they are in any of the exclusion situations listed in Articles 106 and 107 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012. Tenderers (including consortium partners) and subcontractors identified as per heading III.1.3 shall sign the declaration on honour (available on the contracting authority's website indicated in heading I.1) to declare that they are not in any of these situations.

Upon request of the contracting authority the successful tenderer (including all partners in the case of a consortium) and all subcontractors identified by the tenderer in accordance with III.1.3 shall provide the supporting documents listed in Article 143(3) of Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012.

The contracting authority may waive the obligation to submit the required supporting documents if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed 1 year from the date of the award notification and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

2. Selection criteria:

Legal capacity:

Tenderers (all partners in the case of a consortium) shall prove that they have the legal capacity to perform the contract by providing a certificate of registration in the relevant trade or professional register in their country of establishment/incorporation. If the tenderer is not required or allowed to register in such a register for reasons related to its statute or legal status, the contracting authority may accept, as satisfactory evidence, a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.

III.2.2. Economic and financial ability

List and brief description of conditions: Tenderers must comply with the following criteria:

- annual turnover meeting the minimum capacity level,
- financial viability sufficient to undertake and perform the contract.

The following evidence must be provided by each tenderer (each partner in the case of a consortium) and each subcontractor on whose capacities the tenderer relies for meeting the minimum capacity level for economic and financial ability:

- a statement as to the economic operator's annual turnover over the past 2 financial years for which accounts have been closed.

If, for some exceptional reason which the contracting authority considers justified, an economic operator is unable to produce the references required above, he may prove his 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 justification must be provided. The contracting authority reserves the right to request any other document enabling it to verify the economic operator's economic and financial capacity or to seek additional information and/or clarifications by any appropriate means (websites, official bodies, etc.).

The contracting authority may waive the obligation of an economic operator to submit the documentary evidence referred to above if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that it complies with the requirements of the present call for tenders. In such a case, the economic operator shall provide reference to the contract and Commission service for which the evidence has been provided.

Minimum level(s) of standards possibly required: The average of the annual turnover for the past 2 financial years must be at least 150 000 EUR.

This minimum will be assessed in relation to the tenderer as a whole, including the combined capacities of all partners in the case of a consortium and all subcontractors.

III.2.3. Technical and professional ability

List and brief description of conditions:

Tenderers must comply with the following criteria:

- a) capacity to employ quality assurance measures to ensure the quality of the provided services proven by a certificate drawn up by independent bodies or by any other evidence of equivalent quality assurance measures attesting the compliance with the minimum capacity levels;
- b) must not be active in the development of GMOs. A signed declaration will be acceptable;
- c) educational/professional qualification of staff. A team of persons proposed to carry out the tasks described in the technical specifications. The tenderer must provide CVs (preferably in Europass format);
- d) material/technical resources necessary to perform the contract in accordance with the technical specifications. To demonstrate compliance with this criterion the tenderer shall provide a list of the equipment, tools and facilities available to it for the performance of the contract and, where applicable, indicate the name of the economic operator placing these at its disposal.

Minimum level(s) of standards possibly required:

The minimum capacity levels will be assessed in relation to the tenderer as a whole, including the combined capacities of all partners in the case of a consortium and all subcontractors:

- a) the quality assurance measures must comply with ISO 17025 (or equivalent quality assurance standards) for DNA extraction from seeds, food and/or feed and for GM event-specific quantitative PCR analysis;
- c) competence to perform DNA extraction and quantitative PCR analysis under ISO 17025 (or equivalent);
- d) availability of an instrument for the grinding of dry biological materials to a particle size below 200 µm while maintaining the suitability of the DNA for PCR analysis; availability of a real-time PCR instrument for quantitative GMO analysis; availability of validated laboratory methods and equipment for the processing and analysis activities.

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

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

JRC/IPR/2015/I.3/0024/OC.

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

2.10.2015

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

Duration in months: 6 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Date: 7.10.2015 - 10:00

Place:

JRC Ispra, external building, room 7, via Enrico Fermi 2749, 21027 Ispra VA, ITALY.

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

Information about authorised persons and opening procedure: Max. 1 authorised

representative per tenderer can attend the opening. The request must be sent at least 2 days

in advance to jrc-ihcp-procurement@ec.europa.eu together with a copy of the identity card /passport.

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

VI.3. Additional information

At the request of the tenderer, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing only through the e-tendering website at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=1028> in the 'questions and answers' tab, by clicking 'create a question'.

The contracting authority is not bound to reply to requests for additional information received less than 5 working days before the final date for submission of tenders.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

Any additional information, including that referred to above, will be posted on the e-tendering website indicated above. The website will be updated regularly and it is your responsibility to check for updates and modifications during the tendering period.

Based on Article 134(1)(f) of Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012 during the 3 years following conclusion of the original contract the contracting authority may use the negotiated procedure without prior publication of a contract notice to procure additional services consisting of the repetition of similar services (up to a maximum of 50 % of the original contract value) from the economic operator to whom the contract is awarded.

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

Official name: General Court

Postal address: rue du Fort Niedergrünwald

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.5. Date of dispatch of this notice

11.8.2015