

**Belgium-Brussels: Supply, installation and commissioning of centralised emergency exit control units (UGCIS) in buildings occupied by the European Parliament in Brussels**

OJ S 174/2013 07/09/2013

Contract notice

Supplies

Directive 2004/18/EC

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: European Parliament, Directorate-General for the Presidency

Postal address: rue Wiertz 60 (WIE 01U027)

Town: Brussels

Postal code: 1047

Country: Belgium

For the attention of: Programming, Budget Management and Contracts Unit

E-mail: [marches-tenders@ep.europa.eu](mailto:marches-tenders@ep.europa.eu)

Fax: +32 22843038

**Internet address(es):**General address of the contracting authority: <http://www.europarl.europa.eu/tenders/invitations.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**

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

Supply, installation and commissioning of centralised emergency exit control units (UGCIS) in buildings occupied by the European Parliament in Brussels.

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

Supplies

Purchase

Main site or place of performance: Brussels.

NUTS code BE100 Arr. de Bruxelles-Capitale/Arr. Brussel-Hoofdstad

### **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

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

The contract covers design and performance studies, supply of installations and equipment, setting up and assembly work, connections, commissioning, advance use of parts of the installation, finalisations, testing and carrying out functional and performance checks on the technical installations, supply of sets of spare parts and special tools for 1 centralised emergency exit control unit (UGCIS), as defined in Annex A to French standard NF CMSI S 61-934, as well as for 3 operational assistance units.

It also covers all necessary services for dismantling, and returning to the EP, existing installations and materials (excluding controllers/modules and cabling) when not used.

Training of operating staff and system administrators, as well as full maintenance during the warranty period are also included.

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

35121000 Security equipment

### **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**

The contract covers 15 control units, spread over 7 buildings, that need to control approximately 100 emergency exits. These quantities are estimates.

The contracting authority may use the negotiated procedure without prior publication of a contract notice, in the case of additional deliveries, as provided for in Article 134(1)(g) of the rules of application of the Financial Regulation applicable to the EU budget.

### **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**

Invoices will be issued by the contractor as follows:

- 90 % upon provisional acceptance,
- 10 % upon final acceptance.

Payments will only be made if the contractor has fulfilled all his contractual obligations on the date of sending his request for payment. Payment of sums owed is due within 30 calendar days.

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

Applications for the first phase of selection can be submitted by groupings of economic operators.

If the contract (second phase) is awarded to a grouping, the European Parliament reserves the right to request that it takes on a special legal form if it is necessary for satisfactory performance of the contract. The European Parliament may give notice of this requirement at any time during the contract award procedure but, in any event, before the contract is signed. The grouping of economic operators must provide proof of its legal form at the latest before signature of the contract, should the grouping be awarded it. This legal form may be 1 of the following:

- an entity with a legal personality recognised by a Member State,
- an entity with no legal personality, but which gives the European Parliament sufficient protection as regards contractual interests (depending on the Member State concerned, this may be a consortium or temporary association, for example),
- signature, by all partners, of a type of 'proxy agreement' or equivalent document which will ratify a form of cooperation.

The grouping's actual status will be proven by any document or agreement signed by members of the grouping. In exceptional cases, these documents or agreements may be changed and/or sent after the final date for submission of tenders but not, under any circumstances, after the notification of the invitation to tender results to the tenderers concerned. The European Parliament reserves the right to reject a tender if the conditions of the agreements between members of a grouping are amended during the course of the procedure, if they do not stipulate joint and several liability between the members, or if no legally valid agreement has been submitted with the tender.

The European Parliament may accept other legal forms not included above on the condition that they guarantee that the parties are jointly and severally liable and are compatible with performance of the contract. In any event, tenderers are reminded that the European Parliament will expressly refer to the existence of joint and several liability between the members in the contract to be signed with the grouping of operators. In addition, it reserves the right to request, as part of the contract, the nomination of a joint representative able to represent the members and having, amongst other things, the power to issue invoices in the name of the other members.

Applications from groupings of economic operators must specify the role, skills and experience of each member of the grouping. Members must declare themselves jointly responsible for the grouping's commitments.

Each member of a grouping of economic operators must provide proof that they have right of access to the contract (eligibility), status (authorisation) and the relevant documentary evidence concerning the exclusion and selection criteria (see point III.2 of this notice). With regard to the selection criteria, the European Parliament may take into account the capacities of other members of the grouping in order to determine whether the candidate has the

resources needed to carry out the contract. In this case, a written commitment will be required from these members stating that they will provide the other members with the resources needed to carry out 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. Eligibility:

in order to determine the eligibility of candidates, they must indicate in their applications the country in which they have their head office or are domiciled. They must also submit the proof required under the national law in force. This applies to all members in the case of a grouping of operators and subcontractors, if necessary.

2. Proof of status:

candidates must provide proof of their authorisation to produce the object covered by the contract in accordance with national law. Relevant documentary evidence must be provided. This applies to all members in the case of a grouping of operators and subcontractors, if necessary.

#### **III.2.2. Economic and financial ability**

List and brief description of conditions: — statement indicating the overall annual turnover and the turnover relating to the supplies in this invitation to tender for the financial years 2010, 2011 and 2012, and

— balance sheets and profit and loss accounts for the financial years 2010, 2011 and 2012.

Minimum level(s) of standards possibly required: minimum annual turnover of 2 000 000 EUR during the past 3 years (2010, 2011 and 2012).

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

List and brief description of conditions:

1. list of similar works carried out over the past 5 years in accordance with the standard applicable to this contract (NF CMSI S 61-934), with details of the object, amount, date and recipient;

2. for 2 of the most major sites that the tenderer equipped, he must provide installation details and certificates of satisfactory performance;

3. statement as to the tenderer's average annual manpower, showing the proportions of managerial staff and technical staff during the past 3 years;

4. description of the technical equipment, tools and materials used to perform the contract;

5. certificates drawn up by official institutes or departments responsible for quality control, attesting to compliance of the products with the specifications and standards applicable to the contract;

6. CVs for the staff responsible for performance of the contract, if available.

Minimum level(s) of standards possibly required:

the tenderer must have at least 5 years' experience in providing similar services, carried out in accordance with the standard applicable to this contract (NF CMSI S 61-934). Furthermore, he must have a team of at least 3 people experienced in designing and developing UGCIS in which the project manager will have 5 years' proven experience in the contract field.

#### **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**

EP/DGPRES/SEC/FOUR/2013-033.

#### **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**

16.10.2013 - 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**

#### **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

This contract notice is the first phase of the restricted procedure and aims to select candidates based on the exclusion criteria (see below) and selection criteria listed in point III.2 of this notice.

Only candidates who have successfully completed the first phase will receive the specifications. They will also be invited to participate in a site visit (mandatory for those who wish to submit a tender) which will take place on 18.11.2013 (9:30).

1. The following exclusion criteria apply to each grouping member.

\* Article 106 of the Financial Regulation applicable to the budget of the Union:

candidates and tenderers shall be excluded from participation in procurement procedures 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 or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment 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 including by decisions of the EIB and international organisations;

(d) they are not in compliance with their 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 or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests;

(f) they are subject to an administrative penalty referred to in Article 109(1) of the Financial Regulation applicable to the budget of the Union.

Points (b) and (e) of the first subparagraph shall not apply where the tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision making or control over them, who are subject to a judgment as referred to in points (b) and (e) of the first subparagraph.

\* Article 107 of the Financial Regulation applicable to the budget of the Union:

a contract shall not be awarded to candidates or tenderers who, during the procurement procedure for that contract:

(a) are subject to a conflict of interests;

(b) are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply that information;

(c) find themselves in 1 of the situations of exclusion, referred to in paragraph 1, points (a) to (f) above, for the procurement procedure.

Candidates (or grouping members, where applicable), must include the following proof in their application:

— recent extract from the judicial record or, failing this, an equivalent document recently issued by a judicial or administrative body in the country of origin or provenance, showing that

the candidate is not in any of the situations mentioned in points (a), (b) or (e) of Article 106(1) of the Financial Regulation. Likewise for those persons having powers of representation, decision making or control over the tenderer for the cases mentioned in points (b) and (e) of Article 106(1),

— recent certificate issued by the appropriate body in the country concerned as proof that the candidate is not in the situation mentioned in point (d) of Article 106(1) of the Financial Regulation,

— where the documents or certificates indicated above are not issued in the country concerned, and for the other exclusion cases referred to in Article 106 of the Financial Regulation, they may be replaced by a statement under oath or, failing that, 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,

— solemn declaration, duly signed and dated, declaring that they are not in any of the situations mentioned in Articles 106 and 107 of the Financial Regulation.

The template for the required solemn declaration can be found below and can also be downloaded from <http://www.europarl.europa.eu/aboutparliament/en/0036ddd1cc/Invitations-to-tender.html>

2. Candidates are exempt from having to provide the documentary evidence referred to above if it has already been submitted as part of another European Parliament contract award procedure and provided that the documents in question are less than 1 year old and still valid. In such a case, candidates must solemnly declare that the supporting documents have already been provided for a previous contract award procedure, which they will specify, and that no change in their situation has occurred.

3. Template to be used for the solemn declaration relating to the exclusion criteria and the absence of conflicts of interest

[select an option for the parts in square brackets]:

the undersigned (name of the signatory of this form):

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

or

acting as a 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 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 decisions of the EIB and international organisations;

(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 or for failing to provide the information required by the contracting authority in a grant award procedure or a tender procedure for another contract, or for having been declared to be in serious breach of contract for failure to comply with their contractual obligations with regard to contracts or grants financed by the budget of the Union.

(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.

Surname, first name

Date. Signature

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

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

Official name: General Court of the Court of Justice of the European Union

Postal address: rue du Fort Niedergrünewald

Town: Luxembourg

Postal code: 2925

Country: Luxembourg

E-mail: [generalcourt.registry@curia.europa.eu](mailto:generalcourt.registry@curia.europa.eu)

Internet address: <http://curia.europa.eu>

##### **Body responsible for mediation procedures**

Official name: European Ombudsman

Postal address: 1 avenue du Président Robert Schuman, PO Box 403

Town: Strasbourg

Postal code: 67001

Country: France

Telephone: +33 388172313

Internet address: <http://www.ombudsman.europa.eu>

##### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: see point VI.4.1.

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

Official name: as in point VI.4.1

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

28.8.2013