

Belgium-Brussels: Legal assistance and consultancy services in the field of Luxembourg labour law

OJ S 191/2013 02/10/2013

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, DG Human Resources and Security, Directorate 'Shared Resource Services — Finance and Internal Control'

Postal address: Office SC11 06/32

Town: Brussels

Postal code: 1049

Country: Belgium

E-mail: hr-contrats-marches@ec.europa.eu

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**

Legal assistance and consultancy services in the field of Luxembourg labour law.

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

Services

Service category No 21: Legal services

Main site or place of performance: Luxembourg.

NUTS code LU0 Luxembourg

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 years: 4

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

The services to be provided under this contract are as follows:

- (a) legal assistance assignments;
- (b) participation in negotiations and meetings;
- (c) legal advice and consultancy by telephone or e-mail.

The ad hoc and specific assignments entrusted to the contractor will involve, in particular, but are not limited to:

- giving advice on managing the various categories of staff (doctors, nurses, kindergarten staff, nursery nurses, childcare workers, chefs and serving staff, temporary staff) subject to Luxembourg labour law, including, where applicable, on implementing collective agreements and other legal provisions,
 - preparing or reviewing documents (letters, contracts, agreements, etc.),
 - preparing or participating in internal Commission meetings or negotiations between the Commission and the staff delegation(s) or trade unions. During these meetings or negotiations, the service provider may be accompanied by 1 or more assistants should he deem this necessary. No costs may be charged for assistants, however,
 - assisting with compliance with procedures in force during the election of representatives.
- The final result of each legal assistance assignment will take the form of a written report, detailing the advice or assistance given and the upstream analysis, which will enable the Commission to make informed and appropriate decisions.

In certain cases, the contractor must be able to provide advice within very tight deadlines. In such cases, duly authorised Commission staff may request a consultation by telephone or by e-mail/fax.

II.1.6. CPV code(s)

79110000 Legal advisory and representation 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

For information only, and without this being binding on the Commission as regards the volume of work, 200 hours of services may be required per year. During the 3 years following contract conclusion, the contracting authority will be able to use the negotiated procedure without prior publication of a contract notice for additional contracts involving the repetition of similar services assigned to the party awarded this contract by the same contracting authority.

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: 48 (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

Payment at 30 days from date of receipt of requests for payment.

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

In the case of a grouping of natural persons or legal entities, all members thereof must be jointly and severally liable for performance of 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: requests to participate must be sent by post before the final date or the deadline indicated in point IV.3.4 of this notice, in accordance with 1 of the following procedures:

- registered post, as evidenced by the postmark, to the following address: European Commission, Directorate-General for Human Resources and Security, Unit HR R.3, Office SC-11 6/28, 1049 Brussels, BELGIUM,
- delivery (in person, or by a representative of the candidate or a courier service) to the following address: European Commission, Directorate-General for Human Resources and Security, Unit HR R.3, Office SC-11 6/28, avenue du Bourget 1, 1140 Brussels (Evere), BELGIUM.

This department is open from 8:00 to 17:00 Monday to Thursday, and from 8:00 to 16:00 on Fridays. It is closed at weekends and on Commission holidays. If delivery is made via a courier service, the valid date of dispatch will be the date on the courier's delivery receipt. If delivery is by the candidate himself, or by a representative of his, a delivery receipt will be issued, dated and signed by the official from the Commission's Central Mail Department who takes delivery of the documents.

Candidates (individual candidates or groupings) must (NB: groupings must provide the requested documents and information separately for each grouping member):

- quote reference 'HR/R3/PR/2013/053' in their request to participate,
- enclose all documents and information required under points III.2.1 to III.2.3,
- enclose a detailed identity sheet (individual sheets for each member of the grouping, with an indication of the lead company) stating: name, legal status, nationality, address, telephone and fax numbers, name and e-mail address of contact person, VAT number, official registration number (where applicable) and precise bank details.

Legal position — means of proof required:

- name of the country in which candidates have their head office or are domiciled, along with

the corresponding attestations, in accordance with the law in their country of residence (groupings must furnish these documents individually for each member),

— candidates' requests to participate must include a duly signed and dated solemn declaration, stating that they are not in any of the situations which would disqualify them from participating in the contract. This document is available at the following address:

http://ec.europa.eu/dgs/human-resources/markets_fr.htm

Groupings must furnish separate solemn declarations for each member.

Requests to participate submitted by consortia, groupings or associations of companies must include:

(a) a document detailing the composition and constitution of the entity or the legal form of this cooperation in the event they are awarded the contract;

(b) a document detailing the lead company;

(c) all members of the consortium or grouping must declare that they accept this company as leader;

(d) a letter signed by each grouping member, stating that they undertake to carry out the work, and specifying their role, qualifications and experience. Candidates who fail to provide this document may be automatically excluded.

The contract will be signed by the European Commission and the successful tenderer (lead company in the case of a grouping).

Candidates may rely on the capacities of other bodies, regardless of the legal nature of the links which they have with them. In such an event, they must provide the contracting authority with proof that they will have the resources needed to carry out the contract by, for example, producing a written commitment by said bodies to make such resources available.

III.2.2. Economic and financial ability

List and brief description of conditions: as proof of his economic and financial capacity, the candidate must provide a solemn declaration stating his consolidated turnover for the past 3 financial years for which accounts have been closed. Said consolidated turnover must be at least 150 000 EUR per year.

If, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce the means of proof required, he is permitted to provide evidence of his economic and financial capacity by any means which the contracting authority deems suitable.

Should the request to participate be submitted by a grouping, the aforementioned information must be submitted to the contracting authority in the form of a separate document for each grouping member and a document summarising the consolidated data for the grouping as a whole.

III.2.3. Technical and professional ability

List and brief description of conditions:

the candidate shall provide the following documents and information:

— the candidate must put forward a team comprising at least 2 lawyers or legal advisers (hereinafter referred to as the 'team'),

— the candidate must provide proof that each member of the team is affiliated with a Bar in the Grand Duchy of Luxembourg,

— the candidate must provide CVs (minimum level required: master's degree in law or equivalent) and copies of the qualifications of each team member,

— the contractor must appoint a lead member responsible for correct performance of the contract and the services,

— the contractor must appoint 1 or more deputies authorised to take over the duties of the

lead member in his absence,

— said deputies must have the same qualifications and experience as the lead member, and have full knowledge of the files being managed.

The CVs must provide proof of the following professional experience and language skills:

— 5 years' established professional experience in the field of Luxembourg labour law,

— each service provider must have a perfect command of English and French, whether spoken or written. The CVs must clearly show, using the correct scale, that the team members have the required level of language skills, i.e. level C1 on the CEF scale (<http://europass.cedefop.europa.eu/fr/resources/european-language-levels-cefr>) in English and French.

The candidate must provide proof for each member of the team proposed that they are computer literate as regards document research, communication and writing tools (MS Office, Internet, etc.).

The candidate must solemnly affirm the accuracy of the CVs and the documents provided in support of same. It should be noted that any misrepresentation discovered following contract award will lead to the contract being cancelled.

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

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

Lowest price

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

HR/R3/PR/2013/053.

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

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

30.10.2013

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

IV.3.8. 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

1) The attention of interested parties is drawn to the aim of this notice, i.e. to select candidates who will receive the specifications and be invited to tender.

2) NB: interested parties are requested to strictly observe the conditions stated in point III.2 of this notice when submitting their request to participate, namely:

— to send their request to participate by letter before the date or the deadline given in point IV.

3.4. Requests to participate received after this deadline will be automatically rejected,

— to enclose all documents and information required under points III.2.1 to III.2.3.

3) Data protection: suitable technical and organisational measures taken to guarantee a level of personal data security must be agreed upon between the selected candidate (each individual member in the case of a consortium and each subcontractor) and the European Commission in writing or in another equivalent form.

4) If the processing of requests to participate for this invitation to tender notice requires the registration and processing of personal data (name, address, CV), this data will be processed in accordance with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless otherwise specified, the answers to questions asked and all the personal data requested are necessary for the evaluation of requests to participate in accordance with the contract notice, and will be used for this purpose only by the contracting authority designated in point I.1.

Detailed information concerning processing of personal data is available in the privacy policy statement: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf

Candidates are informed that their personal data may be registered by the Commission's accounts officer in the Early Warning System (EWS) only or in both the EWS and the central exclusion database (CED), if they are in any of the situations referred to in:

- Commission Decision 2008/969/EC, Euratom of 16.12.2008 on the Early Warning System (for further information, see the privacy policy statement at: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or
- Commission Regulation (EC, Euratom) No 1302/2008 of 17.12.2008 on the central exclusion database (for further information, see the privacy policy statement at: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE).

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

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

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

20.9.2013