

Belgium-Brussels: Study on substantive insolvency law

OJ S 197/2014 14/10/2014

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, DG Justice, Unit JUST/A4 Programme Management

Postal address: Office MO59 04/21

Town: Brussels

Postal code: 1049

Country: Belgium

For the attention of: Mr Renatas Mazeika

E-mail: just-a4-cft@ec.europa.eu

Telephone: +32 22962152

Fax: +32 22988812

Internet address(es):General address of the contracting authority: http://ec.europa.eu/justice/newsroom/contracts/index_en.htmElectronic access to information: http://ec.europa.eu/justice/newsroom/contracts/index_en.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

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

Study on substantive insolvency 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: Contractor's premises.

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 purposes of this assignment are:

- 1) to collect data about the national reforms implementing the Commission Recommendation on a new approach to business failure and insolvency of 12.3.2014 in the 28 Member States;
- 2) to collect data in order to complete the comparative law information at the disposal of the Commission in respect of:
 - cross-cutting subject matters which are relevant for both preventive and formal insolvency procedures, such as the regulation, status and powers of insolvency practitioners, the duties and liabilities of directors and the recognition of disqualifications, rules on the ranking of claims /order of priorities and the conditions under which certain detrimental acts can be avoided,
 - aspects specific to formal insolvency proceedings, rules on the liquidation of the estate, certain procedural issues such as the conditions for opening insolvency proceedings, the filing of claims, the involvement of creditors, fast-track or standardised procedures for SMEs;
- 3) to collect data about the procedures available to over-indebted consumers/households;
- 4) to analyse the data and identify areas where the disparity of national laws creates problems which have a cross-border dimension.

II.1.6. CPV code(s)

79100000 Legal services, 72316000 Data analysis services, 72314000 Data collection and collation services, 79140000 Legal advisory and information 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

Estimated value excluding VAT: 350 000 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: 10 (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

See tender specifications.

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

See tender specifications.

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

See tender specifications.

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: See tender specifications.

III.2.2. Economic and financial ability

List and brief description of conditions: In order to prove their economic and financial capacity, the tenderers (i.e. in the case of a joint tender, the combined capacity of all members of the consortium and identified subcontractors) must show that their annual consolidated turnover exceeds 350 000 EUR (average for the past 3 years).

The following evidence should be provided:

- the completed 'Simplified balance sheet' and 'Simplified profit & loss account' completed for the last 3 years,
- copy of the profit and loss account and balance sheet for the last 3 years for which accounts have been closed,
- failing that, appropriate statements from banks,
- if applicable, evidence of professional risk indemnity insurance.

If, for some exceptional reason which the contracting authority considers justified, a tenderer is unable to provide one or the other of the above documents, he or she may prove his or her 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 its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

III.2.3. Technical and professional ability

List and brief description of conditions:

a. Criteria relating to tenderers:

Each member of the project management team must have:

- a) at least 7 years of professional experience in the subject matter of the study; and
- b) at least 5 years of project management experience, having managed at least 1 other project of comparable complexity.

Each individual team member responsible for carrying out work other than clerical or managerial tasks must have:

- a) a university degree or equivalent, or a professional qualification in law;
- b) at least 7 years of professional experience in the field covered by the study for 'senior staff' (including the members of the project management team);
- c) at least 3 years of professional experience in the field covered by the study for 'junior staff'.

The selection criteria to be satisfied jointly by the members of the team are as follows:
a) experience in the field of private international law, insolvency law and comparative law;
b) capacity to draft reports in English at native-speaker level;
c) for data collection (including national rapporteurs), linguistic capacity to cover all 28 Member States of the EU for the purposes of collecting data on national laws from the Member States and proven work experience in the subject matter of the study.

If several service providers/subcontractors are involved in the bid, they must jointly have the professional and technical capacity to perform the tasks assigned to them.

b. Evidence:

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

1. tenderers should provide with their offer detailed curriculum vitae of each staff member responsible for carrying out the work, including his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills. The CVs shall be presented, preferably, in accordance with the Commission Recommendation on a common European format for curricula vitae, published in OJ L 79 of 22.3.2002, p. 66;
2. a list of the principal services of the same type provided in the past 5 years, with the sums, dates and recipients, whether public or private, of the services provided, together with certificates issued or countersigned by public authorities or by private clients or, failing this, simply declared by the service provider to have been effected;
3. part of the contract which the service provider intends to subcontract.

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 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**
JUST/2014/JCOO/PR/CIVI/0075.
- 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**
25.11.2014
- 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: 2.12.2014 - 10:30
Place:
rue Montoyer 59, 1040 Brussels, BELGIUM.
Persons authorised to be present at the opening of tenders: yes
Information about authorised persons and opening procedure: 1 representative of each tenderer may attend the opening of the bids.

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**
- 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/>
Body responsible for mediation procedures

Official name: Same as above

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Within 2 months of the notification to the plaintiff, or, in absence thereof, of the day on which it came to the knowledge. A complaint to the European Ombudsman does not have as an effect either to suspend this period or to open a new period for lodging appeals.

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

VI.5. Date of dispatch of this notice

2.10.2014