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**B-Brussels: assessment of voluntary schemes and agreements
used for sustainability claims related to Directive 2009/28/EC
2012/S 99-163951**

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1) Name, addresses and contact point(s)

European Commission, Directorate-General for Energy
rue Demot 24
Contact point(s): ENER C.1 Tenders
1049 Brussels
BELGIUM
Telephone: +32 22950369
E-mail: ener-c1-tenders@ec.europa.eu

Internet address(es):

General address of the contracting authority: http://ec.europa.eu/dgs/energy/index_en.htm

Further information can be obtained from: The above mentioned contact point(s)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from: The above mentioned contact point(s)

Tenders or requests to participate must be sent to: The above mentioned contact point(s)

I.2) Type of the contracting authority

European institution/agency or international organisation

I.3) Main activity

Other: Administration/policymaking (energy)

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:

Assessment of voluntary schemes and agreements used for sustainability claims related to Directive 2009/28/EC.

II.1.2) Type of contract and location of works, place of delivery or of performance

Services

Service category No 11: Management consulting services [6] and related services

Main site or location of works, place of delivery or of performance: The tasks will be performed on the contractor's premises. However, meetings between the contractor and the Commission shall be held on Commission premises in Brussels.

NUTS code BE10

II.1.3) **Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**
The notice involves the establishment of a framework agreement

II.1.4) **Information on framework agreement**
Framework agreement with a single operator
Duration of the framework agreement
Duration in years: 1

II.1.5) **Short description of the contract or purchase(s)**
The purpose of this framework contract is to help the Commission in assessing voluntary schemes and agreements covering sustainability criteria set out by Directive 2009/28/EC.

II.1.6) **Common procurement vocabulary (CPV)**
73200000

II.1.7) **Information about Government Procurement Agreement (GPA)**
The contract is covered by the Government Procurement Agreement (GPA): 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) **Quantity or scope of the contract**

II.2.1) **Total quantity or scope:**
Estimated value excluding VAT: 500 000 EUR

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: 2

II.3) **Duration of the contract or time limit for completion**
Duration in months: 12 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1) **Conditions relating 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:**
Payments shall be made in accordance with the provisions specified in the draft framework contract (Annex 6).

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 joint tender submitted by a group of tenderers, these latter will be regarded as partners. If awarded the contract, they will have an equal standing towards the contracting authority in the execution of the contract.
The tenderers should indicate in their offer whether the partnership takes the form of:
a) a new or existing legal entity which will sign the contract with the Commission in the case of award; or

b) a group of partners not constituting a new legal entity, who via a power of attorney, signed by an authorised representative of each partner (except the lead partner), designate one of the partners as lead partner, and mandate him as lead contractor to sign the contract with the Commission in the case of award.

If the contractor is a grouping or consortium of 2 or more persons, all such persons shall be jointly and severally liable to the Commission for the fulfilment of the terms and conditions of the contract. Such persons shall designate one of them to act as leader with full authority to bind the grouping or the consortium and each of its members. It shall be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination. The composition and constitution of the grouping or consortium, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Commission which can be withheld at discretion.

III.1.4) Other particular conditions

The performance of the contract is subject to particular conditions: no

III.2) Conditions for participation

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if the requirements are met: This section must provide the following information, set out in the standard identification forms attached to the tender specifications (Annexes 1, 2, 3, 4 and 5 as well other evidence required):

— Tenderers' identification (Annex 1):

All tenderers must provide proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or provide a declaration or certificate.

If the tenderer is a natural person, he/she must provide a copy of his/her identity card/passport or driving licence and proof that he/she is covered by a social security scheme as a self-employed person.

Each tenderer (including subcontractor(s) or any member of a consortium or grouping) must complete and sign the original identification forms in Annex 1 and also provide the abovementioned documents. However, the subcontractor(s) shall not be required to fill in or provide those documents when the services are estimated to represent less than 20 % of the maximum indicative value of the contract.

— Financial identification (Annex 2):

The original bank identification form must be filled in and signed by an authorised representative of the tenderer and his/her banker. A standard form is attached in Annex 2 and a specific form for each Member State is available at the following Internet address:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

In the case of a grouping, this form must only be provided by the person heading the project.

If the corresponding bank account of the economic operator is already registered in the Commission's files they are not obliged to provide a new form on the condition that they confirm that no change in the information already provided has occurred. In case of doubt, we recommend submitting a new form.

— Legal entities (Annex 3):

The original legal entity form in Annex 3 must be filled in and should be accompanied by a number of supporting documents, available on the website:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

In the case of a grouping, this form must be provided by all partners.

Economic operators already registered as a legal entity in the Commission's files (i.e. they are or have been contractors of the Commission) are not obliged to provide a new form on the condition that they confirm that no change in the information already provided has occurred. In case of doubt, we recommend submitting a new form.

— Declaration of honour with respect to the exclusion criteria and absence of conflict of interest (Annex 4):
An original should be filled and signed by (an) authorised representative(s) of all partners. Only subcontractors with a part of the contract above 20 % should the sign the form.

— Power of attorney (Annex 5) — in case of grouping only:

An original should be filled and signed by (an) authorised representative(s) of each partner.

— All the supporting documentation for the purpose of checking the selection criteria (IV.2) should also be submitted under this section.

The Commission reserves the right, however, to request clarification or additional evidence in relation to the bid submitted for evaluation or verification purposes within a time limit stipulated in its request.

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

Information and formalities necessary for evaluating if the requirements are met: The tenderers must have an average annual turnover for the last 3 years exceeding 1 000 000 EUR. In the case of a consortium, this requirement applies collectively to all members of the group and/or subcontractors.

Evidence of this capacity shall be furnished on the basis of the following documents:

— statement of overall turnover for the last 3 financial years.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

Under the same conditions, a consortium of economic operators may rely on the capacities of members of the consortium or of other entities.

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met:

The tenderers must have extensive, concrete experience in the fields of energy and/or environment: at least 50 % of the team members should have at least 3 years of experience in at least 1 of these fields.

Evidence of this capacity shall be furnished on the basis of the following documents:

— 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.

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

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.

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) **Staff responsible for the execution of the service**

Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service: yes

Section IV: Procedure

IV.1) **Type of procedure**

IV.1.1) **Type of procedure**

Open

- IV.1.2) **Limitations on the number of operators who will be invited to tender or to participate**
- IV.1.3) **Reduction of the number of operators during the negotiation or dialogue**
- IV.2) **Award criteria**
- IV.2.1) **Award criteria**
The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document
- 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:**
ENER/C1/426-2012.
- IV.3.2) **Previous publication(s) concerning the same contract**
no
- IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document**
Time limit for receipt of requests for documents or for accessing documents: 29.6.2012
Payable documents: no
- IV.3.4) **Time limit for receipt of tenders or requests to participate**
6.7.2012 - 16:00
- IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates**
- IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up**
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 tenders**
Date: 13.7.2012
Persons authorised to be present at the opening of tenders: yes
Additional information about authorised persons and opening procedure: A representative of each tenderer may attend the official opening.

Section VI: Complementary information

- VI.1) **Information about recurrence**
This is a recurrent procurement: no
- VI.2) **Information about European Union funds**
The contract is related to a project and/or programme financed by European Union funds: yes
Reference to project(s) and/or programme(s): The intelligent energy Europe programme.
- VI.3) **Additional information**
- VI.4) **Procedures for appeal**
- VI.4.1) **Body responsible for appeal procedures**
General Court of the European Union
rue du Fort Niedergrünwald
2925 Luxembourg
LUXEMBOURG
E-mail: cfi.registry@curia.europa.eu

Telephone: +352 4303-1
Internet address: <http://curia.europa.eu>
Fax: +352 4303-2100

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: Within 2 months of the date of notification letter informing about the results of the tender or, failing this, the date on which the claimant was informed thereof. The lodging of the complaint with the European Ombudsman can neither suspend the deadline nor give rise to a new deadline.

VI.4.3) **Service from which information about the lodging of appeals may be obtained**

General Court of the European Union
rue du Fort Niedergrünwald
2925 Luxembourg
LUXEMBOURG
E-mail: cfi.registry@curia.europa.eu
Telephone: +352 4303-1
Internet address: <http://curia.europa.eu>
Fax: +352 4303-2100

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

15.5.2012