

This notice in TED website: <http://ted.europa.eu/udl?uri=TED:NOTICE:270653-2012:TEXT:EN:HTML>

**B-Brussels: framework contracts for the provision of
preparatory studies, review studies and technical assistance
2012/S 163-270653**

Contract notice

Section I: Contracting authority

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

European Commission, Directorate-General for Energy, rue de la Loi, 1049 Brussels, BELGIUM. Contact: Unit C.3/2012-440, DM 24 — 04/008. E-mail: ener-tender-2012-418@ec.europa.eu

Internet address(es):

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

Address of the buyer profile: http://ec.europa.eu/dgs/energy/tenders/index_en.htm

Electronic access to information: http://ec.europa.eu/dgs/energy/tenders/index_en.htm

Further information can be obtained from:

The abovementioned contact point(s).

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

The abovementioned contact point(s).

Tenders or requests to participate must be sent to:

European Commission, Directorate-General for Energy, attention: Unit C.3 — 2012/418, avenue du Bourget 1, 1140 Brussels, BELGIUM. Contact: DM 24 — 04/008. E-mail: ener-tender-2012-418@ec.europa.eu Internet: http://ec.europa.eu/dgs/energy/tenders/index_en.htm

I.2) Type of the contracting authority:

European institution/agency or international organisation.

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:

Framework contracts for the provision of preparatory studies, review studies and technical assistance.

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

Services.

Service category: No 11.

Main site or location of works, place of delivery or of performance:

The tasks will be often performed on the contractor's premises. However, meetings between the contractor and the Commission may 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 months: 12.

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

Estimated value excluding VAT:

range: between: 1 000 000 EUR and 3 000 000 EUR.

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

The framework contract is divided into 3 lots:

lot 1: preparatory studies and related technical assistance on specific product groups listed in the ecodesign working plans adopted under the Ecodesign Directive;

lot 2: review studies and related technical assistance on different existing ecodesign and energy labelling implementing measures;

lot 3: technical assistance to support the regulatory process.

II.1.6) Common procurement vocabulary (CPV):

73220000.

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: yes.

Tenders may be submitted for: 1 or more lots.

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:

Indicative maximum amount (up to 4 years) is:

— for lot 1: 3 600 000 EUR,

— for lot 2: 1 500 000 EUR,

— for lot 3: 900 000 EUR.

Specific contracts will not be signed once the ceiling is reached. Contracts will be concluded for 12 months renewable up to 3 times.

Estimated value excluding VAT:

Range: between: 1 000 000 EUR and 3 000 000 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: 3.

In the case of renewable supplies or service contracts, estimated time-frame for subsequent contracts: in months: 12.

II.3) Duration of the contract or time limit for completion:

Duration in months: 48.

Information about lots

Lot No 1

Lot title: Preparatory studies and related technical assistance on specific product groups listed in the ecodesign working plans adopted under the Ecodesign Directive

1) **Short description:**

Under lot 1 the contracting authority may ask the contractor to prepare preparatory studies and provided related technical assistance for:

the priority product groups listed in the second and subsequent ecodesign working plans, such as, but not limited to:

- window products,
- steam boilers (<50 MW),
- power cables,
- enterprises' servers, storage and ancillary equipment,
- smart appliances/meters,
- wine storage appliances (c.f. Ecodesign Regulation 643/2009).
- positive displacement pumps,
- fractional horsepower motors under 200 W,
- heating controls,
- lighting controls/systems,
- thermal insulation products for buildings,
- power-generating equipment.

2) **Common procurement vocabulary (CPV):**

73220000.

3) **Quantity or scope:**

Request for services sent upon needs.

Estimated cost excluding VAT: 3 600 000 EUR.

4) **Indication about different date for duration of contract or starting/completion:**

Duration in months: 12.

5) **Additional information about lots:**

Renewable up to 3 times.

Lot No 2

Lot title: Review studies and related technical assistance on ecodesign and energy labelling implementing measures

1) **Short description:**

Under lot 2 the contracting authority may ask the contractor to prepare review studies and provided related technical assistance on ecodesign and energy labelling implementing measures to be reviewed and revised (when necessary) between 2012 and 2016, such as, but not limited to:

Ecodesign and Energy Labelling Regulations on televisions (642/2009/EC and 1062/2010/EU)

Ecodesign Regulation on external power supplies (278/2009/EC)

Ecodesign Regulation on simple set-top boxes (107/2009/EC)

Ecodesign Regulations on domestic lighting I — light bulbs (244/2009/EC and 859/2009/EC);

Ecodesign Regulations on tertiary sector lighting I — lamps and ballasts (245/2009/EC and 347/2010/EU)

Ecodesign regulation on directional lamps and LED lamps (currently under development)

Energy labelling regulation on electrical lamps (currently under development)

Ecodesign and Energy Labelling Regulations on domestic refrigeration (643/2009/EC and 160/2010/EU)

Ecodesign and Energy Labelling Regulations on domestic dishwashers (1016/2010/EU and 1059/2010/EU)

Ecodesign and Energy Labelling Regulations on domestic washing machines (1015/2010/EU and 1061/2010/EU).

- 2) **Common procurement vocabulary (CPV):**
73220000.
- 3) **Quantity or scope:**
Request for services sent upon request.
Estimated cost excluding VAT: 1 500 000 EUR.
- 4) **Indication about different date for duration of contract or starting/completion:**
Duration in months: 12.
- 5) **Additional information about lots:**
Renewable up to 3 times.

Lot No 3

Lot title: The contractor may be asked to provide the Commission with technical assistance

- 1) **Short description:**
Under lot 3 the contractor may be asked to provide the contracting authority with technical assistance. The main objective of the assistance will be to provide the Commission with support in carrying out its tasks, including:
 - the tasks stemming from the regulatory process related to the Ecodesign and Energy Labelling Directives and their implementing measures, tyre energy labelling legislation and energy star programme, and
 - the tasks needed for the correct implementation of the existing measures.The specific tasks to be carried out by the contractor will be defined by the Commission in a specific contract.
- 2) **Common procurement vocabulary (CPV):**
73220000.
- 3) **Quantity or scope:**
Request for services sent upon needs.
Estimated cost excluding VAT: 900 000 EUR.
- 4) **Indication about different date for duration of contract or starting/completion:**
Duration in months: 12.
- 5) **Additional information about lots:**
Renewable up to 3 times.

Section III: Legal, economic, financial and technical information

- III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:**
Payments related to specific contracts shall be made in accordance with the provisions specified in the draft framework contract, Annex 6 of the tender specifications.
There will be no prefinancing.
- 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 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 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:

To be eligible, the tenderers must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tender.

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

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

The tenderer (or, for a consortium, total turnover of its members) must have an average annual turnover for the last 3 years for which the accounts are closed of at least half of the amount mentioned under Section II.1 of the tender specifications.

Tenderers must provide proof of their financial and economic capacity by means of the following documents: the balance sheets or extracts from balance sheets for the last 3 financial years, and a statement of overall turnover and turnover relating to the relevant services for the last 3 financial years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established. On the basis of the latter documents tenderers are requested to fill in Annex 7 of the tender specifications: 'Restructured simplified accounting balance sheets and profit and loss accounts'.

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:

1) The tenderer shall have successfully completed, as contractor, at least 3 studies in the field(s) related to the lot(s) concerned in the past 3 years representing together a total budget of at least 200 000 EUR.

2) The tenderer must have experience in organising workshops and stakeholders' consultations, within and outside the EU as demonstrated by at least 3 such events in the past 3 years.

3) The tenderer shall have access to a pool of a minimum of 10 experts with very good communication and drafting skills in English. The pool must be composed of members having at least the following qualifications:

— senior staff members with at least 8 years of experience in the fields of environmental impacts of products, ecodesign, energy labelling, standardisation, structure and functioning of the relevant markets and industrial sectors,

— senior staff members with at least 8 years of experience in relevant engineering or technical fields,

— junior (qualified) experts with at least 2 years of experience in conducting legal, regulatory, technical and economic analysis.

4) The tenderer must have knowledge of:

— the major legal texts, voluntary agreements, past studies, projects and databases which are relevant for the tender (including those indicated in the detailed technical specifications),

— relevant international policy initiatives,

— relevant research carried out and/or services provided in the field of the technical specifications.

The tenderer must have access to comprehensive information sources necessary for the tender.

The following documentary proof is requested in order to check that the above criteria are fulfilled:

— a list of the principal assignments and services provided in the past 3 years and relevant to this tender (particularly those of at least 100 000 EUR), together with a statement of the price of the service, the period of work and whether the service was rendered to public or private clients (name of client to be indicated),

— a proof that the studies relevant to meet criterion (1) have been carried out successfully has to be submitted (proof of payment of the full contract amount and/or certificate of satisfactory completion from the client).

A reference cannot be used for several lots. In the case of framework contracts, only specific contracts corresponding to assignments implemented under such framework contracts shall be considered,

— a proof that the workshops and stakeholders' consultations to meet criterion (2) have been organised successfully has to be submitted (proof of payment of the full contract amount and/or certificate of satisfactory completion from the client). A reference cannot be used for several lots. In the case of framework contracts, only specific contracts corresponding to assignments implemented under such framework contracts shall be considered.

A proof of meeting criterion (3) should be submitted:

— a report of the average annual manpower in the last 3 years and the number of staff at senior and junior level, broken down by managerial level,

— the detailed curriculum vitae of each team member proposed 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,

— each expert not employed by the tenderer has to provide a declaration that he/she is willing to participate in the execution of the tasks defined in this framework contract in the team of the tenderer.

Changes or additions to the team initially proposed must be notified to the Commission in writing. The Commission will have the right to object to any changes of members of the team from those initially proposed.

— To meet criterion (4) the tenderer should provide an indication of the in-house available information, experience and knowledge as well as a proof of contacts (e.g. with industry associations, participation in specialist networks, etc.) allowing easy access to comprehensive information necessary for the tender.

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.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/C3/2012-418.

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: 26.10.2012.

Payable documents: no.

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

31.10.2012.

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:

7.11.2012.

Place: rue Demot 24, office 4/146, 1040 Brussels, BELGIUM.

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

Additional information about authorised persons and opening procedure: 1 representative of each tenderer may attend the meeting. The opening committee will announce the names of the tenderers and the conclusion regarding the admissibility of the offers. Financial offers will not be communicated.

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): Intelligent energy Europe II programme within the competitiveness and innovation framework programme.

VI.4) Procedures for appeal

VI.4.1) Body responsible for appeal procedures:

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

VI.4.2) **Lodging of appeals:**

Within 2 months of the date of notification of the claimant, or, failing this, the date on which he 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 Niedergrünewald, 2925 Luxembourg, LUXEMBOURG.
Tel. +352 4303-1. Fax +352 4303-2100. E-mail: generalcourt.registry@curia.europa.eu Internet: <http://curia.europa.eu>

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

13.8.2012.