

This notice in TED website: <http://ted.europa.eu/udl?uri=TED:NOTICE:130358-2013:TEXT:EN:HTML>

**L-Luxembourg: Analysis of the transposition of the Nuclear Waste Directive 2011/70/Euratom
2013/S 078-130358**

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, Directorate D2
EUFO 4383A, Jean Monnet Building, plateau de Kirchberg
For the attention of: Zsuzsanna Horvath, EUFO 4383A
2920 Luxembourg
LUXEMBOURG
Telephone: +352 4301-34452
E-mail: zsuzsanna.horvath@ec.europa.eu

Internet address(es):

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

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:

Analysis of the transposition of the Nuclear Waste Directive 2011/70/Euratom.

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

Services

Service category No 27: Other services

Main site or location of works, place of delivery or of performance: Contractor's premises

NUTS code

II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)

The notice involves a public contract

II.1.4) Information on framework agreement

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

Council Directive 2011/70/Euratom of 19.7.2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (hereinafter Nuclear Waste Directive) must be transposed in all Member States by 23.8.2013.

The purpose of this contract is the performance of a thorough analysis of the Member States' (current 27 and Croatia) national legal frameworks to ensure compliance with the Nuclear Waste Directive. Based upon the information collected and the conclusions drafted by the contractor, the Commission will have the necessary elements to decide on the completeness of transposition in each case, i.e. firstly whether all obligations have been addressed and secondly the adequacy of the legal instruments put in place. Where transposition is determined to be incomplete or inadequate this could then form the basis of a decision to commence infringement proceedings.

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

79100000

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:**

Indicative price 270 000 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 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:**

See draft contract attached to the tender specifications.

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

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

In the case of a joint tender, all economic operators in a joint tender assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

These economic operators 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.

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.

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: • The tenderer identification form in Annex 1 of the tender specifications shall be filled in and signed by:

- the tenderer (including any member of a consortium or grouping),
- subcontractor(s) whose share of the work represents more than 20 % of the contract.

• In order to prove their legal capacity and their status, all tenderers (including any member of a consortium or grouping) must provide a signed legal entity form with its supporting evidence. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the contracting authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

- If it has not been included with the legal entity form, tenderers must provide the following information:
 - for legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced,
 - for natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

• The tenderer (only the leader in the case of a joint tender) must provide a financial identification form and supporting documents. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: In order to prove their economic and financial capacity, the tenderer (i.e. in the case of a joint tender, the combined capacity of all members of the consortium) must comply with the following criterion:

- turnover in each of the last 2 financial years is above 750 000 EUR.

The following evidence should be provided:

- copy of the profit & loss account for the last 2 years for which accounts have been closed,
- 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 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 capacity

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

a. Criteria relating to tenderers:

The work shall be performed by an internationally recognised and well-established organisation or persons with relevant experience in international/EU law and nuclear policy in a safety-related area. Tenderers (in the case of a joint tender the combined capacity of all tenderers) must comply with the following criteria:

- the tenderer must prove experience in the field of nuclear regulation and/or compliance (safety/waste & spent fuel management/radiation protection) with at least 2 projects delivered in this field in the last 3 years with a minimum value for each project of 100 000 EUR,
- the tenderer must prove experience of working in different Member States' languages (at least 3 languages of those Member States which operate or have operated nuclear power plants), 1 of which must be English, with at least 2 projects delivered in the last 3 years showing the necessary language coverage,
- the tenderer must demonstrate the ability through its own or other available resources to be able to understand and analyse relevant documentation presented in all other EU Member States' official languages,
- the tenderer must prove the capacity to draft reports in English,
- the tenderer must prove experience of working in at least 3 EU Member States, with operating or closed-down nuclear power plants, with at least 2 projects delivered in the last 3 years, the combination of which must show the necessary coverage,
- the tenderer must prove relevant knowledge and experience of the European legislative framework, in particular that related to the Euratom Treaty,
- the tenderer must prove experience in data collection and analyses concerning legislation and related legal texts, drafting reports, conclusions and recommendations.

b. Criteria relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles:

Project manager: at least 10 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least 100 000 EUR) and coverage (geographical scope at least 5 Member States), with experience in management of a team of at least 5 people.

Expert in EU/international law: relevant higher education degree or 5 years' professional experience in the field of international/EU law.

Expert in radiation safety/nuclear safety: relevant higher education degree or 5 years' professional experience in the field of radioactive waste management/nuclear regulation and/or compliance (safety/waste and spent fuel management/radiation protection).

Team for data collection and analysis: collectively the team should have the broadest possible knowledge of EU official languages (at least 5, with priority given to those Member States with operating or closed-down nuclear power plants) and proven experience of at least 3 years in data collection and analysis of relevant legal texts.

Language quality check: all members of the team should have very good language (communication and drafting) skills in English and at least in another EU official language as guaranteed by a certificate or past relevant experience.

c. Evidence:

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

- list of relevant services provided in the past 3 years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed,

— the educational and professional qualifications of the persons who will provide the service for this tender (CVs) including the management staff. Each CV provided should indicate the intended function in the delivery of the service.

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/D2/2013-131.

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: 27.5.2013 - 16:00

Payable documents: no

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

3.6.2013 - 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 of tenders**

Date: 10.6.2013 - 10:00

Place:

European Commission, DG ENER, Euroforum Building, Office 4390/a, 1, rue Henri Schnadt, 2530 Luxembourg, LUXEMBOURG.

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

Additional information about authorised persons and opening procedure: 1 representative per tenderer.

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: no

VI.3) Additional information

The tender specifications related to this call for tender can be downloaded on the website of the Directorate-General for Energy at the following address:

http://ec.europa.eu/dgs/energy/tenders/index_en.htm

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
E-mail: generalcourt.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 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 lodging of appeals may be obtained

General Court of the European Union
rue du Fort Niedergrünewald
2925 Luxembourg
LUXEMBOURG
E-mail: generalcourt.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:

10.4.2013