



Council of the European Union
General Secretariat

6th December 2017

**Instructions on applying to participate
in the call for tenders for
the upgrading and maintenance of the fire detection system
in the Justus Lipsius building**

Reference: UCA-17/066

Restricted procedure

Economic operators interested in participating in the call for tenders for the upgrading and maintenance of the fire detection system in the Justus Lipsius building must submit an application in accordance with the instructions set out in this document.

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I. INFORMATION ON THE RESTRICTED PROCUREMENT PROCEDURE

The contracting authority (**the General Secretariat of the Council of the European Union**) is launching a two-step call for tenders for the upgrading and maintenance of the fire detection system in the Justus Lipsius building located at Rue de la Loi/Wetstraat 175, 1048 Bruxelles/Brussel.

1. Step 1: Selection phase

The first step of the procedure is the selection phase. Economic operators interested in taking part must submit an application to participate (see point III). The contracting authority will select the candidates¹ which will be invited to tender, based on their compliance with the non exclusion and selection criteria listed in the 'declaration on honour on exclusion criteria and selection criteria' (see Annex 1).

2. Step 2: Award phase

In the second step, candidates which have been selected by the contracting authority will be sent an invitation to tender together with the mandatory forms to be completed and submitted with the offers.

Any tender received from an economic operator which has not been invited to tender will be rejected.

The contract award decision will be taken in accordance with the criteria for evaluation set out in the tender specifications.

II. PARTICIPATION IN THE CALL FOR TENDERS

Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country that has a special agreement with the European Union in the field of public procurement, under the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement concluded within the World Trade Organisation applies, participation in this call for tenders is also open to nationals of the countries that have ratified that agreement, under the conditions it lays down.

¹ A 'candidate' means (an) economic operator(s) which submit(s) an application to participate in the restricted call for tenders.

III. CONTENT OF THE APPLICATION TO PARTICIPATE

1. Documents to be included

The application to participate must include:

- (a) **a covering letter**, signed by the person(s) empowered to represent the candidate. The name, title and contact details of the candidate's designated point of contact must be given;
- (b) the completed **legal entity form**, together with the requisite supporting evidence. The legal entity form can be downloaded from the following link: <http://www.consilium.europa.eu/en/general-secretariat/public-procurement/>;
- (c) the signed '**declaration on honour on exclusion criteria and selection criteria**', together with the documents required to prove compliance with the selection criteria. These documents are listed under point 3(c) 'Conditions for participation' below (see Annex 2) and point VII of the 'declaration on honour on exclusion criteria and selection criteria' (see Annex 1);
- (d) the **form** relating to point 3(c) 'Conditions for participation', economic and financial capacity and technical capacity, as set out in Annex 2, duly completed and accompanied by the requested documents.

2. The legal entity form and supporting evidence

- (a) All participating economic operators and identified subcontractors must provide a signed legal entity form with supporting evidence in order to prove their legal capacity and their status.
- (b) Candidates must provide the following supporting evidence with the legal entity form:
 - official supporting documents (register(s) of companies, official gazette, VAT registration, etc.);
 - for legal persons, a legible copy of the notice of appointment of the persons authorised to represent the candidate in dealings with third parties and in legal proceedings, or a copy of the publication of that appointment if the legislation which applies to the legal entity concerned requires such publication. Evidence must be provided of any delegation of this authorisation to another representative not indicated in the official appointment;

3. The 'declaration on honour on exclusion criteria and selection criteria'

(a) Exclusion criteria

- (i) All candidates must provide the 'declaration on honour on exclusion criteria and selection criteria' (see Annex 1), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the 'declaration on honour on exclusion criteria and selection criteria'.
- (ii) The 'declaration on honour on exclusion criteria and selection criteria' must also be provided by all members of a group/consortium and all subcontractors.

- (iii) The successful tenderer must provide the documents mentioned as supporting evidence² in point VI of the 'declaration on honour on exclusion criteria and selection criteria' before the contract is signed and within the deadline set by the contracting authority. This requirement applies to all members of a group/consortium in the case of a joint tender and to identified subcontractors whose capacities are relied upon to fulfil the selection criteria.

(b) Selection criteria

- (i) Candidates wishing to participate in this call for tenders must prove that they meet the economic, financial and technical capacity requirements (see point (c) 'Conditions for participation' below) to perform the services set out in this call for tenders.
- (ii) In the case of joint offers/subcontractors, the selection criteria listed in point (c) 'Conditions for participation' will be applied to the group/consortium as a whole, except for the criterion relating to average pre-tax profit over the last three years. The lead company must attach to the 'declaration on honour on exclusion criteria and selection criteria' a breakdown per company of how the selection criteria are fulfilled. This attachment, giving details of the financial/economic/technical capacities of the company or companies on which the candidate relies to fulfil the selection criteria, must be dated and signed by the legal representatives of the company or companies in question. The contracting authority will carry out a consolidated assessment to verify compliance with the minimum capacity levels set out in the selection criteria.
- (iii) The candidate applying to participate may rely on the capacities of other entities, regardless of the legal nature of the links it has with them.
- (iv) Compliance with the exclusion and selection criteria will be based on the information provided by the candidate. In addition, the contracting authority reserves the right to use any other information from public or specialist sources for the purposes of verifying the exclusion criteria and selection criteria. Any fraudulent or negligent misrepresentation of the information needed in order to verify that the selection criteria have been fulfilled will constitute grave professional misconduct.

² Tenderers can find more information about the required documents on the following website:
<http://ec.europa.eu/markt/ecertis/login.do>

(c) **Conditions for participation (form to be completed in Annex 2)**

(i) **Economic and financial capacity**

Minimum requirements

- Turnover from upgrading/renovating, installing and maintaining fire detection systems which amounts to more than EUR 1 700 000 per year over the last three financial years for which figures are available.
- An average pre-tax profit over the last three years or other evidence of the candidate's financial health.

Evidence

- = The candidate must provide a statement of overall turnover and turnover specifically from the services covered by the contract, together with a copy of balance sheets and profit and loss accounts and/or other supporting documents for the last three financial years for which figures are available.

If the balance sheets and profit/loss accounts show an average loss during the previous three years, then candidates must submit an additional document to prove their economic and financial capacity, such as an explanation/justification and/or a letter from another company pledging unconditional support and undertaking a joint commitment together with the candidate.

(ii) **Technical capacity**

Minimum requirements

- The candidate must be the manufacturer or authorised representative of the manufacturer.

'Manufacturer' means any legal person who designs and manufactures a product or has such a product designed or manufactured, and markets that product under its name or trademark.

The candidate may be the manufacturer's authorised representative, i.e. any legal person established in a Member State of the EU (EU28) who has received a written mandate from the manufacturer to act on its behalf in order to accomplish specific tasks.

Evidence

- = The candidate must provide proof that it is a manufacturer of fire detection and fire alarm products and IT systems, or the manufacturer's authorised representative.

- The candidate must be appropriately and adequately certified.

The analysis and design of the system, the drawing up of plans and calculations, the connection of control and indicating equipment, the monitoring of works on site, tests, the commissioning of the system, presence and the provision of any assistance needed during inspection by an accredited inspection body, periodic maintenance on the system and repairs to the system must be undertaken by a specialist firm certified by an official certification body to carry out the following tasks:

- analysis and design as defined in Article 6 of the standard NBN S 21 100-1;
- installation as defined in Article 7 of the standard NBN S 21 100-1; this task may be subcontracted, under the ultimate responsibility of the specialist firm;
- commissioning and verification as defined in paragraphs 8.2 and 8.3 of the standard NBN S 21-100-1.

This certification body must have the relevant business certification and be accredited in accordance with ISO 17065 by an accreditation institution which has signed the European Cooperation for Accreditation (EA) Multilateral Agreement (MLA).

Evidence

- = The candidate must provide a copy of the certificate issued by the official certification body confirming that the candidate company specialises in carrying out the tasks described above.
- = The candidate must provide evidence that the official certification body is accredited by an accreditation institution which has signed the European Cooperation for Accreditation (EA) Multilateral Agreement (MLA).

- The candidate must have a minimum staffing level of 3 industrial/civil engineers (5 years' tertiary-level training) and 5 staff members with 3 years' tertiary-level training in automation/electricity, working on installation design, monitoring of work on-site and project management, in each of the last three years.

Evidence

- = A presentation of the company, its areas of activity and its structure.
- = A statement of the candidate's average staff numbers, and proportion of management staff, over the last three years.
- = A statement confirming the minimum staffing level of 3 industrial/civil engineers (5 years' tertiary-level training) and 5 staff members with 3 years' tertiary-level training in automation/electricity, working on installation design, monitoring of work on-site and project management, in each of the last three years.

- The candidate must have at least three years' professional experience in upgrading/renovating fire detection systems.

Evidence

- = The candidate must provide three references relating to contracts for upgrading/renovation work carried out during the last five years:
 - The work must have been carried out in one or more buildings. For each reference, the total surface area of the building(s) concerned must be at least 50 000 m².
 - The cost of the work for each project must be at least EUR 320 000.

Each reference submitted must meet the following minimum criteria:

- ✓ The work must have been accepted (provisional acceptance or equivalent) in the five years preceding the date of publication of the contract date.
 - ✓ The work must relate exclusively to fire detection and fire alarm products and systems.
 - ✓ The fire alarm products and systems must involve at least the following two aspects:
 - Management
In terms of 'management', the work must include a supervision system including at least, as regards command and indicating, point-to-point, addressable fire detectors and addressable manual call points and, as regards command, the fire alarm.
 - Automation
In terms of 'automation', the work must include at least 3 000 addressable elements – fire detectors and/or manual call points and/or input/output devices – and at least two networked control and indicating systems.
 - ✓ The work must have been carried out in accordance with one of the following standards: NBN S 21-100:2015 (parts 1 and 2), or NBN S 21-100:2014 (parts 1 and 2) or NBN S 21-100:1986 and addenda (or equivalent in the country where the work was carried out).
 - ✓ An attestation of satisfactory performance, dated and signed by the client, must have been provided.
- The candidate must have at least three years' professional experience in maintaining fire detection systems.

Evidence

- = The candidate must provide three references relating to ongoing contracts for the maintenance of fire detection systems comprising more than 3 000 detectors.

For each reference submitted, the candidate must indicate:

- ✓ the recipient, names and contact details;
 - ✓ the nature and value of the contracts, as well as the number of detectors;
 - ✓ the periods of time (start and end dates) during which the services in question were provided.
- The candidate must demonstrate the ability to respond to call-outs relating to the fire detection system in the Justus Lipsius building within two hours (24 hours a day, 365 days a year).

Evidence

- = The candidate must provide a description of the means at its disposal that enable it to respond to call-outs within the time limits imposed (within two hours, 24 hours a day, 365 days a year).

IV. JOINT TENDERS/GROUPS/CONSORTIA

1. Groups/consortia of two or more economic operators may submit a joint application to participate. Joint applications to participate may include subcontractors, in addition to the joint tenderers.
2. The group/consortium must state the name of the lead company and the single point of contact during the procurement procedure.
3. Each member of the group/consortium must provide the legal entity form along with supporting evidence and the 'declaration on honour on exclusion criteria and selection criteria' (see point III.1 above). The exclusion criteria will be applied to each member of the group/consortium individually. The selection criteria will be applied to the group/consortium as a whole. Members of a group that do not meet the selection criteria individually must indicate 'NO' in the corresponding box in the 'declaration on honour on exclusion criteria and selection criteria'.
4. In addition, each member of the group/consortium must provide a document:
 - authorising the lead company to tender and to sign a contract on behalf of the group/consortium and to issue invoices on behalf of all members;
 - detailing the role each member of the group/consortium will play in performing the contract and stating the specific resources to be made available for the performance of the contract by each member;
 - stating explicitly that the members of the group/consortium are jointly and severally liable to the contracting authority and that they undertake jointly to perform the contract if it is awarded to them.
5. Any change in the composition of the group/consortium during the procurement procedure may lead to rejection of the corresponding tender. Any change in the composition of the group/consortium after the signature of the contract may lead to the termination of the contract.

V. SUBCONTRACTING

1. Any intention to subcontract part of the contract must be clearly stated in the application to participate. Candidates must provide:
 - a document stating clearly the identity, roles, activities and responsibilities of the subcontractor(s) and specifying the intended volume/proportion of the work for each subcontractor;
 - a letter of intent by each subcontractor stating unambiguously that it undertakes to collaborate with the tenderer should the contract be awarded to the latter, and indicating the extent of the resources that it will put at the tenderer's disposal for the performance of the contract.

Subcontractors must provide the legal entity form and supporting evidence (see point III.2 above) and the 'declaration on honour on exclusion criteria and selection criteria' (see point III.3 and Annex 1). The exclusion criteria will be applied to subcontractors individually. The selection criteria will be applied to the candidate/subcontractor(s) as a whole. Subcontractors that do not meet any of the selection criteria must indicate 'NO' in the corresponding box in the 'declaration on honour on exclusion criteria and selection criteria'.

2. If the abovementioned documents are not provided, the contracting authority will assume that the candidate does not intend to subcontract any tasks.

VI. SENDING THE APPLICATION TO PARTICIPATE

1. Format and number of copies

The application to participate must be submitted on paper.

1 original + 1 copy are required.

The envelope containing the application must bear the destination address appropriate to the chosen means of submission (by post or delivery by hand – see addresses under point 2 below).

2. Means of transmission

The application may be submitted by one of the following means:

(a) By post

By registered post to the following address:

Council of the European Union

General Secretariat

Procurement Coordination Unit - Office 10-KL-77

Ref. UCA-17/066

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIUM

Deadline: **Thursday, 11 January 2018**, date of dispatch, demonstrated by the postmark.
Check that this deadline is not a weekend or a public holiday.

(b) Delivery by hand

To the following address:

Council of the European Union

General Secretariat

Procurement Coordination Unit - Office 10-KL-77

Ref. UCA-17/066

Quai de déchargement

Chaussée d'Etterbeek/Etterbeeksesteenweg 70

1040 Bruxelles/Brussel

BELGIUM

Deadline: by 12.00 on **Thursday, 11 January 2018**, demonstrated by the receipt dated and signed by an authorised member of staff of the General Secretariat of the Council of the European Union.

The 'quai de déchargement' (unloading bay) is open from 8.30 until 16.30 on working days.

VII. CONTACTS BETWEEN THE CONTRACTING AUTHORITY AND ECONOMIC OPERATORS

Contact between interested economic operators and the contracting authority during the selection phase (the first step) of the procedure may take place only by way of exception, under the conditions set out below:

1. Before the closing date for sending the application to participate

Before the closing date for sending applications to participate, in writing only via the eTendering website at:

<https://etendering.ted.europa.eu/cft/cft-search.html> ³

- at the request of candidates, the contracting authority may communicate additional information on the procurement documents for the sole purpose of clarifying the nature of the contract. Under no circumstances will a reply be given to any request received less than six working days before the deadline for sending applications to participate;
- the contracting authority may inform candidates if it discovers an error, a lack of precision, an omission or any other type of clerical defect in the text of the procurement documents. Such information may be communicated only via the eTendering website at:

<https://etendering.ted.europa.eu/cft/cft-search.html>

The website will be updated regularly and it is the responsibility of candidates to check for updates and modifications during the selection phase (first step) of the procedure.

2. After the applications to participate have been opened

If, after the applications to participate have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the application need to be corrected, the contracting authority may contact the economic operator.

3. Notification

All candidates will be notified by email only of decisions reached concerning the selection of companies to be invited to participate in the call for tenders. It is the responsibility of candidates to provide a valid email address and to check it regularly.

³ Information on how to register on the eTendering website and for this call for tenders is provided at this URL.

VIII. SINGLE POINTS OF CONTACT

1. Point of contact with the candidate

Candidates are required to indicate a single point of contact in their application to participate (see point III.1(a) 'Covering letter'). The exchanges referred to in point VII above must take place exclusively between this point of contact and the contracting authority.

2. Contracting authority's point of contact

Candidates may only communicate with the contracting authority via the eTendering website at:

<https://etendering.ted.europa.eu/cft/cft-search.html> ⁴

Only in the event of malfunction of the eTendering website, the contracting authority's single point of contact will be:

General Secretariat of the Council of the European Union
Procurement Coordination Unit - Office 10-KL-77
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIUM

Tel. +32 2 281 8062
Fax +32 2 280 0262
Email tendering@consilium.europa

IX. EARLY DETECTION AND EXCLUSION SYSTEM (EDES)

Candidates' personal data may be registered in the Early Detection and Exclusion System (EDES) if they are in one of the situations mentioned in Article 106 of the Financial Regulation⁵. For more information, see the Privacy Statement at:

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#dataprotection

Annexes:

Annex 1: Declaration on honour on exclusion criteria and selection criteria

Annex 2: Conditions for participation

⁴ Information on how to register on the eTendering website and for this call for tenders is provided at this URL.

⁵ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1), as amended.