

# Terms of Reference

**Ref: CFT-1603**

## **Construction All Risk and Decennial Insurances for EIB New Building**

CS/IMP/PROCUR and JU/PROCUR

Version 1.2

Version History	Change from previous version	Date
Version 1.0	n/a	January 2019
Version 1.1	Update concerning sanctions regime	July 2019
Version 1.2	Various updates incl. 2020 holidays	January 2020

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## **Foreword**

We thank you for the interest you have shown in this procurement procedure which consists of the following documentation in order of priority:

- a) This Terms of Reference, with its annexes;
- b) The Model Contract, with its appendices;
- c) The Contract Notice;
- d) The Administrative forms for EIB tenders; and
- e) The General Administrative and Submission Clauses.

Although the above documents constitute the complete Procurement Documents for this tender, Tenderers are invited to check regularly the eTendering website where any additional information or clarifications concerning this procedure will be made available.

## **1. Introduction**

### **1.1. Background on the EIB/EIB Group**

The European Investment Bank (EIB or the Bank) is the financing institution of the European Union (EU). Created by the Treaty of Rome, its shareholders are the Member States of the EU, and its Board of Governors is composed of the Finance Ministers of these States. The EIB enjoys its own legal personality and financial autonomy within the Community system.

The mission of the EIB is to contribute, by financing sound investment, to the policy objectives of the EU, as laid down in its statutes and in decisions of the European Council.

The EIB contributes towards the integration, balanced development and economic and social cohesion of the Members of the EU. To this end, it raises on the markets substantial volumes of funds that aim at financing capital projects according to the objectives of the EU with the most favourable financial terms. Outside the EU the EIB implements the financial components of agreements concluded under European development aid and cooperation policies.

More background information about the EIB may be found on the website [www.eib.org](http://www.eib.org).

## 1.2. Key information on the procurement procedure

Item	Topic	Information
a)	Title	Construction All Risk and Decennial Insurances for the EIB New Building Project in Luxembourg
b)	Procedure	Open Procedure with publication in the OJEU
c)	Expected Start	1st quarter 2021 Lot 1; 1st quarter 2024 Lot 2
d)	Type of contract	Service Contract
e)	Framework Type	Not applicable
f)	Number of envisaged Contractors	One per Lot
g)	Duration	64 months for Lot 1; 120 months Lot 2
h)	Main place of delivery	Luxembourg
i)	Lots	This tender is divided into 2 Lots as follows: Lot 1: CAR Insurance Lot 2: Decennial Insurance
j)	Variants	Not permitted
k)	Consortia	Permitted but must be clearly described in the tender.
l)	Subcontracting	Permitted but must be clearly described in the tender.
m)	Market Access	Participation to this tender is:  Limited to economic operators established in a Member State of the European Union or the European Economic Area, as well as to economic operators established in a country subject to Stabilisation and Association Agreements <sup>1</sup> .
n)	Tender submission method	Electronic submission, access via e-Submission <a href="https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6715">https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6715</a> . Please see Appendix I of 'General Administrative and Submission Clauses' for further information.
o)	Site visit	Not applicable

<sup>1</sup> Currently this comprises the following countries - FYROM, Albania, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo.

p)	Language of tender	Tenders are to be submitted in either English or French
q)	Access to Procurement Documents - <i>Undertaking of Confidentiality and Non-Disclosure</i>	<p>Interested parties are required to submit to the Bank at <a href="mailto:CS-procurement@eib.org">CS-procurement@eib.org</a> a signed and dated <i>Undertaking of Confidentiality and Non-Disclosure</i> as a condition precedent to accessing the annexes to these Terms of Reference, along with the other elements that form part of the Call for Tenders documentation. This condition precedent is aimed at protecting the confidential nature of the information contained therein.</p> <p>Once the signed and dated undertaking has been received, the Bank will grant the applicant access to an online virtual Data Room where the documentation will be made available to download.</p> <p>Applicants, and particularly those requesting access close to the deadline date for the submission of tenders, shall note that it could take up to 1 (one) working day for the Bank to review the undertaking submitted and to grant access to online virtual Data Room.</p> <p>Please see chapter 3.4 of 'General Administrative and Submission Clauses' for further information.</p>
r)	Deviations, Reservations or Omissions	The EIB will disqualify any tender for which it is found that there is a material deviation, reservation or omission from these Terms of Reference.

### 1.3. Brief description of the required services/supplies

The scope of this call for tenders is insurance services for the construction of a new office building on the campus of the European Investment Bank in Luxembourg.

**LOT 1: Construction All Risk (CAR) Insurance (64 months, including 40 months during the construction works + 24 months as maintenance period after taking over by the EIB)**

**LOT 2: Decennial (DEC) insurance (120 months)**

The above insurance services are required for the construction of a building with 3 underground levels and 5 above ground levels, along with a 16 storey tower.

The building is designed to accommodate up to 1,500 work stations with a constructed surface of 63,680 m<sup>2</sup> (45,000 m<sup>2</sup> aboveground and 18,680 m<sup>2</sup> underground).

## 1.4. Timetable

Milestone	Deadline*	Notes
Deadline for sending requests for clarification	<b>25/08/2020</b> at 23.59 CET**	See <b>point 3.1</b> of `General Administrative and Submission Clauses` for additional information
Deadline for submission of tenders	<b>11/09/2020</b> at 15.00 CET**	See <b>point 4</b> (or Appendix 1) of `General Administrative and Submission Clauses` for additional information
Opening session ( <u>not public</u> )	<b>14/09/2020</b> at 15.00 CET**	See <b>point 5</b> of `General Administrative and Submission Clauses` for additional information
Signature of the contract for the required services [ <i>and/or supplies</i> ]	4 <sup>th</sup> quarter of 2020	Estimated

\* Please note that EIB holidays for 2020 are as follows:

1 January; 9, 10, 13 April; 1, 21, 22 May; 1, 23 June; 2 November; 24, 25, 30, 31 December.

\*\*CET = Central European Time Luxembourg

## 1.5. Lots

This tender is divided into 2 lot(s).

**LOT 1: Construction All Risk (CAR) Insurance (duration 64 months)** - covers EIB and all participants to the works, including contractors, subcontractors, architects and engineers. It covers physical loss or damage to the works.

**LOT 2: Decennial (DEC) Insurance (duration 120 months)** - covers physical loss or damage to the works under decennial liability during the period of ten years after handover of the building from the Contractor to the Building Owner.

Tenderers may submit an offer for one or both lots but must indicate clearly in their tender for which lots they are applying. More information is provided in **Annex A**.

## 1.6. Exclusion criteria

Pass/Fail Requirement (for each lot):

The EIB shall exclude an economic operator from participation in a procurement procedure under the conditions described in point V [Exclusion Effect] of the 'Declaration on honour on exclusion criteria and selection criteria and on absence of conflict of interest' (to be found in Form 5 of the 'Administrative forms for EIB tenders').

Proof of the above is to be provided by:

Tenderers and, if applicable, group members and subcontractors shall provide a dated and duly signed declarations found in **Form 5** of the 'Administrative forms for EIB tenders'.

## 1.7. Selection criteria

Tenderers must have the overall capabilities (technical & professional, economic & financial, and legal) to perform the contract. If any of the selection criteria listed below are not fulfilled, tenders will not be selected for evaluation.

### 1.7.1. Technical and professional capacity

Pass/Fail Requirement (for each lot):

- Lot 1: Demonstrated experience with 2 construction projects for which the Tenderer provided Construction All Risk (CAR) insurance services, which are ongoing or were completed within the past three years, by the deadline for submission of tenders, and with a minimum insurance value of EUR 50,000,000 per project.
- Lot 2: Demonstrated experience with 2 construction projects for which for which the Tenderer provided Decennial Insurance services, which are ongoing or were completed within the past three years, by the deadline for submission of tenders, and with a minimum insurance value of EUR 50,000,000 per project.

Proof of the above is to be provided by (for each lot):

- The tenderer shall provide a list of minimum 2 contract references specifying the value, dates and recipients of the services provided.
- The tenderer shall also provide for each contract reference an extract of the signed policy, deleting if necessary any confidential elements. The minimum information to be provided is: the insured value, the dates (coverage start-end), the recipients – policy holder (phone number and e-mail address of a contact person) and the scope of the coverage/ type of insurance.

As part of its verification of offers under the technical and professional capacity criteria, the EIB reserves the right to contact the respective clients (policy holders).

### 1.7.2. Economic and financial capacity

Pass/Fail Requirement (for each lot):

- The Tenderer (or each of the consortium members in case of consortia) must have a credit rating of at least Standard & Poor's A- / Fitch A- / Moody's A3 or equivalent.

Proof of the above is to be provided by (for each lot):

- Proof of the current credit rating.

### 1.7.3. Legal capacity

Pass/Fail Requirement (for each lot):

- The Tenderer must be authorised to perform the contract under national law (in the country of establishment/incorporation) and are admitted in the European Union for such purposes (e.g. pursuant to Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of insurance and reinsurance).
- The Tenderer must be registered in the control office of insurances in Luxembourg (the *Commissariat Aux Assurances* or the **CAA**, <https://www.caa.lu/>), including registrations according to the procedures of operating in Luxembourg under the EU freedom of Services Regulations. If they are not registered, they must undertake to be registered at contract signature in order to perform the services.

Proof of the above is to be provided by (for each lot):

- Evidence demonstrating authorisation to perform the services in accordance with national law. This evidence may be provided by reference to the specific link under the EIOPA's website.
- Proof of insurance company registration issued by the CAA or an undertaking letter to do the necessary to obtain the registration before contract signature.

## 1.8. Award criteria

For each Lot (and each option within Lot 2), Tenderers who have proved that they are not subject to the grounds of the exclusion criteria and have demonstrated the appropriate capacity to perform the contract on the grounds of selection criteria will be assessed solely based on the following award criterion:

***the most economically advantageous tender on the basis of the lowest Total Price that satisfies all technical requirements (including insurance policy requirements).***

The lowest price will be assessed on the basis of the Total Price indicated in the **Financial Proposal (Annex B1 for Lot 1 and Annex B2 for Lot 2)**.

For each lot, the lowest Total Price tender will receive 100 points and the score of the other tenders will be awarded in accordance with the following formula:

$$\left( \frac{P_{min}}{P_{tender}} * 100 \right)$$



Where:

*P* tender is the Total Price of the tender

*P* min is the tender with the lowest Total Price

## 1.9. Joint tenders, subcontracting and reliance on the capacity of other entities

### 1.9.1. Joint tenders

Joint tenders are authorised in compliance with the terms and conditions provided in **point 7.1** of 'General Administrative and Submission Clauses' (the **GASC**). The requirement of a joint and several liability of joint tenderers under points 7.1.2 and 7.1.3 of the GASC is not applicable to the submissions for Lot 1 or Lot 2. The requirements under points 7.1.2 and 7.1.3 of the GASC, other than those regarding the joint and several liability, remain fully effective.

Tenderers shall also note the contract performance conditions for joint tenders stated in the article "Contrat collectif" in the draft insurance policy wording (Annex A1 for Lot 1 and Annex A2 for Lot 2).

### 1.9.2. Subcontracting

The Tenderer may subcontract part of the tasks specified in the Technical Specifications to other economic operators in compliance with the terms and conditions for subcontracting specified in **point 7.2** of 'General Administrative and Submission Clauses'.

If the Tenderer intends to subcontract to other economic operators, and the subcontractor(s) is/are already identified, the Tenderer shall provide the following documentation for each subcontractor:

- **Forms 4 and 5** of the 'Administrative forms for EIB tenders'.
- Documentation related to the technical and professional capacity of the subcontractor (documentation to be provided to the extent of the activities that will be subcontracted);
- Documentation related to the economic and financial capacity of the subcontractor;
- Documentation related to the legal capacity of the subcontractor.

### 1.9.3. Reliance on the capacity of other entities

Tenderers may rely on the capacity of other entities as described in point 7 of 'General Administrative and Submission Clauses'.

## 1.10. Variants

Variants on the requirements of the technical specifications found in **Annex A** are not allowed.

## 2. **Structure and content of the tender**

For each Lot, Tenders **must** include the following **three** elements:

### 2.1. **Administrative Information: Exclusion criteria, capacity and supporting documents**

Tenderers must complete one original of the relative 'Tender Administrative Forms for EIB tenders' and attach one original and an electronic copy of all additional documents requested under selection criteria in **point 1.7** of this document.

### 2.2. **Technical Requirements**

Tenderers must provide a clear and firm acceptance of all requirements of the technical specifications.

For information purposes only, Tenderers shall also detail their organisation for the provision of the services, including their proposed Organisation & Communication Chart, and for a tender being submitted by a consortium/joint venture, the roles of the different consortium members.

### 2.3. **Financial proposal documents**

The financial proposal shall be based on the Pricing Form found in **Annex B1/B2** and must be filled in accordance with the instructions contained therein. Tenderers must provide one original and an electronic copy of the financial proposal.

The Pricing Form will list the Total Price, which will consist of:

- For Lot 1 (Annex B1), a per mille premium rate applied to the insured value; and
- For Lot 2 (Annex B2),
  - Option B2A: Base Offer; or
  - Option B2B: Obligatory Option.

While Tenderers are required to quote both options, the Bank will decide prior to contract award which option it will select based on its budgetary constraints.

Please note that:

- Each page of the Pricing Form must be signed by a legal representative of the Tenderer.
- Financial proposals will be evaluated on the basis of the Total Price indicated in the Pricing Form.
- Prices must be quoted inclusive of all costs and expenses directly and indirectly connected with the services to be provided.
- All prices must be quoted in Euro, and where necessary, using the conversion rates published in the C series of the Official Journal of the European Union on the day when the offer is issued. This information is also available on the website of the European Central Bank: <http://www.ecb.int/stats/eurofxref/>.

- The financial proposal shall exclude all duties, taxes and other charges (including VAT), as the EIB is exempt from such charges according to Article 21 of the Protocol on Privileges and Immunities.
- For Tenderers to which the exemption does not apply under their national law, the financial proposal shall clearly state the prices exclusive of taxes, together with the corresponding tax.
- The financial proposal shall be completely unambiguous and will be disqualified if it contains any statements preventing an accurate and complete comparison of the offers (such as “To be discussed”, “Depending on x”, etc.) or referring to external circumstances (such as an already existing but separate contract). Also, the submission of an incomplete financial proposal will lead to the disqualification of the tender.

## **2.4. Submitting an offer**

Please refer to point 4 of the ‘General Administrative and Submission Clauses’ where all instructions on how to submit a tender are contained.

Please note that for this tender the use of the electronic submission system (e-Submission) is mandatory – See Appendix I to the General and Administrative Submission Clauses.

All tenders submitted by other means, such as postal service, normal e-mail, etc. will be rejected.

## **Annexes to Terms of Reference**

Access to the annexes will be provided to interested parties who have completed and returned the Undertaking of Confidentiality and Non-disclosure.

### **Annex A – Technical Specifications**

**Annex A0 – Description of New Building Project**

**Annex A1 - Draft policy wording Construction All Risk insurance**

**Annex A2 - Draft policy wording Decennial insurance**

**Annex A3 - Questionnaire technique assurances**

### **Annex B - Pricing Form**

**Annex B1 - Pricing Form Lot 1**

**Annex B2 - Pricing Form Lot 2**

### **Annex C - Checklist (solely for the use of the tenderer)**