

CALL FOR TENDERS
N° BEREC/2020/09/OT

Provision of parking places for the BEREC Office

TENDER SPECIFICATIONS

13 July 2020

TABLE OF CONTENT

TABLE OF CONTENT	2
1. INFORMATION ON TENDERING	3
1.1. Participation.....	3
1.2. Short overview of the procurement procedure.....	3
1.3. Contractual conditions	4
1.4. Compliance with applicable law.....	4
1.5. Joint tenders.....	4
1.6. Subcontracting	5
1.7. Structure and content of the tender	5
1.8. Identification of the tenderer	6
2. DESCRIPTION OF THE SUBJECT AND OBJECTIVES.....	6
3. TECHNICAL SPECIFICATIONS	7
3.1. Background information.....	7
3.2. Subject of the current procurement procedure	7
3.3. Description of the services and minimum requirements	7
4. EVALUATION AND AWARD	7
4.1. Verification of non-exclusion.....	8
4.2. Selection criteria.....	9
4.3. Award criteria	11

1. INFORMATION ON TENDERING

1.1. Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. The Contracting Authority can therefore accept tenders from and sign contracts with tenderers from 37 countries, namely: the countries, which are parties to the Agreement on the European Economic Area (EEA) (the 28 EU Member States, Lichtenstein, Norway and Iceland) and 6 Stabilisation and Association Agreements (SAA) countries (North Macedonia, Albania, Montenegro, Serbia, Bosnia and Herzegovina, Kosovo¹).

The plurilateral Agreement on Government Procurement² concluded within the World Trade Organisation does not apply to this tender procedure.

NB! For British candidates or tenderers: Please be aware that after the UK's withdrawal from the EU, the rules on access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force candidates or tenderers from the UK could be rejected from the procurement procedure.

1.2. Short overview of the procurement procedure

Title:	Provision of parking places for the BEREK Office
Procedure:	Open Procedure
Lots	N/A
Expected Start:	Q4 2020
Type of Contracts:	Framework Service Contract (FWC)
Framework Type:	Single Framework Contract
Number of envisaged contractors:	One
Duration:	The duration of the FWC is 12 months renewable automatically up to three times for further period of 12 months each, with a

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

² See http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

	total maximum duration of 48 months.
Maximum total amount of the FWC over maximum duration of the contracts of 48 months	Total maximum value of the procedure EUR 300 000 (three hundred thousand euro).
Possible increase:	No increase envisaged.
Main place of delivery	Riga, in 500 m radius from the BEREC Office physical location.
Variants	Not permitted.
Consortia	Permitted but must be clearly described in the tender.
Subcontracting	Permitted.

1.3. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

Signature of the FWC is not an order for services and does not constitute a financial commitment. BEREC Office intends to issue individual and successive specific contracts over the period of validity of the FWC which shall take the form of the document provided in Annex III of the draft FWC.

1.4. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU³, as well as with data protection obligations resulting from Regulation (EU) 2016/679⁴.

³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016, p. 1–88).

1.5. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

1.6. Subcontracting

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers are required to identify all subcontractors.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

1.7. Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.8)

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

Part E: Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

1.8. Identification of the tenderer

The tender must include a **cover letter** signed by an authorised representative presenting the **name of the tenderer** (including all entities in case of joint tender) and identified subcontractors if applicable, and **the name and contact details (phone, email and postal address) of the single contact point** (leader) in relation to this procedure.

In case of joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

All tenderers (including all members of the group in case of joint tender) 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.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on:

http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

2. DESCRIPTION OF THE SUBJECT AND OBJECTIVES

The Agency for Support for BEREC ('BEREC Office') is located at Zigfrida Annas Meierovica bulvaris 14, LV-1050 Riga, Latvia which is city centre. In nearby radius to the BEREC Office premises there are no free of charge parking places. As part of the staff comes to the office by car BEREC Office intends to conclude a framework contract of four years for supply of parking places in nearby radius to BEREC Office to cover the need for car parking places for the BEREC Office staff.

The current contract for the supply of car parking spaces expires on 30 November 2020 therefore to ensure that staff has sufficient amount of parking places a new contract should be concluded.

3. TECHNICAL SPECIFICATIONS

3.1. Background information

The BEREC Office is an Agency of the European Union (EU) located currently at Zigfrida Annas Meirovica Bulvaris 14, LV-1050, Riga (Latvia).

The BEREC Office has 47 persons of staff and an annual budget for 2020 amounting to 7.2 million euro, mainly provided as a contribution from the General Budget of the EU.

Currently, the BEREC Office rents 7 parking places for its needs but due to growth of the organization and its tasks, it is planning to increase the number of rented parking places to match its new needs.

3.2. Subject of the current procurement procedure

The subject of the current procurement procedure is the provision of maximum 25 parking places to the BEREC Office, over a period of 4 years, via the conclusion of a single Framework service Contract.

The overall objective of the Framework Contract is to provide the BEREC Office with a high level of flexibility in increasing or decreasing the number of the parking places according to its needs within a relatively short period of time (e.g. within 1 month).

The delivery of the service is expected to start on 1 December 2020.

3.3. Description of the services and minimum requirements

The BEREC office would like to conclude a single Framework service Contract for the provision of maximum 25 parking places to the BEREC Office, which shall comply with the following minimum technical requirements:

1. The location of the parking facilities shall be within the range of 500 meters of the main entrance of the BEREC Office premises, namely from: Z. A. Meierovica bulv. 14, LV-1050 Riga, Latvia;
2. The parking spaces shall be covered;
3. The parking spaces shall be accessible 24 hours a day / 7 days a week, including during public holidays of the Republic of Latvia.

The minimum requirements also include compliance with applicable environmental, social and labour law obligations established by the EU law, national law, collective agreements or the applicable international social and environmental conventions listed in Annex X to Directive 2014/24/EU.

4. EVALUATION AND AWARD

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria

- Selection of tenderers on the basis of selection criteria
- Verification of compliance with the minimum requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex IV for Lot 1 and Annex V for Lot 2), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, all subcontractors whose share of the contract is above 20 % and whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to all subcontractors whose share of the contract is above 20 % and whose capacity is necessary to fulfil the selection criteria.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

4.2. Selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

The tenderer may 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.

The tender must include the proportion of the contract that the tenderer intends to subcontract.

If any of the selection criteria listed below is not fulfilled, the tender may not be selected for evaluation.

4.2.1. Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex IV for Lot 1 and Annex V for Lot 2), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

After contract award, the successful tenderer will be required to provide the evidence mentioned below before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to subcontractors whose capacity is necessary to fulfil the selection criteria.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

4.2.2. Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- 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 applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

4.2.3. Economic and financial capacity criteria

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

- **Criterion F1:** Turnover of the last two financial years above EUR 75 000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.

Evidence (to be provided on request):

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks.

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its 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. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

4.2.4. Technical and professional capacity criteria and evidence

A. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below. The evidence must be provided only on request.

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove experience in supplying parking spaces in amounts and quality not less than stated in technical specification.

Evidence A1: the tenderer must provide references for at least 2 contracts for supplying parking spaces in the last three years with a minimum value for each project not less than stated in technical specification.

4.3. Award criteria

Tenders shall be ranked in ascending order of the total price considered for evaluation, with the lowest price tender being ranked first.