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**D-Frankfurt-on-Main: ECB - T114 — external works for the new ECB premises**

**2010/S 182-276871**

**Contract notice T114**

**Section I: Contracting authority**

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

European Central Bank, attention: Mr Horst Roman-Müller, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY. Tel. +49 691344-0 (central switchboard). Fax +49 691344-6000 (central fax number). E-mail: [neubau-ausschreibung@ecb.europa.eu](mailto:neubau-ausschreibung@ecb.europa.eu)

**Internet address(es):**

General address of the contracting authority: <http://www.ecb.europa.eu>

Address of the tender forum for new ECB premises procurement: <http://www.ausschreibung.ezb-neubau.de>

Interested companies must register in the forum and download the application form and complementing forms.

**Further information can be obtained from:**

Aforementioned contact points.

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

Aforementioned contact points.

**Tenders or requests to participate must be sent to:**

Aforementioned contact points.

**I.2) Type of contracting authority and main activity or activities:**

European institution/agency or international organisation.

Economic and financial affairs.

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:**

T114 — external works for the new ECB premises.

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

Works.

Execution of works.

Main site or location of works: Frankfurt-on-Main, GERMANY.

NUTS code: DE 712.

**II.1.3) The notice involves:**

A public contract.

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

The European Central Bank (ECB) is constructing its new headquarters on the site of the former wholesale market hall in Frankfurt-on-Main, Germany. The services to be awarded involve landscaping works.

Further general information on the project is available in the tender forum (see section I.1 for the Internet address).

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

45112700, 45213130, 14212400, 03451000, 77315000, 44114000, 44114100, 45262520, 14212120, 77310000, 45223210, 45262670.

II.1.7) **Contract covered by the Government Procurement Agreement (GPA):**

No.

Candidates from states that are parties to the GPA are invited to participate under the same conditions as candidates from EU Member States.

II.1.8) **Division into lots:**

No.

II.1.9) **Variants will be accepted:**

Yes.

II.2) **Quantity or scope of the contract**

II.2.1) **Total quantity or scope:**

The building works will be carried out on the whole site area.

The contract scope involves services relating to landscaping works, mainly comprising:

supply and delivery of fill soil and topsoil;

creation of turfed and planted areas;

building of precast and cast in-situ concrete walling;

creation of shaped gravelled areas;

planting and care of woody plants supplied by the customer;

locksmith works for the erection of security fencing;

creation of large-scale wall panels made out of precast concrete;

building of water basins with concrete bottoms and steel upstands.

Plant supply will be put out to tender separately under: 'T142 plant supply'.

Quantities:

site area: approximately 120 000 m<sup>2</sup>;

area: services involving landscaping works: approximately 74 000 m<sup>2</sup>;

fill soil delivery: approximately 40 000 m<sup>3</sup>;

topsoil delivery: approximately 10 000 m<sup>3</sup>;

turfed and planted areas: approximately 60 000 m<sup>2</sup>;

precast and cast in-situ concrete walling: approximately 1 400 linear metres;

shaped gravelled areas: approximately 14 000 m<sup>2</sup>;

tree planting and care of woody plants supplied by the customer: 450 individual trees up to 60–70 cm circumference;

locksmith works for security fencing: approximately 1 300 linear metres;

wall panels made out of precast concrete: approximately 400 m<sup>2</sup>;

water basins with concrete bottoms and steel upstands: approximately 450 m<sup>2</sup>.

II.2.2) **Options:**

No.

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

Estimated duration in months: 27 (from contract award).

Estimated start date: 7.2012.

Estimated completion date: 9.2014.

**Section III: Legal, economic, financial and technical information**

**III.1) Conditions relating to the contract**

**III.1.1) Deposits and guarantees required:**

Details will be sent together with the invitation to tender documents to those tenderers invited to tender.

**III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them:**

Details will be sent together with the invitation to tender documents to those tenderers invited to tender.

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

Candidates may establish groupings with a view to jointly obtaining a contract. No specific legal form is required. The grouping members will be jointly and severally liable for the performance of the contract.

The grouping must, in principle, remain unchanged from the start of the tender procedure until completion of the works. If unforeseen circumstances require a change in the composition of a grouping, the ECB may allow such a change at its own discretion provided that the change does not distort competition amongst the candidates.

In accordance with Article 24(3) of the ECB procurement rules (see point VI.3), the ECB may exclude from participating those companies that submit several applications or tenders (for example as a sole tenderer and member of a grouping or a member of several groupings).

**III.1.4) Other particular conditions to which the performance of the contract is subject:**

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 whether requirements have been met:

pursuant to Article 24 of the ECB procurement rules (see point VI.3) the following shall apply:

the ECB shall exclude candidates from participation in a tender procedure if they have been the subject of a judgment which has the force of res judicata for fraud, corruption, money laundering, involvement in a criminal organisation or any other illegal activity detrimental to the financial interests of the Communities, of the ECB or of the NCBs.

The ECB may exclude candidates from participation at any time if:

(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning these matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

(b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;

(c) they have been guilty of grave professional misconduct;

(d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they reside or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been declared by a court or an arbitration tribunal to be in serious breach of contract for failure to comply with their contractual obligations following another tender procedure;

(f) their management, staff or agents are subject to a conflict of interests;

(g) they are guilty of misrepresentation in supplying the information required by the ECB;  
(h) they contact other candidates or tenderers with the purpose of restraining competition.  
Candidates must certify that they are not in any of the situations listed above by signing the application form, and provide the evidence requested therein. In the case of groupings, all members must fulfil these conditions. If such circumstances arise in the course of the procedure, the candidate concerned shall inform the ECB thereof without undue delay.

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

Information and formalities necessary for evaluating whether requirements have been met:  
the signed application form, which specifies the total net turnover in the past 3 financial years, together with the documents required therein.

Minimum level(s) of standards required:

accumulated total net turnover in the past 3 financial years (2007–2009) of at least 19 000 000 EUR;  
groupings may add together the turnover of its members.

**III.2.3) Technical capacity:**

Information and formalities necessary for evaluating whether requirements have been met:  
the signed application form, in which the required details on reference projects and resources are to be listed, as well as the further information requested in the application form appendices.

Minimum level(s) of standards required:

the candidate must obtain at least 3 000 points out of 10 000 points. The main evaluation criteria and scoring system are given in section IV.1.2. Details will be given in the application form.

**III.2.4) Reserved contracts:**

No.

**Section IV: Procedure**

**IV.1) Type of procedure**

**IV.1.1) Type of procedure:**

Restricted procedure.

**IV.1.2) Limitations on the number of operators who will be invited to tender or to participate:**

Envisaged number of operators:

envisaged minimum number: 5; maximum number: 8.

Objective criteria for selecting the limited number of candidates:

main evaluation criteria:

1. candidate's experience and expertise (reference projects) (75 %).

2. Candidate's resources (25 %).

Details will be given in the application form.

Scoring system:

a total of 10 000 points are obtainable. This maximum score is divided according to the weightings assigned to the different criteria and sub-criteria. The 'maximum score per criterion' is then divided by 4 in order to determine the base unit of the assessment for each criterion.

The scoring system for each criterion applies an assessment scale from 0 to 4 points maximum. In the evaluation process, the score (0–4 points) is multiplied by the base unit for each criterion. The tenderer's total score results from adding up the scores for the individual criteria. The minimum requirement of 3 000 points out of 10 000 points must be met.

The complete scoring matrix can be found in the application form.

The evaluation will be based solely on the submitted documents (application form and appendices).

IV.2) **Award criteria**

IV.2.1) **Award criteria:**

The most economically advantageous tender in terms of the criteria stated below.

The complete scoring matrix will be given in the invitation to tender.

1. Price; weighting: 95 %.
2. Contract conditions; weighting: 5 %.

IV.2.2) **An electronic auction will be used:**

No.

IV.3) **Administrative information**

IV.3.1) **File reference number attributed by the contracting authority:**

T114 – external works.

IV.3.2) **Previous notices published concerning the same contract:**

Yes.

Prior information.

Notice number in OJ: [2010/S 56-082259](#) of 20.3.2010.

IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document:**

Final date for receipt of requests for documents or for accessing documents:

13.10.2010 (12:00), CEST.

Charge for documents: no.

IV.3.4) **Final date for receipt of tenders or requests to participate:**

18.10.2010 (12:00), CEST.

IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates:**

13.12.2010.

IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up:**

English, German.

Applications must be submitted in English or in German. External documents such as register extracts and certificates may be submitted in their original language. The ECB may ask the candidate to provide a certified translation.

IV.3.8) **Conditions for opening tenders:**

Place: at the address given in point I.1.

Persons authorised to be present at the opening of tenders: no.

**Section VI: Complementary information**

VI.1) **This is a recurrent procurement:**

No.

VI.2) **Contract related to a project and/or programme financed by EU funds:**

No.

VI.3) **Additional information:**

Applicable award rules:

the tender procedure is conducted in accordance with the European Central Bank Decision of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5), amended by the European Central Bank Decision of 27.1.2009 (ECB/2009/2). Both Decisions were published in the Official Journal of the European Union (OJ L 184 of 14.7.2007, p. 34 and OJ L 51 of 24.2.2009, p. 10 respectively) and are available on the ECB website at <http://www.ecb.europa.eu> (link 'for suppliers').

Required format of applications:

(a) applications must be submitted as hard copies and on CD using the application form (with appendices) published in the tender forum. Details are outlined in 'Explanations on the application process' in the tender forum.

(b) Applications submitted via e-mail are inadmissible and will not be considered.

Questions:

any questions to the ECB should be submitted exclusively via the tender forum. They may be in English or German and the answers will be provided in the language in which the questions were submitted.

Inspection of documentation:

interested candidates may, on request, review excerpts from the 2008 general contractor tender. The documents have planning status April 2008. Further information will be provided in the tender forum.

Notification duty:

should candidates or tenderers believe that the ECB's requirements stipulated in the contract notice, call for competition or additional documents are incomplete, inconsistent or illegal, or that the ECB or another candidate/tenderer has breached the prevailing award rules, they must notify the ECB in writing within 14 days. The deadline begins from the date on which they notice or should reasonably have noticed the irregularity. Irregularities regarding requirements stipulated in ECB documents must be notified within a maximum of 14 days of the candidate or tenderer having access to these documents. Thereupon, the ECB can either amend or complete the requirements, remedy the irregularity or oppose the request, providing the reasons therefor. Objections not notified to the ECB within this deadline cannot be raised at a later date.

Subcontracting:

candidates may rely on the capacities of other entities as subcontractors, in particular with regard to their technical capacity (see section III.2.3). No specific legal relationship is required. The candidate must prove, however, that he will have the necessary resources at his disposal, for example, by providing a binding undertaking from the subcontractor.

The use of subcontractors does not limit the candidate's responsibility and liability for due performance of all the contractual obligations. The ECB reserves the right to refuse any subcontractor taking into account the principles of transparency, equal access, publicity and equal treatment. Prior approval from the ECB will be required for both replacing a subcontractor and subcontracting additional major works for the entire duration of the contract.

Companies that submit sole applications and, at the same time, appear as subcontractors for another candidate, or companies that appear as subcontractors for several candidates, may, in accordance with Article 24(3) of the ECB procurement rules (see point VI.3), be excluded from participating.

Exclusion from the tender procedure:

the ECB may, at its own discretion, exclude applicants from the tender procedure who do not comply with the requirements and conditions set out in the application form and contract notice, or do not provide the information requested.

Cancellation of the tender procedure:

the ECB reserves the right to cancel all or part of the tender procedure. This decision will take into account the principles of transparency, equal access, publicity and equal treatment.

Liability and compensation:

the ECB is not liable for any costs, nor will it reimburse any expenses or losses which candidates incur or suffer in connection with the tender procedure, including in the event of a cancellation.

#### VI.4) **Procedures for appeal**

##### VI.4.1) **Body responsible for appeal procedures:**

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Procurement Review Body of the European Central Bank, c/o Legal Advice Team, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY. Tel. +49 691344-0 (central switchboard). Fax +49 691344-6886 (central fax number). E-mail: [legaladviceteam@ecb.europa.eu](mailto:legaladviceteam@ecb.europa.eu) Internet: <http://www.ecb.europa.eu>

**Body responsible for mediation procedures:**

The European Ombudsman, 1 avenue du Président Robert Schuman, CS 30403, 67001 Strasbourg Cedex, FRANCE.

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

Precise information on deadline(s) for lodging appeals:

15 days from the receipt of the information specified in Article 28(3) of the ECB procurement rules (see section VI.3) or, if no information is requested, 15 days from the receipt of the notification to unsuccessful tenderers.

Further requirements are outlined in Article 33 of the ECB procurement rules (see section VI.3).

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

7.9.2010.