This notice in TED website: http://ted.europa.eu/udl?uri=TED:NOTICE:205087-2010:TEXT:EN:HTML

AT-Vienna: data collection and research services on fundamental rights issues

2010/S 134-205087

Contract notice

Section I: Contracting authority

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

European Union Agency for Fundamental Rights, attention: Procurement Section, Schwarzenbergplatz 11, 1040Vienna, AUSTRIA. Tel. +43 158030-610. Fax +43 158030-691. E-mail: procurement@fra.europa.eu

Internet address(es):

General address of the contracting authority: http://www.fra.europa.eu

Further information can be obtained at:

As in abovementioned contact point(s).

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

As in abovementioned contact point(s).

Tenders or requests to participate must be sent to:

As in abovementioned contact point(s).

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

European institution/agency or international organisation.

The contracting authority is purchasing on behalf of other contracting authorities: yes.

Section II: Object of the contract

II.1) **Description**

II.1.1) **Title attributed to the contract by the contracting authority:**

Data collection and research services on fundamental rights issues.

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

Services.

Service category: No 27.

Main place of performance: The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender.

NUTS code: AT130.

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

The establishment of a framework agreement.

II.1.4) **Information on framework agreement:**

Framework agreement with several operators.

Maximum number of participants to the framework agreement envisaged: 5.

Duration of the framework agreement:

Duration in month(s): 48.

Estimated total value of purchases for the entire duration of the framework agreement:

Range: between 12 000 000 EUR and 15 000 000 EUR.

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

The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) and the participating agency with data collection and research services on fundamental rights issues.

II.1.6) **Common procurement vocabulary (CPV):**
79315000.

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

II.1.8) **Division into lots:**
Yes.
Tenders should be submitted for: 1 or more lots.

II.1.9) **Variants will be accepted:**
No.

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

II.2.1) **Total quantity or scope:**
The maximum volume of the framework contracts for all 29 lots, over 4 years, is estimated at 12 000 000 EUR to 15 000 000 EUR, excluding VAT. Depending on the budget availability and the needs of the contracting authority, this amount could be increased up to 50 %. The part of the maximum volume of the framework contracts, not binding on the participating agency, over a 4-year period, is 3 000 000 EUR.
Estimated value excluding VAT:
Range: between 12 000 000 EUR and 15 000 000 EUR.

II.2.2) **Options:**
No.

II.3) **Duration of the contract or time limit for completion:**
Duration in months: 48 (from the award of the contract).

Information about lots

Lot No 1

Title: Belgium

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 2

Title: Bulgaria

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 3

Title: Czech Republic

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 4

Title: Denmark

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 5

Title: Germany

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 6

Title: Estonia

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 7

Title: Ireland

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 8

Title: Greece

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**

79315000.

Lot No 9

Title: Spain

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 10

Title: France

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 11

Title: Italy

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 12

Title: Cyprus

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 13

Title: Latvia

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 14

Title: Lithuania

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 15

Title: Luxembourg

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 16

Title: Hungary

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 17

Title: Malta

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 18

Title: Netherlands

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 19

Title: Austria

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**

79315000.

Lot No 20

Title: Poland

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 21

Title: Portugal

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 22

Title: Romania

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 23

Title: Slovenia

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 24

Title: Slovakia

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 25

Title: Finland

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 26

Title: Sweden

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 27

Title: United Kingdom

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 28

Title: EU and international level

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Lot No 29

Title: Comparative analysis

1) **Short description:**
The subject of the contract is to provide the EU Fundamental Rights Agency (FRA) with data collection and research services on fundamental rights issues.

2) **Common procurement vocabulary (CPV):**
79315000.

Section III: Legal, economic, financial and technical information

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

III.1.1) **Deposits and guarantees required:**
A prefinancing guarantee for the total amount of prefinancing payment exceeding 150 000 EUR is required.

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

Payments shall be executed only if the contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not yet been executed as a result of default or negligence on the part of the contractor.
For amounts in the initial specific contract below 25 000 EUR, the invoicing procedure for the services will be after the work has been completed and accepted by the contracting authority.
For amounts in the initial specific contract between 25 000 EUR and 60 000 EUR, the invoicing procedure for the services will be:
— 30 % prefinancing, and
— 70 % on completion of the work, once accepted by the contracting authority.
For amounts in the initial specific contract over 60 000 EUR, the invoicing procedure for the services will be:
— 30 % prefinancing,
— 40 % interim payment, and
— 30 % on completion of the work, once accepted by the contracting authority.
The invoicing procedure for extended specific contracts will be 100 % on completion of the work, once accepted by the contracting authority.

III.1.3) **Legal form to be taken by the grouping of economic operators to whom the contract is to be awarded:**
Joint tenders submitted by several economic operators (a consortium) are allowed. In such cases, 1 of the members must be designated as the group leader or group manager.

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 if requirements are met:
Candidates or tenderers shall be excluded from participation in a procurement procedure 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 those 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 proven by any means which the contracting authority can justify;
(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 are established 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 the subject of a judgment which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the EU's financial interests;
(f) following another procurement procedure or grant award procedure financed by the EU budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.
Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:
(g) are subject to a conflict of interest;
(h) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

The contracting authority shall accept as satisfactory evidence that the tenderer is not in one of the situations described: for (a), (b), (c), (d), (e) and (f) above, a declaration on the tenderer's honour, duly signed and dated, stating that they are not in any of the situations listed; for (g) and (h) above, a declaration on the tenderer's honour, duly signed and dated, stating that they are not in any of the situations listed.

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

Information and formalities necessary for evaluating if requirements are met:
Proof of economic and financial capacity shall be furnished by the following documents:
(a) the presentation of the balance sheets or extracts from balance sheets for at least the last 2 years for which accounts have been closed shall be presented where publication of the balance sheets is required under the company law of the country in which the economic operator is established.
If for some exceptional reason which the contracting authority considers justified, the tenderer is unable to provide the references requested above, he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.
It is necessary that the extracts from balance sheets be dated, signed and stamped by the representatives of the tenderer where publication of the balance sheets is required under the company law of the country in which the economic operator is established;
(b) a statement of the overall turnover and, where appropriate, of turnover in the area of services covered by the contract during the last 2 financial years.
Minimum level(s) of standards possibly required:
A minimum of the overall turnover of 50 000 EUR for each lot during the last 2 years is required. Tenderers may submit offers for different lots. In such a case their capacity will be analysed for each individual lot, but also globally for the whole lots for which they tender. This means that if a tenderer submits offers for more than 1 lot, the assessment of its capacity will be based on the sums of the turnover thresholds required for each lot.
In case of participation of group members, e.g. local affiliates of international companies, figures of the entire group will only be taken into account if a written endorsement of the participation by the mother company is provided.

III.2.3) **Technical capacity:**

Information and formalities necessary for evaluating if requirements are met:
(a) evidence of the educational and professional qualifications of the service provider or contractor and in particular, those of the person or persons responsible for providing the services or carrying out the works should be in adherence to the profiles described in Annex A.1 — technical specifications.
Detailed CVs of the persons responsible for providing the services must be provided, in Europass format. A given CV may only be used for 1 lot and 1 profile. Concerning the CVs requested: tenderers need to make sure that names of any individual are not indicated on the CV forms. Instead, please use numbers and provide an extra table for staff in attachment to make the connection between numbers and names. In order to protect confidential personal data, CVs will be circulated without the corresponding table.
Please note that in case of tenders for more than 1 lot by the same tenderer, staff may only be used for 1 lot and 1 profile;
(b) a list of the principal services provided over the last 3 years, with the sums, dates and recipients, public or private;
(c) an indication of the proportion of the contract which the service provider may intend to subcontract.
Minimum level(s) of standards possibly required:
(b) the minimum requirements as follows shall be met:
For lots 1–27:

— national level reports, studies or research in fundamental rights areas conducted for non-governmental organisations, national or EU institutions or international governmental organisations; minimum 3 reports. These reports need to be provided. (Abstract in English and full text in any EU language).
For lot 28:
— EU/international level legal or policy reports in fundamental rights areas conducted for non-governmental organisations, national or EU institutions or international governmental organisations; minimum 3 reports. These reports need to be provided. (Abstract in English and full text in any EU language).
For lot 29:
— EU comparative level analyses, reports, studies or research in fundamental rights areas conducted for non-governmental organisations, national or EU institutions or international governmental organisations; minimum 3 reports. These reports need to be provided. (Abstract in English and full text in any EU language).

III.2.4) **Reserved contracts:**
No.

III.3) **Conditions specific to services contracts**

III.3.1) **Execution of the service is reserved to a particular profession:**
No.

III.3.2) **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.2) **Award criteria**

IV.2.1) **Award criteria:**
The most economically advantageous tender in terms of the criteria stated below:
1. Project management and scientific quality. Weighting: 50.
2. Composition of the proposed team. Weighting: 30.
3. Identifying data sources and cooperating with other organisations. Weighting: 20.

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:**
F/SE/10/03.

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:
16.9.2010 (17:00).
Payable documents: no.

IV.3.4) **Time limit for receipt of tenders or requests to participate:**
21.9.2010 (17:00).

IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up:**
Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish.

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 tenders:**
Date: 28.9.2010 (11:00).
Place: European Union Agency for Fundamental Rights, Schwarzenbergplatz 11, 1040 Vienna, AUSTRIA.
Persons authorised to be present at the opening of tenders: yes.
An authorised representative of each tenderer may attend the opening of the bids. Companies wishing to attend are requested to notify their intention by sending a fax or e-mail at least 48 hours in advance to the fax or e-mail given under Section I.1 of the present document. This notification must be signed by an authorised officer of the tenderer and specify the name of the person who will attend the opening of the bids on the tenderer's behalf.

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:**
Section I: The European Union Agency for Fundamental Rights ('the FRA') and the European Institute for Gender Equality ('the EIGE'), in accordance with their respective mandate, launch the present call for tender with the aim to identify contractors to provide the research and analysis services.
Section IV.2.1 — Award criteria:
The maximum final score a tender offer can reach is 100 points. Tenders scoring less than 60 % in the overall points total or less than 50 % in the points awarded for a single criterion will not be admitted to the next stage of the evaluation procedure.
As regards the scoring to be applied during the technical evaluation, the following has to be understood: the technical evaluation criteria, which might have several subcriteria, will be applied to all tender offers. Each subcriterion will be evaluated individually. The individual marks given will be weighted as described in Section IV.2.1. The final points to be awarded for the technical part of the tender offer will be calculated following the weighting of the marks given for subcriteria.
Awarding:
The contract will be awarded to the tenderer offering the best value for money which is based on the quality and price. The ranking of tenders in order to determine their relative value for money will be based on the quality/price ratio of each tender, calculated as follows:
Final score for tender X = (lowest price: price of tender X) * 100 * price weighting 30 % + total quality score (out of 100) for all criteria of tender X * quality criteria weighting 70 %.

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures:**
General Court of the European Union, boulevard Konrad Adenauer, 2925 Luxembourg, LUXEMBOURG. Tel. +352 4303-1. Fax +352 433766. E-mail: ECJ.registry@curia.europa.eu Internet: http://curia.europa.eu
Body responsible for mediation procedures:

The European Ombudsman, 1 avenue du Président Robert Schuman, PO Box 403, 67001 Strasbourg Cedex, FRANCE. Tel. +33 388172313. Fax +33 388179062. E-mail: euro-ombudsman@europarl.europa.eu Internet: http://www.ombudsman.europa.eu

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 knowledge. A complaint to the European Ombudsman does not have the effect either to suspend this period or to open a new period for lodging appeals.

VI.4.3) **Service from which information about lodging of appeals may be obtained:**

General Court of the European Union, boulevard Konrad Adenauer, 2925 Luxembourg, LUXEMBOURG. Tel. +352 4303-1. Fax +352 433766. E-mail: ECJ.registry@curia.europa.eu

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

2.7.2010.