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**AT-Vienna: provision of editorial services
2012/S 180-295267**

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

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

European Union Agency for Fundamental Rights
Schwarzenbergplatz 11

For the attention of: Procurement Section

1040 Vienna

AUSTRIA

Telephone: +43 158030-610

E-mail: procurement@fra.europa.eu

Fax: +43 158030-691

Internet address(es):

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

Electronic access to information: http://fra.europa.eu/fraWebsite/about_fra/procurement/open_calls/open_calls_en.htm

Further information can be obtained from: The above mentioned contact point(s)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from: The above mentioned contact point(s)

Tenders or requests to participate must be sent to: The above mentioned contact point(s)

I.2) Type of the contracting authority

European institution/agency or international organisation

I.3) Main activity

General public services

I.4) Contract award on behalf of other contracting authorities

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:

Provision of editorial services.

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

Services

Service category No 27: Other services

Main site or location of works, place of delivery or 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) **Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**
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 months: 48
Estimated total value of purchases for the entire duration of the framework agreement
Estimated value excluding VAT: 500 000 EUR
- II.1.5) **Short description of the contract or purchase(s)**
The provision of editorial services for the contracting authority.
- II.1.6) **Common procurement vocabulary (CPV)**
79821000, 79821100, 79820000
- II.1.7) **Information about Government Procurement Agreement (GPA)**
The contract is covered by the Government Procurement Agreement (GPA): no
- II.1.8) **Lots**
This contract is divided into lots: yes
Tenders may be submitted for one or more lots
- II.1.9) **Information about variants**
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 contract over 4 years is estimated at 500 000 EUR excluding VAT.
Depending on the budget availability and the needs of the contracting authority, this amount could be increased up to 50 %.
- II.2.2) **Information about options**
Options: no
- II.2.3) **Information about renewals**
This contract is subject to renewal: yes
Number of possible renewals: 3
In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:
in months: 12 (from the award of the contract)
- 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

Lot title: Provision of editorial services in English

1) **Short description**

The objective of the contract is to provide the Agency with editorial services, as described in the relevant sections below. Tenderers should have experience in editing scientific documents, e.g. legal and sociological reports and analyses in the area of fundamental rights, which are drafted by experts, improving understanding and readability for a non-expert audience.

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

79821000, 79821100, 79820000

- 3) **Quantity or scope**
- 4) **Indication about different date for duration of contract or starting/completion**
- 5) **Additional information about lots**

Lot No: 2

Lot title: Provision of editorial services in German

- 1) **Short description**
The objective of the contract is to provide the Agency with editorial services, as described in the relevant sections below. Tenderers should have experience in editing scientific documents, e.g. legal and sociological reports and analyses in the area of fundamental rights, which are drafted by experts, improving understanding and readability for a non-expert audience.
- 2) **Common procurement vocabulary (CPV)**
79821000, 79821100, 79820000
- 3) **Quantity or scope**
- 4) **Indication about different date for duration of contract or starting/completion**
- 5) **Additional information about lots**

Lot No: 3

Lot title: Provision of editorial services in French

- 1) **Short description**
The objective of the contract is to provide the Agency with editorial services, as described in the relevant sections below. Tenderers should have experience in editing scientific documents, e.g. legal and sociological reports and analyses in the area of fundamental rights, which are drafted by experts, improving understanding and readability for a non-expert audience.
- 2) **Common procurement vocabulary (CPV)**
79821000, 79821100, 79820000
- 3) **Quantity or scope**
- 4) **Indication about different date for duration of contract or starting/completion**
- 5) **Additional information about lots**

Section III: Legal, economic, financial and technical information

- III.1) **Conditions relating to the contract**
 - III.1.1) **Deposits and guarantees required:**
 - III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions governing 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 been executed as a result of default or negligence on the part of the contractor.

The invoicing procedure for specific contracts or for order forms will be 100 % on completion of the work, once accepted by the contracting authority.
 - III.1.3) **Legal form to be taken by the group 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, one of the members must be designated as the group leader or group manager.
 - III.1.4) **Other particular conditions**

The performance of the contract is subject to particular conditions: 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 the requirements are met: Tenderers will be assessed on the basis of the exclusion (phase I) and selection (phase II) criteria described below.

Exclusion criteria (phase I):

The aim of this phase is to assess if tenderers fall in any of the exclusion situations listed below and therefore, cannot take part in the tender procedure.

Exclusion situations:

Tenderers shall be excluded from participation in the present 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 European Union's financial interests;
- f) following another procurement procedure or grant award procedure financed by the European Union budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Tenderers shall be excluded from the award of the contract if, during the present procurement procedure:

- g) they are subject to a conflict of interest;
- h) they 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.

Documentary evidence:

At the tendering stage, tenderers shall declare that they are not in one of the situations listed above by submitting a signed declaration of honour and absence of conflict of interest, in accordance with the form included in Annex C, available at <http://www.fra.europa.eu>

In addition, the tenderer to whom the contract is to be awarded shall provide, within 14 calendar days and preceding the signature of the contract, the following documents as proof that the tenderer is not in one of the situations described above:

- for points (a), (b) and (e) above, recent extract(s) from the judicial record or, failing that, an equivalent document(s) recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied,
- for point (d) above, a recent certificate issued by the competent authority of the State concerned. Where the document or certificate referred to is not issued in the country concerned, it may be replaced by a sworn

or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance,
— for points (c) and (f) above, the tenderer may provide a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

Depending on the national legislation of the country in which the tenderer is established, the document referred to above shall relate to legal persons and/or natural persons including company directors or any person with powers of representation, decision-making or control in relation to the tenderer.

The contracting authority may waive the obligation of a tenderer to submit the documentary evidence referred to above if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the documents are not more than 1 year old starting from their issuing date and that they are still valid.

Administrative or financial penalties may be imposed by the contracting authority on tenderers who are in one of the exclusion situations, after they have been given the opportunity to present their observations.

These penalties are detailed in Article 96 of the Financial Regulation (OJ L 248, page 1, of 16.9.2002) and Article 133 of the Regulation laying down the rules for the implementation of the Financial Regulation (OJ L 357, page 1, of 31.12.2002). We invite tenderers to read carefully those 2 Articles.

Tenderers are informed that the early warning system will be consulted.

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the early warning system (EWS) for the use of authorising officers of the Commission and executive agencies (OJ L 344, 20.12.2008, p. 125), or
- the Commission Regulation of 17.12.2008 on the central exclusion database — CED (OJ L 344, 20.12.2008, p. 12), their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the abovementioned Decision and Regulation, in relation to the award or execution of a procurement contract or grant agreement or decision.

III.2.2) **Economic and financial ability**

Information and formalities necessary for evaluating if the requirements are met: Tenderers will be selected if they can prove that they have sufficient economic and financial capacity, on the one hand, and sufficient technical and professional capacity, on the other hand.

During the selection phase only the selection criteria mentioned below will be examined.

Economic and financial capacity:

Proof of economic and financial capacity shall be furnished by the following documents:

(a) copy of the balance sheets and profit and loss accounts for the last 2 financial years for which accounts have been closed, where publication of the accounts is required under the company law of the country in which the economic operator is established. In the case of a consortium, each consortium member shall present their own balance sheets or extracts from balance sheets.

If the tenderer is not obliged to publish its accounts under the law of the state in which it is established, a copy of audited accounts for the last 2 financial years should be presented. In the case of a consortium, audited accounts for each consortium partner shall be presented;

(b) a statement of the annual average turnover for the last 2 financial years for which accounts have been closed. The minimum average annual turnover of the tenderer shall be of 20 000 EUR. In the case of a consortium, the annual average turnover for each of the partners shall be presented. The sum of the annual

average turnovers of each partner will be taken into account to reach the minimum annual average turnover of 20 000 EUR.

If for some exceptional reason which the contracting authority considers justified, the tenderer is unable to provide the documentary evidence requested above, he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.

Minimum level(s) of standards possibly required: The minimum average annual turnover of the tenderer shall be of 20 000 EUR.

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met:

Proof of the technical and professional capacity of the tenderers shall be furnished by the following documents and minimum requirements:

(a) the educational and professional qualifications of the service provider or contractor and/or those of the firm's managerial staff, in particular, those of the person or persons responsible for providing the services or carrying out the works. The tenderer is requested to include the CVs in Europass format of the profiles described in Annex A.1 'Technical specifications'. The proposed CVs must possess the minimum educational and professional requirements stated in Annex A.1;

(b) a list of the principal services provided and supplies delivered in the past 3 years, with the sums, dates and recipients. Tenderers are required to prove that they have performed at least 3 projects of an amount/nature or scope similar to the services to be carried out under this tender.

Minimum level(s) of standards possibly required:

Tenderers are required to prove that they have performed at least 3 projects of an amount/nature or scope similar to the services to be carried out under this tender.

III.2.4) **Information about reserved contracts**

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

III.3.1) **Information about a particular profession**

Execution of the service is reserved to a particular profession: no

III.3.2) **Staff responsible for the execution of the service**

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

IV.1.3) **Reduction of the number of operators during the negotiation or dialogue**

IV.2) **Award criteria**

IV.2.1) **Award criteria**

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

1. Understanding of the contract's objectives and services requested by the contracting authority, and how the tenderer intends to cover all the different tasks set out in Annex A.1 — Technical specifications. Weighting 60
2. Description of how the contractor will provide the services on time within the time limits specified in Annex A.1 — Technical specifications, in particular if several tasks are requested in parallel, including back-up, risk mitigation procedures. Weighting 40

IV.2.2) Information about electronic auction

An electronic auction will be used: no

IV.3) Administrative information

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

F-SE-12-T05.

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: 24.10.2012 - 17:00

Payable documents: no

IV.3.4) Time limit for receipt of tenders or requests to participate

29.10.2012 - 17:00

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

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

Any EU official language

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: 5.11.2012 - 10:30

Place:

European Union Agency for Fundamental Rights, Schwarzenbergplatz 11, 1040 Vienna, AUSTRIA.

Persons authorised to be present at the opening of tenders: yes

Additional information about authorised persons and opening procedure: 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) Information about recurrence

This is a recurrent procurement: no

VI.2) Information about European Union funds

VI.3) Additional information

The contract will be awarded to the tenderer offering the best value for money, on the basis of the following quality-price ratio:

score for tender X = (lowest price/price of tender X) * 40 + (total quality score (out of 100) for all award criteria of tender X/100) * 60

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

E-mail: ecj.registry@curia.europa.eu

Telephone: +352 4303-1
Internet address: <http://curia.europa.eu>
Fax: +352 433766

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 the lodging of appeals may be obtained**

General Court of the European Union
boulevard Konrad Adenauer
2925 Luxembourg
LUXEMBOURG
E-mail: ecj.registry@curia.europa.eu
Telephone: +352 4303-1
Internet address: <http://curia.europa.eu>
Fax: +352 433766

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

7.9.2012