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D-Frankfurt-on-Main: ECB - T142 — supply of trees for the new ECB premises
2011/S 42-067286

Contract notice T142, final (16.2.2010)

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

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 specifications.

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:

T142 — supply of trees for the new ECB premises.

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

Supplies.

Purchase.

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 the supply of trees.

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):**

03451000.

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

No.

Tenderers from states that are parties to the GPA are invited to participate under the same conditions as tenderers 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 contract scope involves services relating to the supply of plants, mainly comprising:
— supply of various types of trees, particularly specimen trees, with various habits and qualities.

Quantities:

specimen standard trees and avenue trees with a circumference of up to 30 cm: approximately 240;
specimen standard trees and avenue trees with a circumference greater than 30 cm: approximately 340;
specimen feathered trees and special shapes: approximately 150.

II.2.2) **Options:**

No.

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

Estimated duration in months: 16 (including 12 months of preparation).

Estimated start date: 7.2012.

Estimated completion date: 11.2013.

Section III: Legal, economic, financial and technical information

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

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

Details are provided in the specifications.

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

Details are provided in the specifications.

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

Tenderers 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 tenderers.

In accordance with Article 24(3) of the ECB procurement rules (see point VI.3), the ECB may exclude from participating companies that submit several 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 tenderers 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 tenderers with the purpose of restraining competition.

Tenderers must certify that they are not in any of the situations listed above by signing the tender 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 tenderer 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 tender, which specifies the total net turnover in the past 3 financial years.

Minimum level(s) of standards required:

financial capacity: accumulated total net turnover in the past 3 financial years (2007–2009) with comparable supplies amounting to at least 4 000 000 EUR.

The company must have been in business for 3 years.

Groupings may add together the turnover of their members.

III.2.4) **Reserved contracts:**

No.

Section IV: Procedure

IV.1) **Type of procedure**

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

Open procedure.

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:**

T142 — supply of trees.

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

No.

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:

13.4.2011 (12:00), CEST.

Charge for documents: no.

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

20.4.2011 (12:00), CEST.

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

English, German.

Other:

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

IV.3.7) **Minimum time frame during which the tenderer must maintain his tender:**

Until: 20.12.2011.

Duration in months: 8 (from the date stated for receipt of tenders).

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

Date: 20.4.2011.

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 procurement 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) and the Decision of 27.7.2010 (ECB/2010/8). The Decisions were published in the Official Journal

of the European Union (OJ L 184 of 14.7.2007, p. 34; OJ L 51 of 24.2.2009, p. 10; OJ L 238 of 9.9.2010, p. 14) and are available on the ECB website at <http://www.ecb.europa.eu> (link 'for suppliers').

Required tender format:

(a) tenders must be submitted as hard copies and on CD using the specifications (with appendices) published in the tender forum.

(b) Tenders 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.

Notification duty:

should tenderers believe that the ECB's requirements stipulated in the additional documents are incomplete, inconsistent or illegal, or that the ECB or another tenderer has breached the prevailing procurement rules, they must notify the ECB in writing within 15 days (cf. Article 21(2) of the ECB procurement rules). Objections not notified to the ECB within this deadline cannot be raised at a later date.

Subcontracting:

tenderers 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 tenderer 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 tenderer's responsibility and liability for due performance of all the contractual obligations. The ECB reserves the right to refuse any subcontractor on the basis of 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 tenders and, at the same time, appear as subcontractors for another tenderer, or companies that appear as subcontractors for several tenderers, 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 tenderers from the tender procedure who do not comply with the requirements and conditions set out in the specifications, 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 tenderers 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:**

Procurement Review Body of the European Central Bank, 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 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:**
17.2.2011.