Belgium-Brussels: External protocol and catering activities, ref. EEAS-244-DIVA4-SER-FWC
2013/S 191-328781

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1) Name, addresses and contact point(s)
European External Action Service
rond point Schuman 9A
Contact point(s): Head of Division MDR A.4 — Infrastructure, protocol and conferences
For the attention of: Serge Christiane
1046 Brussels
BELGIUM
E-mail: mdr-a4@eeas.europa.eu
Fax: +32 25847226

Internet address(es):
General address of the contracting authority: http://eeas.europa.eu
Address of the buyer profile: http://www.eeas.europa.eu/tenders/index_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

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:
External protocol and catering activities, ref. EEAS-244-DIVA4-SER-FWC.

II.1.2) Type of contract and location of works, place of delivery or of performance
Services
Service category No 17: Hotel and restaurant services
Main site or location of works, place of delivery or of performance: EEAS building, rond point Schuman — outside restaurants.
NUTS code

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 a single operator  

**Duration of the framework agreement**  
Duration in years: 4  

**Estimated total value of purchases for the entire duration of the framework agreement**  
Estimated value excluding VAT:  
Range: between 1 140 000 and 1 320 000 EUR  

II.1.5) **Short description of the contract or purchase(s)**  
External protocol and catering activities in outside restaurants; conference catering at the EEAS building, rond point Schuman; official high-level catering at EEAS building, rond point Schuman.  
A framework contract for 1 or various lots, with a maximum duration of 4 years, will be implemented via specific contracts and/or order forms.  

II.1.6) **Common procurement vocabulary (CPV)**  
55000000  

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 EEAS estimates approximately 120 lunches/dinners for an undetermined number of people in outside restaurants and 80 internal catering activities every year.  

II.2.2) **Information about options**  
Options: no  

II.2.3) **Information about renewals**  
This contract is subject to renewal: no  

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

**Information about lots**  
Lot No: 1  
Lot title: Restaurants with private areas for up to 50 people  

1) **Short description**  
The restaurant shall be at maximum 1 km walking distance from rond point Schuman, 1000 Brussels, BELGIUM. It shall have a private area for 50 people. This area can be separated from the rest of the restaurant.  

2) **Common procurement vocabulary (CPV)**  
55000000  

3) **Quantity or scope**  
Estimated value excluding VAT:  
Range: between 100 000 and 120 000 EUR  

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

The restaurant shall be capable of organising cocktails, receptions, buffet meals and sandwich receptions. Several events may take place simultaneously.

Menus may be chosen from a menu selector, which should reflect current food trends using fresh and seasonal ingredients. The service provider shall be responsible for the service of wines, champagne and other alcoholic and soft drinks.

Lot No: 2
Lot title: Restaurants with conference facilities for more than 50 people

1) **Short description**

The restaurant of the service provider shall be at maximum 1 km walking distance from rond point Schuman, 1000 Brussels, BELGIUM. Restaurants shall have conference facilities for more than 50 people. Ideally these restaurants are either located in conference facilities or hotels, where large conference rooms are available.

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

55000000

3) **Quantity or scope**

Estimated value excluding VAT:

Range: between 120 000 and 160 000 EUR

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

The restaurant shall be capable of organising cocktails, receptions, buffet meals and sandwich receptions. Several events may take place simultaneously.

Menus may be chosen from a menu selector, which should reflect current food trends using fresh and seasonal ingredients. The service provider shall be responsible for the service of wines, champagne and other alcoholic and soft drinks.

Lot No: 3
Lot title: Restaurants business-lunch style

1) **Short description**

Restaurants business-lunch style. Restaurants at 0,5 km walking distance from rond point Schuman, 1000 Brussels, BELGIUM offering simple, healthy, seasonal business lunch menus.

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

55000000

3) **Quantity or scope**

Estimated value excluding VAT:

Range: between 100 000 and 120 000 EUR

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

The restaurant shall be capable of organising cocktails, receptions, buffet meals and sandwich receptions. Several events may take place simultaneously.

Menus may be chosen from a menu selector, which should reflect current food trends using fresh and seasonal ingredients. The service provider shall be responsible for the service of wines, champagne and other alcoholic and soft drinks.

Lot No: 4
Lot title: Restaurants with high-level standards
1) **Short description**
Restaurants with high standards, at maximum 1 km distance from rond point Schuman, 1000 Brussels, BELGIUM having experience with high-level guests and their protocol requests.

2) **Common procurement vocabulary (CPV)**
55000000

3) **Quantity or scope**
Estimated value excluding VAT:
Range: between 80 000 and 100 000 EUR

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**
The restaurant shall be capable of organising cocktails, receptions, buffet meals and sandwich receptions. Several events may take place simultaneously.
Menus may be chosen from a menu selector, which should reflect current food trends using fresh and seasonal ingredients. The service provider shall be responsible for the service of wines, champagne and other alcoholic and soft drinks.

Lot No: 5
Lot title: Conference catering at the EEAS headquarters

1) **Short description**
Small function room (max. 12 people) and a dining room seating 50 persons with 4 interpreting booths. The latter can be divided into 2 smaller rooms. Small VIP conference room welcoming up to 200 buffet guests standing.

2) **Common procurement vocabulary (CPV)**
55000000

3) **Quantity or scope**
Estimated value excluding VAT:
Range: between 320 000 and 360 000 EUR

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**
The EEAS is normally open all days except for weekends and public holidays. This figure may fluctuate from year to year, depending on the number of additional public and other holidays (if any) that are granted. Occasionally, the work of the EEAS involves sessions in the evenings, at night, during weekends and on certain public holidays. Due to unforeseen reasons and to the nature of the EEAS task, emergency meetings and catering events may take place at any time of the year, even in August.

Lot No: 6
Lot title: Official high-level catering at the EEAS HQ

1) **Short description**
Official high-level catering at the EEAS HQ.

2) **Common procurement vocabulary (CPV)**
55000000

3) **Quantity or scope**
Estimated value excluding VAT:
Range: between 420 000 and 460 000 EUR

4) **Indication about different date for duration of contract or starting/completion**
5) **Additional information about lots**
The service provider shall be capable of organising cocktails, receptions, buffet meals and sandwich receptions. Several events may take place simultaneously.
Menus may either be chosen from a menu selector or occasionally, if required, prepared specifically for a function. Current food trends using fresh and seasonal ingredients should be reflected and available upon request.
The service provider shall be responsible for the service of wines, champagne and other alcoholic and soft drinks.

**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 upon presentation of invoices and after the services have been provided. Payments will be made in euros.

**III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**
Requests to participate or tenders can be submitted by groupings of service providers who will not be required to adopt a particular legal form prior to the contract being awarded but may/must be required to do so after the award. However, a grouping of firms must nominate 1 party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed at paragraph III.2 must be supplied by every member of the group.

**III.1.4) Other particular conditions**
The performance of the contract is subject to particular conditions: yes
Description of particular conditions: For lots 5 and 6, all personnel involved in the management, operations and the rest of services shall obtain the security clearance up to 'EU confidential' or national equivalent with the concerned national authorities in case of awarding the respective contracts and before the start of implementation of the contract.

**III.2) Conditions for participation**

**III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers**

1.A) Access to public procurement: participation in this call for tender is open to natural and legal persons with their domicile or headquarters in one of the Member States of the European Union.

1.B) Evidence of access to public procurement: candidates must confirm that they have their headquarters or domicile in one of the abovementioned States and present the supporting evidence normally acceptable under their own law.

2.A) Exclusion criteria:
Article 106 of the Financial Regulation sets out that:
1. Candidates or tenderers shall be excluded from participation in procurement procedures 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 or the persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State 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 including by decisions of the EIB and international organisations;
(d) they are not in compliance with their 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 or the persons having powers of representation, decision-making or control over them have been the subject of a judgment which has the force of ‘res judicata’ for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity where such illegal activity is detrimental to the Union's financial interests;
(f) they are subject to an administrative penalty referred to in Article 109(1).
Points (b) and (e) of the first subparagraph shall not apply where the candidates or tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision-making or control over them, who are subject to judgement as referred to in points (b) or (e) of the first subparagraph.
2. Candidates or tenderers shall certify that they are not in one of the situations listed in paragraph 1. For the purpose of the correct application of paragraph 1, the candidate or tenderer, whenever requested by the contracting authority, shall:
(a) where the candidate or tenderer is a legal entity, provide information on the ownership or on the management, control and power of representation of the legal entity and certify that they are not in one of the situations referred to in paragraph 1;
(b) where subcontracting is envisaged, certify that the subcontractor is not in one of the situations referred to in paragraph 1.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 210 concerning detailed rules on:
   a) the exclusion criteria applicable for the participation in calls for tender, including rules on illegal activities giving rise to exclusion;
   b) what evidence may be satisfactory to show that an exclusion situation does not exist;
   c) the duration of an exclusion. Such exclusion shall not exceed 10 years.
Article 107 of the Financial Regulation sets out that a contract shall not be awarded to candidates or tenderers who, during the procurement procedure for this contract:
(a) are subject to a conflict of interest;
(b) are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;
(c) find themselves in one of the situations of exclusion, referred to in Article 106(1), for the procurement procedure.
2.B) Evidence of non-exclusion:
Article 143 of the rules of application sets out that:
1. Candidates and tenderers shall provide a declaration on their honour, available at: http://www.eeas.europa.eu/jobs/docs/declarationhonour_en.pdf duly signed and dated, stating that they are not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation.
2. The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in paragraph 3 hereafter, confirming the declaration referred to in paragraph 1.

3. The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in points (a), (b) or (e) of Article 106(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in points (a) or (d) of Article 106(1) of the Financial Regulation, a recent certificate issued by the competent authority of the States concerned as defined under point A.1(d) above. Where the document or certificate referred to in the first subparagraph is not issued in the country concerned and for the other cases of exclusion referred to in Article 106 of the Financial Regulation, 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.

4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

5. Where they have doubts as to whether candidates or tenderers are in one of the situations of exclusion, the contracting authority may apply to the competent authorities referred to in paragraph 3 to obtain any information considered necessary about that situation.

6. The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in paragraph 3 if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed 1 year and that they are still valid. In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

7. The candidate or tenderer shall submit a declaration on honour from the intended subcontractor that he is not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation. In case of doubt on this declaration on honour, the contracting authority shall request the evidence referred to in paragraphs 3 and 4. Paragraph 5 shall apply, where appropriate.

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: 1.1. evidence of professional risk indemnity insurance;
1.2. financial statements for the past 3 financial years for which accounts have been closed, or equivalent documentation (e.g. where company law in the country in which you are established does not require you to publish your balance sheet);
1.3. a statement of overall turnover and turnover concerning the services to be covered by the contract during the last 3 financial years for which accounts have been closed. The candidate's average annual turnover specific to the subject of the contract, for the last 3 fiscal years for which the accounts have been closed (2010, 2011 and 2012).

Minimum level(s) of standards possibly required: Given the value of this contract, the total average annual turnover of the last 3 years for the services covered by each lot shall be:

for lot 1: at least 120 000 EUR
for lot 2: at least 160 000 EUR
for lot 3: at least 120 000 EUR
for lot 4: at least 100 000 EUR
for lot 5: at least 360 000 EUR
for lot 6: at least 460 000 EUR.

The exchange rate used to convert the turnover into euros will be the rate of December of the year of the financial statement as published at http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm

If you rely on the capacities of other entities (e.g. your parent company), a written undertaking on the part of those entities confirming that they will place the resources necessary for performance of the contract at your disposal.

III.2.3) **Technical capacity**
Information and formalities necessary for evaluating if the requirements are met:
Candidates must provide proof of their technical and professional capacity based on the following criteria:
— on references for similar contracts awarded by international organisations, embassies, government bodies or large multinational companies,
— candidate's organisational structure,
— ability to execute services as listed in point II.1.5.

These capacities will be judged on the basis of the following documents which must be included in the request to participate:
(a) candidate's organisation chart, together with CVs of the principal directors and/or associates and managerial staff who will be directly responsible for performance of the contract;
(b) statement attesting to the candidate's ability to carry out the contract;
(c) certified true copy of the company's official approval or authorisation to carry out the services tasks involved in this contract;
(d) list of the main contracts carried out in the past 2 years, with details of values and customers' particulars.

Minimum level(s) of standards possibly required:
About point (d), the number and duration of previous experiences in the field related to the contract: at least 3 most significant and relevant contracts from the last 2 years with the same contracting authority.

These experiences have to be supported with a proof of satisfaction of clients specifying whether the services have been carried out in a professional manner and have been fully completed.

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: no

**Section IV: Procedure**

IV.1) **Type of procedure**

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

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 in the specifications, in the invitation to tender or to negotiate or in the descriptive document

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:**
EEAS-244-DIVA4-SER-FWC.

IV.3.2) **Previous publication(s) concerning the same contract**
no

IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document**
Payable documents: no

IV.3.4) **Time limit for receipt of tenders or requests to participate**
28.10.2013 - 16:00

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**

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

**Section VI: Complementary information**

VI.1) **Information about recurrence**
This is a recurrent procurement: yes
Estimated timing for further notices to be published: Every 4 years.

VI.2) **Information about European Union funds**
The contract is related to a project and/or programme financed by European Union funds: no

VI.3) **Additional information**
I. Preparation and submission of requests to participate and tenders:
Participation in this call for tender is open to natural and legal persons with their domicile or headquarters in one of the Member States of the European Union.
This tender will be taking place in 2 stages, as follows:
A. First stage (preselection stage):
Candidates are requested to submit requests to participate which must contain all the information requested in Section III of this contract notice: legal, economic, financial and technical information. Regarding the exclusion criteria (Section III.2.1 of this contract notice), candidates must include in their request to participate a duly signed and dated solemn declaration available at: http://www.eeas.europa.eu/jobs/docs/declarationhonour_en.pdf stating that they are not in one of the situations referred to in Articles 106 and 107 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and Council of 25.10.2012. With regard to the financial and technical selection criteria (Sections III.2.2 and III.2.3), all documents and information requested to enable the assessment of the candidate’s capacity to carry out the contract in the field stated in Section II.1.5 of the contract notice must be included in the request to participate.
Requests to participate must be submitted by the deadline as mentioned at Section IV.3.4 of this contract notice (requests to participate submitted beyond this deadline will be automatically rejected). These requests
The request to participate shall comprise 1 original and 2 copies. Submissions must be made using a double envelope. Both envelopes are to be sealed. If self-seal envelopes are used, they must also be sealed with adhesive tape with the sender's signature written across the tape. The outer envelope must bear the name of the department which it is addressed to, as above, and the following: 'TENDER No EEAS-244-DIVA4-SER-FWC — NOT TO BE OPENED'. This will be marked on the inner envelope too.

B. Second stage:
Candidates shortlisted at the end of the preselection period shall be invited to submit a tender. The invitation to tender documents (including the letter of invitation to tender, the tender specifications and the model contract to be used for this contract) will be sent to them directly, with no further publication in the 'Official Journal of the European Union'.

'Nota bene': submitting requests to participate or drawing up tenders does not give tenderers the right either to be awarded the contract or to receive any compensation for costs incurred. The contracting authority is under no obligation to award a contract subsequent to this notice.

II. Data protection:
If processing your reply to this contract notice involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the institutions and bodies and on the free movement of such data. Unless indicated otherwise, replies to the questions and any personal data requested are required to evaluate your request to participate in accordance with the contract notice and will be processed solely for that purpose by the contracting authority mentioned in heading I.1. Details concerning the processing of your personal data are available on the privacy statement at [http://eeas.europa.eu/jobs/docs/privacy-statement-jobs-tenders.pdf](http://eeas.europa.eu/jobs/docs/privacy-statement-jobs-tenders.pdf)
Your personal data may be registered in the early warning system (EWS) only or both in the EWS and central exclusion database (CED) by the Accounting Officer of the EEAS, should you be in one of the situations mentioned in:

III. Where appropriate, the contracting authority may have recourse to a negotiated procedure on the basis of Article 134(1)(f) of the rules of application applicable to the Financial Regulation.
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 the knowledge. A complaint to the European Ombudsman does not have as an 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
rue du Fort Niedergrünwald
2925 Luxembourg
LUXEMBOURG
E-mail: generalcourt.registry@curia.europa.eu
Telephone: +352 4303-1
Internet address: http://curia.europa.eu
Fax: +352 4303-2100

VI.5) **Date of dispatch of this notice:**
20.9.2013