

**ECB - T131 — site supervision of soil mechanics (D-Frankfurt-on-Main)**

**2009/S 235-335311**

**Contract notice**

**Section I: Contracting authority**

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

European Central Bank, attention: Mr Horst Roman-Mueller, 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 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.

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:**

T131 — site supervision of soil mechanics.

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

Services.

Service category: No 12.

Main place of performance: Frankfurt-on-Main, GERMANY.

NUTS code: DE712.

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

A public contract.

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

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

The European Central Bank (ECB) intends to build its new headquarters on the site of the former wholesale market hall in Frankfurt-on-Main, Germany. The contractor shall provide site supervision of soil mechanics concerning excavation, sheeting and foundation works and ground water drainage during the construction

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

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

71300000, 71332000, 71351200, 71351210, 71520000.

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

No.

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

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

No.

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

No.

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

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

The new ECB premises will be built on the site of the former wholesale market hall in the eastern part of Frankfurt-on-Main, Germany (Sonnemannstraße). The site comprises approximately 120 000 m<sup>2</sup>.

The design for the new premises was developed following an international architectural competition and further optimised and detailed to suit the ECB's requirements. The new premises have a total gross floor area of around 190 000 m<sup>2</sup>. They include a high-rise building of about 180 m, the former wholesale market hall (Großmarkthalle), as well as minor buildings and landscape works on the site. The former market hall is a listed monument built in the 1920s which will be converted to house new functions such as the main entrance, conference centre and the staff restaurant.

The contractor shall provide site supervision of soil mechanics concerning excavation, sheeting and foundation works and ground water drainage during the construction phase.

II.2.2) **Options:**

Yes.

Details will be provided in the ITT (invitation to tender).

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

Duration in months: starting 3/2010 (estimate), completion 12/2011 (estimate).

**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 provided in the invitation to tender (ITT), where applicable, which will be sent to the shortlisted candidates.

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

Details will be provided in the invitation to tender (ITT), where applicable, which will be sent to the shortlisted candidates.

III.1.3) **Legal form to be taken by the group 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, but 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 change at its own discretion provided that the change does not distort competition amongst the candidates.

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:

In line with Article 24 of the ECB procurement rules (see point VI.3 below) 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 interest;
- 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 specified therein. Each member of a grouping must comply with 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 if requirements are met:

submission of the completed and signed application form, which specifies the total net turnover in the past 3 financial years.

Minimum level(s) of standards possibly required:

financial capacity: accumulated total net turnover in the past 3 financial years: 1 000 000 EUR.

Groupings of economic operators may add together the turnover of their members.

III.2.3) **Technical capacity:**

Information and formalities necessary for evaluating if requirements are met:

submission of the completed and signed application form (with attachments), which includes the details required concerning reference projects and resources.

Minimum level(s) of standards possibly required:

1 high-rise project with a final acceptance date in November 2000 or thereafter, where the contractor provided comparable services, i.e. site supervision of geotechnical services ('Leistungen Fachbauüberwachung Geotechnik') for foundation piles deeper than 10 metres.

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:**

Accelerated negotiated.

Justification for the choice of accelerated procedure: Urgency.

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

Envisaged number of operators: 5.

Selection criteria for choosing the limited number of candidates:

1. Experience and expertise (reference projects) (80 %):

1.1 Site supervision of bored pile wall ('Geotechnische Fachbauüberwachung von Bohrfahlwänden') (20 %).

1.2 Site supervision of foundation ('Geotechnische Fachbauüberwachung von Gründungen') (20 %).

1.3 Site supervision of dewatering ('Geotechnische Fachbauüberwachung von Wasserhaltungen') (20 %).

1.4 Site supervision monitoring measures technology ('Geotechnische Fachbauüberwachung Messtechnik') (20 %).

2. Human resources (total number of staff) (20 %).

Scoring system:

The maximum score possible is 10 000 points (100 %). This maximum score is divided according to the weightings assigned to the different criteria and sub-criteria. The resulting 'maximum score per criterion' is divided by 4 in order to determine the basis unit of the assessment for each criterion.

The scoring system for each criterion applies an assessment scale from 0 to 4 points. 'No response' receives 0 points, 'poor' (1 point), 'sufficient' (2 points), 'good' (3 points) and 'very good' (4 points). In the evaluation process, the score (0–4 points) is multiplied with the basis unit for each criterion, and the resulting scores are added up to obtain the final result.

The evaluation will be based solely on the submitted application documents including attachments.

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

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated: yes; as determined by the award criteria pursuant to point IV.2.1.

IV.2) **Award criteria**

IV.2.1) **Award criteria:**

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

1. Price. Weighting: 55 %.
2. Quality. Weighting: 40 %.
3. 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:**

'T131 site supervision of soil mechanics'.

IV.3.2) **Previous notices published 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: 14.12.2009 (12:00), CET.

Payable documents: no.

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

14.12.2009 (12:00), CET.

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 company registrations 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 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 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' (respectively OJ L 184, 14.7.2007, p. 34 and OJ L 51 of 24.2.2009, p. 10) and are available on the ECB's website at <http://www.ecb.europa.eu/ecb/jobsproc/proc/tenders/html/index.en.html>

Required format of applications:

a) Applications must be submitted as hard copies and on CD using the application form and complementing forms published in the tender forum, following the details outlined in the application form.

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 (see Section I.1) and may be submitted in English or German. The answers will be provided in the language in which the questions were submitted.

**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), regardless of the legal nature of the links which they have with them. The candidate must prove that he will have at his disposal the resources necessary, for example, by providing an undertaking to that effect from such entities.

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.

Companies that submit sole applications and, at the same time, appear as subcontractors for another candidate, or companies that appear as a subcontractor for several candidates, will in principle not be excluded from the tender procedure. In either case, the ECB will ask all the companies concerned to provide evidence that their participation in 2 or more applications does not have a detrimental effect on competition. In particular, they must explain in detail what measures they have taken in order to prevent an exchange of critical information between the competing candidates. The ECB will decide on whether to exclude applications from the tender procedure, taking into account the information provided and the principles of transparency, equal access, publicity and equal treatment.

**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. Cancellation may be necessary if the offers in the first 8 construction tenders for the ECB new premises project in total exceed the ECB's available budget for the same.

**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:**

Procurement Review Body of the European Central Bank — c/o Procurement Review Body, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY. Tel. +49 691344-0 (central switchboard). Fax +49 691344-6000 (central fax number). E-mail: [procurement@ecb.europa.eu](mailto:procurement@ecb.europa.eu) Internet: <http://www.ecb.europa.eu>

**Body responsible for mediation procedures:**

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

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

Procurement Review Body of the European Central Bank — c/o Procurement Review Body, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY. Tel. +49 691344-0 (central switchboard). Fax +49 691344-6000 (central fax number). E-mail: [procurement@ecb.europa.eu](mailto:procurement@ecb.europa.eu)

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

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

European Central Bank — Central Procurement Office, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY. Tel. +49 691344-0 (central switchboard). Fax +49 691344-6000 (central fax number). E-mail: [procurement@ecb.europa.eu](mailto:procurement@ecb.europa.eu) Internet: <http://www.ecb.europa.eu>

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

23.11.2009.