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**Luxembourg-Luxembourg: Evaluation of national actions regarding the transposition
of Council Directive 2013/59/Euratom's requirements in the medical sector
2015/S 193-348981**

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

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

European Commission, Directorate-General for Energy, Directorate D — Nuclear energy, safety and ITER
1, rue Henri Schnadt, Zone d'activité Cloche d'Or
For the attention of: Georgi Simeonov, EUFO 4187
2530 Luxembourg
LUXEMBOURG
Telephone: +352 4301-31420
E-mail: georgi.simeonov@ec.europa.eu

Internet address(es):

General address of the contracting authority: http://ec.europa.eu/dgs/energy/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:

Evaluation of national actions regarding the transposition of Council Directive 2013/59/Euratom's requirements in the medical sector.

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: Contractor's premises.

NUTS code

II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)

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 recently published new Basic Safety Standards Directive (Council Directive 2013/59/Euratom) modernises European radiation protection legislation by taking account of the latest scientific knowledge, technological progress, and operational experience with current legislation. At the same time, the new BSS Directive consolidates the existing 'acquis' of Euratom radiation protection legislation into 1 single piece of legislation, merging 5 Directives and upgrading a recommendation to become legally binding.

As a result of the consolidation process, the new BSS Directive was given a broader scope and a completely new structure improving coherence and clarity of both definitions and requirements. Taking account of the latest scientific knowledge and technological progress, the new Directive entails substantial new requirements in various topical areas, e.g. improving the protection of patients in medical applications, improving the protection of workers, and improving the protection of the public in particular from natural radiation sources. Additionally, the new BSS Directive introduces strengthened requirements on emergency preparedness and response, especially with a view to the lessons learned from the Fukushima accident.

After entry into force of the Council Directive 2013/59/Euratom on 6.2.2014, Member States will have 4 years to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive.

The Commission is aware that the transposition and implementation of this comprehensive piece of legislation, comprising 99 definitions, 109 articles and 19 annexes, will constitute a major challenge for the respective national legislators and regulators in European Union Member States, candidate States, and EFTA States.

The Commission is therefore planning to organise actions and activities to monitor the transposition of the BSS Directive into Member States' national legislation and to support its implementation.

II.1.6) Common procurement vocabulary (CPV)

85100000

II.1.7) Information about Government Procurement Agreement (GPA)

The contract is covered by the Government Procurement Agreement (GPA): yes

II.1.8) Lots

This contract is divided into lots: no

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 total value of the contract has been estimated at 100 000 EUR.

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

Duration in months: 15 (from the award of the contract)

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:

See draft contract attached to the tender specifications.

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

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

In the case of a joint tender, all economic operators in a joint tender assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

These economic operators shall designate one of them to act as leader with full authority to bind the grouping or the consortium and each of its members. It shall be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination. The composition and constitution of the grouping or consortium, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Commission.

The tenderers should indicate in their offer whether the partnership takes the form of:

- a) a new or existing legal entity which will sign the contract with the Commission in the case of award; or
- b) a group of partners not constituting a new legal entity, who via a power of attorney, signed by an authorised representative of each partner (except the lead partner), designate one of the partners as lead partner, and mandate him as lead contractor to sign the contract with the Commission in the case of award.

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: — The tenderer's identification form in Annex 1 of the tender specifications shall be filled in and signed by:

- the tenderer (including any member of a consortium or grouping),
- subcontractor(s) whose share of the work represents more than 20 % of the contract.

— In order to prove their legal capacity and their status, all tenderers (including any member of a consortium or grouping) must provide a signed legal entity form with its supporting evidence. The form is available on:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the contracting authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

— If it has not been included with the legal entity form, tenderers must provide the following information:

- for legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced,
- for natural persons, where applicable, proof of registration on a professional or trade register or any other official document showing the registration number.

— The tenderer (only the leader in the case of joint tender) must provide a financial identification form and supporting documents. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: In order to prove their economic and financial capacity, the tenderer (i.e. in the case of joint tender, the combined capacity of all members of the consortium) must comply with the following criterion:

— turnover of the last 2 financial years above 50 000 EUR.

The following evidence should be provided:

- copy of the profit & loss account for the last 2 years for which accounts have been closed,
- failing that, appropriate statements from banks,
- if applicable, evidence of professional risk indemnity insurance.

If, for some exceptional reason which the contracting authority considers justified, a tenderer is unable to provide 1 or the other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the contracting authority considers appropriate. In any case, the contracting authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

III.2.3) **Technical capacity**

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

a. Criteria relating to tenderers:

Tenderers (in the case of a joint tender the combined capacity of all tenderers) must comply with the following criteria:

- the tenderer must prove experience relating to drafting of radiation protection legislation and implementing radiation protection requirements in the medical sector with at least 1 project delivered in this field in the last 5 years,
- the tenderer must prove capacity to draft reports in English,
- the tenderer must prove experience with projects delivered in the last 5 years, which involved the analysis of regulations, technical guidance and recommendations in the area of radiation protection in medicine,
- the tenderer must prove experience in evaluating strategies and plans, synthesising information and drafting reports and recommendations,
- the tenderer must demonstrate experience in organising international meetings and workshops.

b. Criteria relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles:

— a project leader, who will meet the following requirements:

- professional qualifications in radiation protection,
- a minimum of 5 years of professional experience with radiation protection regulations and their implementation in the medical sector,

— a minimum of 3 task leaders, who will meet the following requirements:

- professional qualifications in radiation protection,
- a minimum of 5 years of professional experience with radiation protection regulations and their implementation in the medical sector.

c. Evidence:

The following evidence should be provided to fulfil the above criteria:

- a list of relevant services provided in the past 5 years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed,
- the educational and professional qualifications (CVs) of the project and task leaders and the persons who will provide the most relevant tasks for this tender. Each CV provided should indicate the intended function in the delivery of the service.

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 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:

ENER/D3/2015-330-2.

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: 3.11.2015 - 16:00

Payable documents: no

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

10.11.2015 - 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

Duration in months: 6 (from the date stated for receipt of tender)

IV.3.8) Conditions for opening of tenders

Date: 17.11.2015 - 10:00

Place:

European Commission, DG Energy, Euroforum Building, Office 4198, 1, rue Henri Schnadt, Zone d'activité Cloche d'Or, 2530 Luxembourg, LUXEMBOURG.

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

Additional information about authorised persons and opening procedure: 1 representative per tenderer.

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: no

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**

The tender specifications related to this call for tender can be downloaded on the website of the Directorate-General for Energy at the following address: http://ec.europa.eu/dgs/energy/tenders/index_en.htm

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures**

General Court of the European Union
rue du Fort Niedergrünewald
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.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 of the European Union
rue du Fort Niedergrünewald
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:**

24.9.2015