

ECB - T102 — refurbishment and development works for the new ECB premises (D-Frankfurt-on-Main)

2009/S 41-058683

Contract notice

Section I: Contracting authority

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

European Central Bank, attention: Mr Horst Roman-Müller, Kaiserstraße 29, D-60311 Frankfurt am Main.
Tel. (49-69) 13 44-0 (central switchboard). Fax (49-69) 13 44-6000 (central fax number). E-mail: neubau-ausschreibung@ecb.europa.eu.

Internet address(es):

General address of the contracting authority: www.ecb.europa.eu.

Address of the tender forum for new ECB premises procurement: 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 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:

T102 — refurbishment and development works for the new ECB premises.

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

Works.

Execution of works.

Main site or location of works: D-Frankfurt am Main.

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) intends to build its new headquarters on the site of the former wholesale market hall in Frankfurt-on-Main, Germany. The services to be awarded comprise refurbishment and development works. Further general information on the project is available in the tender forum (see section I.1 for the Internet address).

The services comprise the work required to prepare the building site in areas outside the existing wholesale market hall and the high-rise building. This includes the removal of all roadway surfaces and existing supply and disposal pipes (as far as these would impede the development activities required for the new premises) and construction of all drains in the separate sewer system, as well as the installation of cable-drawing pits and cable-protection conduits for the laying of electricity, telecommunications and safety cables, including the required civil-engineering and earthwork activities.

Finally, work to construct all traffic zones for development of the site up to the building construction.

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

45111200, 45111291, 45112000, 45111290, 45232400, 45232450, 45233252, 45233253.

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

No.

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

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

No.

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

Yes.

Variants will be accepted under the conditions set out in the invitation to tender, which will be sent to the shortlisted candidates.

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

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

For site development, the drains required in the separate sewer system for rainwater and wastewater will be extended up to the interconnection points with the suburban sewer network. For the laying of the envisaged electricity and communications supply cabling, cable-drawing pits will be constructed and interconnected with cable-protection conduits.

Where the soil is heavily contaminated (e.g. in the south-western part of the site), selective polluted backfill amounts will be removed and temporarily stored in sampling areas.

The contract scope involves refurbishment and development works, mainly comprising:

removing the sealing from the site (ECB):

removal of existing roadway surfacing from the building site:

— removal of approximately 50 000 m² bitumen surface area,

— removal of approximately 6 000 m² paving surface area,

— removal of approximately 1 200 m² concrete surface area,

— demolition of approximately 1 400 m fencing,

— demolition of approximately 10 street lamps,

— fill with approximately 25 000 m³ soil;

demolition of existing conduits:

dismantling/plugging of existing supply/disposal pipes:

— plugging of approximately 600 m drains (DN 300-DN 400),

— demolition of approximately 400 m drains (DN 300-DN 1200),

— demolition of approximately 500 m water pipe (DN 150-DN 400),

— demolition of approximately 250 m gas pipe (DN 150-DN 1 200),

— demolition of approximately 1 700 m supply cabling;

construction of drains:

construction of transport conduits for wastewater/rainwater:

- installation of approximately 1 000 m stoneware pipe (wastewater) (DN 150-DN 300),
- installation of approximately 1 800 m reinforced-concrete pipe (rainwater) (DN 300-DN 800),
- installation of approximately 110 inspection manholes (DN 1 000-DN 2 000);

earthworks and supply line construction:

earthworks required to construct supply pipes:

- trenching for approximately 2 400 m water pipe (up to DN 150),
- trenching for approximately 300 m gas pipe (DN 110),
- trench excavation approximately 11 000 m³ (supply cabling),
- installation of approximately 70 cable-drawing pits,
- installation of approximately 30 000 m cable-protection conduits;

construction of traffic zones:

- installation of approximately 7 000 m² bitumen/concrete roadway,
- installation of approximately 7 700 m² bitumen on structures,
- installation of approximately 8 800 m² basalt paving with melted asphalt,
- installation of approximately 3 500 m² basalt paving with grass joints,
- installation of approximately 2 000 m² lean turf/fire lanes.

II.2.2) **Options:**

No.

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

Duration in months: 43 (from contract award).

Performance time period: starting: 3/2010. Completion: 9/2013.

Section III: Legal, economic, financial and technical information

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

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

The successful tenderer will be required to provide appropriate security in the form of a cash retention for the performance phase (10 % of the contract volume) and for the warranty phase (5 % of the contract volume), which may be disbursed periodically against a bank guarantee. Details will be provided in the invitation to tender.

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

The successful tenderer will be paid according to a payment plan. The payment plan will include appropriate security retention provisions as set out in section III.1.1.

III.1.3) **Legal form to be taken by the grouping 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 a 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:**

In line with Article 24 of the ECB procurement rules (see 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.

Candidates may rely on their registration in an official list of approved economic operators or the certification by official bodies to provide evidence they have met the above conditions. Details are explained in the application form. The ECB reserves the right to request further information.

III.2.2) **Economic and financial capacity:**

Information and formalities necessary for evaluating whether requirements have been met: the signed application form, which specifies the total net turnover in the past 3 financial years.

Minimum standards possibly required:

financial capacity: accumulated total net turnover in the past 3 financial years of at least EUR 20 000 000.

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

III.2.3) **Technical capacity:**

Information and formalities necessary for evaluating whether requirements have been met:

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

Candidates may rely on their registration in an official list of approved economic operators or the certification by official bodies. Details are explained in the application form. The ECB reserves the right to request further information.

Minimum standards possibly required:

the applicant must obtain at least 3 000 points out of a maximum of 10 000 points. Further details about the point system are given in IV.1.2.

III.2.4) **Reserved contracts:**
No.

Section IV: Procedure

IV.1) **Type of procedure**

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

Candidates have already been selected: no.

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

Envisaged number of operators:

envisaged minimum number: 5 and maximum number: 8.

Objective criteria for selecting the limited number of candidates:

1. experience and expertise (reference projects) (75 %).

1.1. Experience of comparable construction works (60 %).

1.1.1. Experience of large and complex projects (over 30 000 m² traffic zone) relating to the construction works in II.2.1 (20 %).

1.1.2. Construction experience of projects with complex drainage systems relating to the construction works in II.2.1 (20 %).

1.1.3. Construction experience of supply systems relating to the construction works in II.2.1 (20 %).

1.2. General construction experience for projects comparable with the ECB new premises project in terms of use, size, standard and complexity (15 %).

2. Resources (25 %).

2.1. Staff (15 %).

2.1.1. Total number of employees (5 %).

2.1.2. Employment structure (10 %).

2.2. Technical resources (10 %).

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 base unit of the assessment for each criterion.

In the evaluation process, the score (0–4 points) is multiplied by the base unit for each criterion, and the resulting scores are added up to obtain the final result.

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 by the base unit for each criterion, and the resulting scores are added up to obtain the final result.

The minimum threshold is 30 %, corresponding to 3 000 points, which must be met as a minimum requirement.

The evaluation will solely be based 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.

IV.2) **Award criteria**

IV.2.1) **Award criteria:**

The most economically advantageous tender in terms of the criteria stated below:
the same scoring methodology as laid down in point IV.1.2 in this document will be applied for the award criteria.
The sub-criteria and their weightings will be specified in the invitation to tender.

1. Price. Weighting: 70 %.
2. Quality. Weighting: 25 %.
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:**

T102 — refurbishment and development.

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

Yes. Prior information.

Notice number in OJ: [2009/S 16-21436](#) of 24.1.2009.

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: 27.3.2009 (12:00).

Charge for documents: no.

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

31.3.2009 (12:00).

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

17.6.2009.

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 request 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 ECB procurement rules (Decision ECB/2007/5 of 3.7.2007 laying down the Rules on Procurement), published in the Official Journal of the European Communities under OJ L 184, 14.7.2007, p. 34 and on the ECB's website at: <http://www.ecb.europa.eu>.

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 request 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 new ECB premises project in total exceed the ECB's available budget for 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, Kaiserstraße 29 c/o Central Procurement Office, D-60311 Frankfurt am Main. Tel. (49-69) 13 44-0 (central switchboard). Fax (49-69) 13 44-6000 (central fax number). E-mail: procurement@ecb.europa.eu. URL: www.ecb.europa.eu.

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

European Central Bank — Central Procurement Office, Kaiserstraße 29, D-60311 Frankfurt am Main.
Tel. (49-69) 13 44-0 (central switchboard). Fax (49-69) 13 44-6000 (central fax number). E-mail:
procurement@ecb.europa.eu. URL: www.ecb.europa.eu.

VI.5) **Date of dispatch of this notice:**
16.2.2009.