

**ECB - T130 — electrical power supply on site (D-Frankfurt-on-Main)**

**2009/S 241-343725**

**Contract notice final**

**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 tender documentation.

**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:**

T130 — electrical power supply on site.

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

Supplies.

A combination of purchase, lease, rental and hire purchase.

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 (New ECB Premises (NEP)). The contractor shall provide regenerative electrical power supply ('green' power supply) on the NEP construction site 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):**

65000000, 65310000, 65300000.

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 a conference centre and the staff restaurant.

The contractor shall provide electrical power supply on the NEP construction site during the construction phase. The award is foreseen as regenerative electrical power supply ('green' power supply). Evidence on the regenerative electrical power supply ('green' power supply) will be requested by way of a TÜV certificate or similar. The supplies include also the provision of a back-up power supply. This shall ensure the electrical power supply in case of power grid failures for longer than 1 hour.

An emergency power supply (diesel generator) is provided by a different contractor and is not part of this tender. The owner of the local power supply grid ('Netzbetreiber') in Frankfurt is Netzdienste Rhein Main GmbH. The construction site is supplied with medium-high voltage of 10 kV 50 Hz. 2 transformer stations (Nennspannung U<sub>n</sub>: 10/0.4kV (nominal voltage), 50 Hz and Scheinleistung S<sub>n</sub>: 1 000 kVA (apparent voltage)) will be provided and operated on site ('bauseits').

The contract will provide for 3 possible prolongations of up to 1 year (minimum duration 1 month; see also item II.2.2)). The regenerative electrical power supply ('green' power supply) outlined in the performance specifications is defined for the construction phase (including possible prolongations).

II.2.2) **Options:**

Yes.

Prolongation of contract, maximum 3 times (3x) of up to 1 year (minimum duration 1 month).

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

Duration in months: starting 1.4.2010 (estimate), completion 31.12.2013 (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.

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.

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

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 European Union, 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 submitting the respective forms provided with the tender documentation and provide the evidence specified therein. 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 signed tender including respective forms provided with the tender documentation and the evidence specified therein.

Minimum level(s) of standards possibly required:

financial capacity: accumulated total net turnover in the past 3 financial years in the field of regenerative electrical power supply ('green' power supply): 5 000 000 EUR.

III.2.3) **Technical capacity**

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**

III.3.2) **Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service**

**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:**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated: 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: 90 %.
2. Contract conditions. Weighting: 10 %.

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:**

'T130 Electrical power supply on site'.

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: 19.1.2010 (12:00), CET.

Payable documents: no.

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

19.1.2010 (12:00), CET.

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

English, German.

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

Until: 19.7.2010.

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

Date: 19.1.2010.

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>

The invitation to tender documentation is provided in the tender forum (see Section I.1).

Required format of tenders:

a) tenders must be submitted as hardcopies and on CD using the documentation published in the tender forum, following the details outlined in the invitation to tender document;

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 (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 candidates must prove that they will have at their 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 tenders 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 tenders 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 tenderers 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 tenderers from the tender procedure who do not comply with the requirements and conditions set out in the invitation to tender document 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 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 Legal Advice Team, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY. Tel. +49 691344-0 (central switchboard). Fax +49 691344-6886. E-mail: [LegalAdviceTeam@ecb.europa.eu](mailto:LegalAdviceTeam@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:**

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**

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

3.12.2009.