

**ECB - T109 Construction Manager – Coordination of construction works
and site supervision for the New ECB Premises (D-Frankfurt-on-Main)**

2008/S 251-334802

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-on-Main.
Tel. (central switchboard): (49-69) 13 44-0. Fax (central fax No): (49 69) 13 44-6000. E-mail: newpremises-tender@ecb.europa.eu.

Internet address(es):

General address of the contracting authority (URL): www.ecb.int.

Address of the tender forum for new ECB premises procurement: <http://www.new-ecb-premises.com>.

Interested suppliers must register in the forum and download the application documents.

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:

T109 construction manager — coordination of construction works and site supervision for the new ECB premises.

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: D-Frankfurt-on-Main.

NUTS code DE712.

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 in D-Frankfurt-on-Main. The successful candidate shall provide coordination of construction works and

site supervision. Further general information on the project is available in the tender forum (internet address see I.1 above).

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

71500000, 71521000, 71541000.

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 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 ECB is tendering for a construction manager to provide site management, coordination, and supervision for the construction of its new premises in line with performance phase 8, according to § 15 HOAI (Honorarordnung für Architekten und Ingenieure — official scale of fees for services by architects and engineers). Furthermore, the construction manager is responsible for drawing management and the coordination of building logistics including supply and waste disposal; contract and claim management; performance verification; the management of acceptance (vertragliche und behördliche Abnahmen), handover (Übergabe) and warranties (Gewährleistung); as well as the organisation of shop drawing checks in coordination with the architect. The successful candidate will be commissioned in stages (stufenweise Beauftragung), whereas stage 1 comprises support in the tender procedures for construction works and stage 2 includes services required during the construction and warranty phases.

II.2.2) **Options:**

Yes.

Description of those options: as above II.2.1.

Provisional timetables for recourse to these options: in months: 9 (from the award of the contract).

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

Duration: starting 1.8.2009.

2013 end of construction phase. Warranty-related services shall be provided following the construction phase.

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

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 regulating them:**

The successful tenderer will be paid in accordance with a payment plan. The payment plan will foresee appropriate security retention (up to 10 % of the payment). The retention is disbursed periodically against the provision of a bank guarantee. Details will be provided in the ITT.

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 have joint and several liability for performance of the contract.

The grouping must in principle remain unchanged throughout 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:**

Candidates who do not comply with condition 1 will be excluded from the tender procedure:

1. Absence of convictions for corruption, money laundering, involvement in a criminal organisation or any other illegal activity detrimental to the financial interests of the European Communities, the ECB or any national central bank which forms part of the European System of Central Banks.

Candidates who do not comply with any of the conditions 2 to 9 may be excluded from the tender procedure at the ECB's sole discretion:

2. Absence of bankruptcy or similar situations.

3. Absence of convictions for an offence concerning professional conduct.

4. Absence of grave professional misconduct.

5. Compliance with social security and tax payment obligations.

6. Absence of declaration by a court to be in serious breach of contract.

7. Absence of conflicts of interest.

8. Absence of misrepresentation in supplying the information required by the ECB.

9. Absence of contacts with other candidates or tenderers with the purpose of restraining competition.

Candidates must certify that they comply with these conditions by signing the application form and submitting the evidence required therein. Each member of a grouping must comply with these conditions.

Candidates may rely on their registration in an official list of approved economic operators or certifications by official bodies. 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 if requirements are met:

The signed application form, which specifies the total net turnover in the last 3 financial years.

Minimum level(s) of standards required:

Financial capacity: accumulated total net turnover of at least EUR 10 000 000 in the last 3 financial years.

Temporary groupings may add the turnover of the grouping members.

III.2.3) **Technical capacity:**

Information and formalities necessary for evaluating if requirements are met:

The signed application form, which specifies the requested evidence as regards the minimal level(s) of standards required.

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

Minimum level(s) of standards required:

— execution of at least 2 building construction projects ('Hochbauprojekte') in the area of project supervision/ construction management (as specified under item II.2.1) with construction costs ('Herstellkosten', cost group

300–500 acc. to DIN 276) of at least EUR 150 000 000, within the past 10 years. At least 1 project must have been completed during this period (proof of overall acceptance date),
— at least 1 completed building construction project ('Hochbauprojekt') applying the German Construction Contract Procedures ('Vergabe- und Vertragsordnung für Bauleistungen' (VOB)), parts B and C, in the area of project supervision/construction management (as specified under item II.2.1) with construction costs (('Herstellkosten', cost group 300–500 acc. to DIN 276) of at least EUR 50 000 000, within the past 10 years (proof of overall acceptance date),
— capability for provision of a construction supervisor ('Bauleiter') according to the Hessian Building Regulations (Hessische Bauordnung).

III.2.4) **Reserved contracts:**

No.

III.3) **Conditions specific to service contract**

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.

Details will be provided in the ITT.

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 minimum number: 5.

Criteria for selecting the operators who will be invited to tender:

— experience of the candidate in the area of project supervision/construction management (as specified under item II.2.1) in comparable, complex construction projects regarding (i) geometry ('Geometrie'), (ii) building engineering ('Bautechnik'), and (iii) building services ('Technische Gebäudeausrüstung'); to be evidenced on the basis of up to 5 reference projects carried out in the last 10 years, including a presentation of the respective internal project organisation (organisational chart) (weighting: 50 %),

— number of staff working in the area of project supervision/construction management (as specified under item II.2.1) (weighting: 20 %),

— experience in the area of project supervision/construction management (as specified under item II.2.1) in public construction projects; to be evidenced on the basis of up to 5 reference projects carried out in the past 10 years (weighting: 10 %),

— experience in drawing management (weighting: 10 %),

— compliance with health and safety regulations in reference projects (weighting: 5 %),

— quality-management system (weighting: 5 %).

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

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

Yes.

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated.

IV.2) **Award criteria**

IV.2.1) **Award criteria:**

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

1. financial terms; weighting: 60 %.
2. quality of services; weighting: 35 %.
3. contract terms; 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:**

T109 Construction Manager.

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: 23.1.2009 (12:00), CET.
Payable documents: no.

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

27.1.2009 (12:00), CET.

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

3.3.2009.

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

English, German.

Other: applications shall be submitted in English, information on reference projects and relating information may be submitted in English or German. External documents like 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:**

27.1.2009.

Place: at the address in I.1 above.

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 Community funds:**

No.

VI.3) **Additional information:**

Applicable rules:

the tender procedure is conducted in accordance with the ECB procurement rules (ECB decision of 3.7.2007 laying down the Rules on Procurement), published in the Official Journal under OJ L 184/34, 14.7.2007 and on the ECB's website (<http://www.ecb.int/ecb/proc/tenders/html/index.en.html>).

Questions:

any questions to the ECB should be submitted exclusively via the tender forum (see I.1 above).

Subcontracting:

candidates may rely on the capacities of other entities as subcontractors, in particular with regard to the technical capacity (see III.2.3), regardless of the legal nature of the links which they have with them. The candidate must prove that it will have at its disposal the resources necessary, for example, by producing an undertaking by those entities to that effect.

The use of subcontractors does not modify the candidate's responsibility and liability for due performance of all obligations under the works contract. The ECB reserves the right to refuse any subcontractor for valid reasons taking into account the principles of transparency, equal access, publicity and equal treatment. The replacement of a major subcontractor and the subcontracting of additional major works will require the ECB's prior approval. Companies that submit sole applications and, at the same time, appear as subcontractors to another candidate, and companies that appear as subcontractor to several candidates, will in principle not be excluded from the tender procedure. In either case, the ECB will request all companies affected to evidence that the participation does not have a detrimental effect on competition. They must in particular 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 an exclusion 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 candidates from the tender 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 the tender procedure as a whole or in parts. The decision will take into account the principles of transparency, equal access, publicity and equal treatment.

Liability and compensation:

the ECB is not liable for any costs nor shall 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:**

European Central Bank — Procurement Review Body, Kaiserstraße 29, D-60311 Frankfurt-on-Main. Tel. (49-69) 13 44-0 (switchboard). Fax (49-69) 13 44-6000. E-mail: procurement@ecb.int. URL: www.ecb.int.

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

Precise information on deadline(s) for lodging appeals:

15 calendar days from receipt of the notification to unsuccessful bidders.

Further requirements are outlined in Article 33 of the ECB procurement rules (see VI.3 above).

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

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

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

16.12.2008.