

Tender Specifications attached to the Invitation to tender

Invitation to tender N° SRB/NEG/06/2015 for the provision of scanning and printing services & related services and accessories

SUMMARY

Awarding authority	The Single Resolution Board hereinafter referred to as "SRB".
Purpose	The objectives of this tender the signature of a Framework Contract for the provision of scanning and printing services (rental) including a "Follow-me printing" and a "Secure Print" system. The services include installation, maintenance, support, reporting and delivery of consumables.
Lots	n/a
Volume (indicative)	60,000 Euro excluding VAT. It should be stressed that this framework contracts involve no direct commitment and, in particular, do not constitute orders per se. Instead, they lay down the legal, financial, technical and administrative provisions governing the relationship between the SRB and the contractor during their period of validity. The information on volume is purely indicative. The total of the contract will ultimately depend on the orders the SRB will place through orders forms.
Contracts	The SRB will sign a framework service contract with the successful tenderer. A draft contract is included.
Submission of offers	Each tenderer can only submit <u>one</u> offer
Duration of framework contract	1 year.
Main places of delivery	Brussels.
Variants	Not permitted.

Joint offers	Permitted.
Subcontracting	Subcontracting is permitted to subcontractors proposed in the offers submitted in reply to the call for tenders. Additional subcontracting (either at the level of a Specific Contract or at the level of the Framework Contract) during the execution of the contract will only be possible after prior written authorisation from the SRB. Furthermore, additional levels of subcontracting (e.g. subcontracting of subcontracts) will not be allowed during the execution of the contract.
Eligibility for participation	Participation as tenderers in this tendering procedure shall be open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special bilateral agreement with the Union in the field of public procurement under the conditions laid down in that agreement.

1. Introduction

The Single Resolution Board (SRB) is the central decision-making body of the Single Resolution Mechanism (SRM) and the European resolution authority as part of the Banking Union. Its mission is to ensure that credit institutions and other entities within its remit, which face serious financial difficulties, can be resolved orderly and effectively with minimal costs to taxpayers and the real economy. The SRB is responsible for the preparation of resolution plans and, where required, will from 1 January 2016 carry out resolution activities for credit institutions under its remit. It is responsible for managing the Single Resolution Fund, which was established as a pool of money financed by the banking sector to be up in order to ensure that medium-term funding support is available in case a credit institution is restructured.

The Single Resolution Board is a self-financed independent agency of the European Union, which has its seat in Brussels, Belgium. It works in close cooperation with the national resolution authorities of participating Member States.

The SRM is a key part of the European Banking Union. It complements the Single Supervisory Mechanism (SSM), under which since November 2014, the European Central Bank (ECB) has direct supervisory powers over the significant banks in the Euro area and in other countries which decide to join the Banking Union.

Established by Regulation (EU) No 806/2014 on the Single Resolution Mechanism (SRM Regulation), the Single Resolution Board is operational since 1st January 2015 and has started work on developing resolution plans for credit institutions. It will be fully operational, with a complete set of resolution powers, as of 1 January 2016.

2. Objective, scope and description of the contract

2.1 Objective of the tender:

This negotiated procedure aims at concluding a framework contract with one company for the swift provision (rental) of scanning and printing solutions including a "Follow-me printing" and a "Secure Print" system, as well as related maintenance and intervention services.

The eligibility, evaluation and award criteria are explained in detail within these specifications.

Tenderers are therefore advised to read attentively all of these specifications. To be successful, it is of crucial importance that tenders conform to the required structure,

respond fully and clearly to the information requested, and respect the administrative rules governing the submission.

2.2 Scope of the work:

The SRB is currently hosted in temporary premises in Brussels. The SRB should move in its final premises end of 1st quarter/2nd quarter 2016. The constant growth in staff increases the printing and scanning needs. However, the solution that is currently available to the SRB cannot immediately satisfy the SRB technical scanning and printing needs.

Thus, the SRB is looking for a qualified firm that shall provide, within a short timeframe, (delivery and implementation of the solution (equipment and software) required in less than 10 days after signature of the related order form) scanning and printing services including a "Follow-me printing" and a "Secure Print" system, as well as the delivery and related maintenance services. The contractor will offer the rental material according to predefined prices, to cover the needs of 50 to 85 persons.

2.3 Description:

This framework contract is covering the rental of printing and scanning equipment including (please refer to Annex 1 for the technical specifications):

- The rental, delivery of miscellaneous printing & scanning equipment, associated software and services;
- Set up and installation on-site (Brussels, European area), dismantling, associated services for the rented equipment (maintenance, normal & critical intervention services);
- Warranty service covering all the equipment rented under this contract;
- The rental and installation of a printing management system (as above mentioned)

Current context:

- Location where the installation will initially be made : Rue du Commerce 123, 1000 Bruxelles
- 75 users located on two floors.
- User's equipment: Laptop running windows 7
- Tokens used to establish secure connection via a VPN client to the European Commission network.

- Available on-site: Public IP address, data room to host servers

The equipment to be rented under this contract represents the core architecture of the printing and scanning installations needed by the time of writing of the present specifications. This equipment is chosen by the SRB for compliance reasons with known needs of the staff and is listed in Appendix 2: "Price List".

The tenderer must provide a price for each item of the list. The prices mentioned in this price list will serve as basis for the case study to be used for the price criterion of the award phase of the contract. The prices for the items on the list should include the price for the cartridge and cost for the staples.

However, on request of the SRB, the tenderer will have to provide price quotation for any requested equipment (and associated software and services) that would not be on this list.

As regards the maintenance and intervention services, the tenderer will have to provide a price per hour for the critical intervention services (intervention on site in less than 1 hour).

Regarding normal intervention and maintenance (intervention on site in less than 4 hours), tenderers will not be providing a price as this cost will be included in the monthly rental price of the rented devices.

At the end of the rental period, the tenderer will have to provide a detailed erasure report including hardware asset management information.

Regarding the procedure for the 'out of list' equipment, the Contractor shall reply within 5 days upon reception of the request for offer.

3. Contract management responsible body.

The Single Resolution Board in charge of Corporate Services will be responsible for managing the contract.

4. Place of performance

At the SRB's premises, in Brussels.

5. Duration and Timetable

5.1 Duration

The estimated date for signature of the contract is end of November 2015 and the duration of the Framework Contract is of 1 year as of the date of its signature.

5.2 Timetable

The below timetable is indicative and in no way binding on the SRB.

Activity	Date	Comments
Launching of tender	12/11/2015	
Site visit	n/a	
Deadline for requesting clarifications	18/11/2015	
Deadline for submission of offers	23/11/2015	12:00 Brussels time
Opening session	n/a	
Evaluation of offers	1 day	Estimated
Signature of Contract	End of November	Estimated

6. Estimated Value of the Contract

The maximum budget available for this contract is 60,000 Euro excluding VAT.

7. Terms of payment

Payment will be made in accordance with the provisions of the draft Framework contract under the call to tender SRB/NEG/06/2015, in annex of this invitation.

8. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft Framework Contract. The Framework Contract will be implemented through Order Forms that may be issued over the period of validity of the Framework Contract. The order will describe in detail the particular tasks and services needed as well as the duration of their performance.

SRB may, before the contract is signed, either abandon the procurement or cancel the award procedure without the tenderers being entitled to claim any compensation.

Tenderers are expected to examine carefully and respect all instructions and standard formats contained in these specifications and the invitation to tender. An offer which does not contain all the required information and documentation may be rejected.

9. Juridical form of the tenderer

Participation in tendering procedures is open in equal terms to all natural and legal persons, as well as to consortia and group of service providers.

The members of any consortium or group of service providers must designate from among their members a lead operator who will be the SRB's only interlocutor and will have sole legal and financial liability vis-à-vis the contracting authority. Tenders submitted by consortia or groups of service providers must specify the role, the title and the experience of each member of the group.

10. Legal form to be taken by consortia or groups of service providers to whom the contract is awarded (if applicable)

Companies or economic operators can consider two ways of collaborating in a tender: either as joint partners or through subcontracting. Tenders may even combine both approaches.

In any case, the tenderers must clearly specify whether each company involved is acting as a partner in a joint tender, or as a subcontractor (this also applies where the companies involved belong to the same group or where one is the parent company of the others).

Tenderers may, after forming a group or consortium, submit a joint tender on conditions it complies with the rules of competition.

Tenders involving consortia will be assessed as follows:

- the exclusion criteria will be assessed in relation to the tendering group as a whole;
- the selection criteria for economic and financial capacity and for technical and professional capacity as well as the award criteria will be assessed in relation to the tendering group as a whole.

All specific information to be provided if the tender is introduced by a consortium or grouping is listed in Annex 7 to the invitation to tender. Please fill in the form carefully and provide all requested documents and information for the group coordinator and for each of the group members.

Groups of tenderers must be aware that, if they will be awarded the contract, the Commission will require that the proposed association takes a formal status before the contract is signed.

This can take the form of:

- an entity without legal personality but offering sufficient protection of the Commission's contractual interests (this may be, for example, a consortium or a temporary association); or
- the signature by all the partners of a “power of attorney” based on the annexed model, which provides for a form of cooperation.

11. Subcontracting

Subcontracting is defined as the situation where a contractor, in order to carry out a specific contract, enters into legal commitments with other legal entities for performing part of the required services. For the purpose of this contract, rental of items from external manufacturers is however not considered as sub-contracting. Only subcontracting of the performance of services such as technical maintenance and critical interventions require prior authorisation from the SRB.

The contracting authority has no direct legal commitment with the subcontractor(s). However subcontracting must be approved by the Commission at the moment it accepts the contractor's tender or, if proposed by the contractor after the framework contract signature, by a formal approval of the contracting authority prior to signature of the specific contract.

At the level of liability towards the contracting authorities for tasks provided for in a specific contract, which may be entrusted to subcontractors, the lead contractor will remain fully responsible for the delivery of all services and goods under contract.

Once the framework contract has been signed, its Article II.6 shall govern the subcontracting.

If subcontracting is included, the bid must include the following documents:

- a document stating clearly the roles, activities, reporting lines and responsibilities of the subcontractor(s) and specifying the volume/proportion for each subcontractor;
- a letter of intent by each subcontractor stating its intention to collaborate with the lead contractor.

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and when applicable on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria¹. The exclusion criteria will be assessed in relation to each

¹ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.

12. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the SRB is English. Bids must include an English version of the documents requested under point 15.5 of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate in his offer by completion of the form – Information regarding joint offers and subcontracting.

The tender must be presented as follows and must include:

Signed cover letter indicating the name and position of the person authorised to sign the contract/Purchase Order and the bank account on which payments are to be made.

Financial Form completed, signed and stamped;

Legal Entity Form completed, signed and stamped and requested accompanying documentation.

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent either to SRB or any EU Institution previously. In this case the tenderer should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

Part A: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **10, 11, 12, 15.2 and 15.3** of these specifications (**Exclusion criteria**)

Part B: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point **15.4** of these specifications;

Part C: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Technical and professional capacity** (part of the Selection Criteria) set out under point **15.5** of these specifications.

Part D: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point **16** of these specifications;

Part E: setting out **prices** in accordance with **point 13** of these specifications.

13. Price

- Price must be quoted inclusive of all costs involved in the performance of the contract (e.g. to include delivery, installation, dismantling, assistance and technical support to the rented equipment, warranty, etc...). Please complete Annex 1 – Appendix 2.
- No expenses incurred in the performance of the services will be reimbursed separately by SRB.
- Prices must be fixed amounts and non revisable.
- Prices must be quoted in euro.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union and Article 151(1)(aa) of Directive 2006/12/EC, SRB is exempt from all duties, taxes and other charges, including VAT. This applies to SRB pursuant to the Regulation (EU) 806/2014. These duties, taxes and other charges can therefore not enter into the calculation included in the bid. The amount of VAT must be shown separately.

14. Joint Offer

Groupings, irrespective of their Procurement form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

15. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic, financial, technical and professional capacity required

15.1. Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form**.

15.2.Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, tenderers must not be in any of the following exclusion grounds (please refer to Annex 2):

1.

- (a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- (b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
- (c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - (ii) entering into agreement with other persons with the aim of distorting competition;
 - (iii) violating intellectual property rights;
 - (iv) attempting to influence the decision-making process of the contracting authority during the award procedure;
 - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- (d) it has been established by a final judgement that the person is guilty of any of the following:
 - (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
 - (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU

Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;

(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;

(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;

(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;

- (e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- (f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;

2. declares whether a natural person with power of representation, decision-making or control (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) over the above-mentioned legal person is in one of the following situations or not:

Situation (c) above (grave professional misconduct)

Situation (d) above (fraud, corruption or other criminal offence)

Situation (e) above (significant deficiencies in performance of a contract)

Situation (f) above (irregularity)

3. declares whether a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations or not:

Situation (a) above (bankruptcy)

Situation (b) above (breach in payment of taxes or social security)

4. declares that the above-mentioned person:

- (g) has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;
- (h) has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;

5. acknowledges that the above-mentioned person may be subject to rejection from this procedure and to administrative sanctions if any of the declarations or information provided prove to be false.

6. declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications:

- (a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract;
- (b) It fulfills the applicable economic and financial criteria of the tender specifications;
- (c) It fulfills the applicable technical and professional criteria of the tender specifications.

7. declares that the above-mentioned person will be able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

15.3.Evidence to be provided by the tenderers

For this purpose the Declaration on Honour shall be completed and signed.

15.4. Economic and financial capacity – Selection criteria

Requirements:

- The tenderer must be in stable financial position and the economic and financial capacity to perform the contract

Evidence:

Proof of economic and financial capacity shall be furnished by the following documents:

- Annual financial statements for the last two years for which accounts have been closed.
- Statement of overall turnover and turnover relating to the relevant services for the last two financial years.

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

15.5. Technical and professional capacity – Selection criteria

Tenderers are required to prove that they have sufficient technical and professional capacity to perform the contract.

Requirements:

- Organisational structure to ensure the quality of supplies and services covered by the contract
- Capacity for installation operations in particular regarding the know-how, efficiency, experience and reliability
- Reference to similar projects
- Indication of the average annual manpower and a number of managerial staff of the tenderer in the range of the scope of the contract; including the proportion of the contract which the service provider may intend to subcontract;
- Logistical capacity

Evidence:

Tenderers are required to prove that they have sufficient technical and professional capacity to perform the contract. To that end the following documents or information shall be presented as evidence of compliance with respect to the technical and professional capacity criteria:

- 1) Organisational structure to allow the delivery of the required supplies and services
- 2) Professional references held by the tenderer and relevant subcontractors;
- 3) A list of similar contracts delivered in the past three years (minimum 3 contracts, value: min 15.000€.)

16. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of price.

The contract will be automatically awarded to the tenderer who submits the lowest financial offer.

Price will be calculated with regards to the following scenario:

Total Price offer (for the purpose of calculation of award criterion, please refer to Annex 2) = $(Nr1*3+Nr2*1+Nr3*3+Nr4*1+Nr5*1+Nr6*1)$

Please note that this simulation is not in any case a commitment of the SRB as regards the amount of flexible support it may require during the course of the Framework Contract.

17. Contracts will not be awarded to tenderers who during the procurement procedure:

- (a) are subject to a conflict of interest
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

18. False declarations

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 12 and 13 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

17. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.

If the results are not fully created for the purpose of the contract this should be clearly pointed out by the tenderer in the tender. Information should be provided about the scope of pre-existing rights, their source and when and how the rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.

18. Negotiations

Once the bid has been evaluated with respect to the exclusion, selection and award criteria stated in the Tender Specifications, the SRB may negotiate the bid to adapt it to the requirements set out in the specifications. Please note that the negotiations may cover both the technical and the financial aspects of the tender, but may not concern the minimum (compulsory) technical or administrative specifications outlined in the tender documents. The negotiations shall be conducted formally in writing, more informally on the basis of an exchange of postal or electronic correspondence or orally.

Once the negotiation phase is completed, the tenderers(s) shall submit a modified offer, taking into account any amendment agreed upon by both parties, within a time limit specified by the SRB. The final evaluation will then take place and the Framework Service Contract will be awarded to the candidate which offers the lowest price, as described under Section 16 above.

Annexes:

Annex 1: Compliance and Price Lists

Annex 2: Declaration on honour

Annex 3: Framework contract template (I, II and III)

Annex 4: Financial identification form

Annex 5: Legal identification form

Annex 6: Tenderers Checklist

Annex 7: Statement of Subcontracting / Joint Offer

Annex 8: Guidebook for tenderers

Annex 9: Guidelines for the preparation of invoices