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France-Valenciennes: ERA 2016 02 OP 'Provision of legal services in the field of preparation and implementation of the Agency's new tasks envisaged after the adoption of the European Commission legislative proposal "4th railway package — technical pillar"'
2016/S 026-041158

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

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

European Railway Agency

120 rue Marc Lefrancq

For the attention of: Procurement

59300 Valenciennes

France

Telephone: +33 327096500

E-mail: procurement@era.europa.eu

Internet address(es):

General address of the contracting authority: <http://www.era.europa.eu/The-Agency/Procurement/Pages/Procedures-over-60000.aspx>

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

Other: Railways.

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:

ERA 2016 02 OP 'Provision of legal services in the field of preparation and implementation of the Agency's new tasks envisaged after the adoption of the European Commission legislative proposal "4th railway package — technical pillar"'.

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

Services

Service category No 21: Legal services

Main site or location of works, place of delivery or of performance: At the contractor's premises and at ERA.

NUTS code

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

The notice involves the establishment of a framework agreement

II.1.4) Information on framework agreement

Framework agreement with several operators

maximum number of participants to the framework agreement envisaged: 3

Duration of the framework agreement

Duration in years: 2

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT: 60 000 EUR

II.1.5) Short description of the contract or purchase(s)

Legal analysis under EU law of specific aspects related to the implementation of the Agency's new tasks envisaged after the adoption of the European Commission legislative proposal '4th railway package' http://ec.europa.eu/transport/modes/rail/packages/2013_en.htm

II.1.6) Common procurement vocabulary (CPV)

79100000

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

The contract is covered by the Government Procurement Agreement (GPA): no

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 initial maximum value of the contract is 60 000 EUR, but in case the use of FWC is faster than initially assumed or additional similar services are required, provided that these do not account for more than 50 % of the initial contract value, the Agency, in compliance with Article 114a(3)(a) of the Financial Regulation, reserves the right to modify the FWC.

II.2.2) Information about options

Options: no

II.2.3) Information about renewals

This contract is subject to renewal: yes

Number of possible renewals: 1

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:
in months: 12 (from the award of the contract)

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

Duration in months: 24 (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:

None.

- III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:**
See tender.
- III.1.3) **Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**
See tender.
- III.1.4) **Other particular conditions**
- 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: See tender.
- III.2.2) **Economic and financial ability**
Information and formalities necessary for evaluating if the requirements are met: Not applicable.
- III.2.3) **Technical capacity**
Information and formalities necessary for evaluating if the requirements are met:
1. Proof of authorisation to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.
2. List of at least 3 relevant services similar to the tasks envisaged under the present specifications in the field of legal analysis in regulated sectors provided in the past 3 years with:
a) brief description of the services rendered and how they would be relevant to the ones envisaged in this document; and
b) dates and recipients, public or private, with at least 1 service valued at a minimum of 15 000 EUR.
3. The tenderer must have proven experience in all the following:
a) legal analysis and advice on issues of legal liability in an international or EU context and drafting reports and recommendations;
b) legal analysis and advice on issues regarding the functioning of judiciary bodies and drafting opinions and recommendations.
- III.2.4) **Information about reserved contracts**
- III.3) **Conditions specific to services contracts**
- III.3.1) **Information about a particular profession**
- 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 below

1. Technical criteria. Weighting 70

2. Price. Weighting 30

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:

ERA 2016 02 OP.

IV.3.2) Previous publication(s) concerning the same contract

Prior information notice

Notice number in the OJEU: [2015/S 243-440493](#) of 16.12.2015

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: 9.3.2016 - 12:30

Payable documents: no

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

9.3.2016 - 12:30

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

in days: 180 (from the date stated for receipt of tender)

IV.3.8) Conditions for opening of tenders

Date: 16.3.2016 - 14:00

Place:

at ERA HQ.

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

Additional information about authorised persons and opening procedure: 1 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

VI.4) Procedures for appeal

VI.4.1) Body responsible for appeal procedures

VI.4.2) Lodging of appeals

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

VI.5) Date of dispatch of this notice:

27.1.2016