



European School Mol
Europawijk 100
2400 Mol

**OPEN TENDER N° 2024_02 ESMOL
“PAINTING, RENOVATION AND REPAIR WORKS”**

Award Method: **Best Value for Money**
Contracting Authority: **European School of Mol**
Type of Contract: **Framework Contract**
Estimated Value: **550.000,00€ (whole duration of 4 years)**

TENDER SPECIFICATIONS

Part 1
Administrative specifications

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This procurement is launched and managed by the European School of Mol, referred to as the Contracting authority for the purposes of this call for tender.

1.2. Subject: what is this procurement about?

The subject of this call for tender is to carry out the works of:

- Painting surfaces (interior and exterior),
- plastering and wall or ceiling putty,
- wood care (sanding, polishing, varnishing),
- flooring (rubber floor, linoleum, screed flooring, buffing of floors, etc.)
- wallpapering,
- Rubber or epoxy painting,
- small renovations and repairs services.

in the European School of Mol (ESMOL), located in Europawijk 100, 2400 Mol (Belgium)

1.3. Lots: is this procurement divided into lots?

This call for tender is not divided into lots due to unity of execution of the works (painting, renovations and repairs).

1.4. Technical description: what do we want to buy through this procurement (minimum technical specifications)?

The supplies and services that are the subject of this call for tender, including any minimum requirements, are described in detail below.

1.4.1. Background

This tender is launched to procure painting, renovation and maintenance works to the school building's classrooms, office spaces and common and outdoor areas.

1.4.2. Technical requirements

It is described in the technical specifications document (Tender specifications – part 2).

1.4.3. Variants: Are variants allowed?

Variants (alternatives to the model solution described in the Tender Specifications) are not allowed. The *Contracting authority* will disregard any variants described in a tender.

1.4.4. Options: Are additional optional services requested?

No option is requested. The *Contracting authority* will disregard any option proposed in a tender.

1.5. Place of performance: where will the contract be performed?

The services will be delivered at the European School Mol, Europawijk 100, 2400 Mol, Belgium

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of a single framework contract.

A framework contract establishes a mechanism for future repetitive purchases by the *Contracting authority* to be awarded in the form of specific contracts or purchase order. The signature of a

framework contract does not impose an obligation on the *Contracting authority* to conclude specific contracts or purchase order in accordance with the framework contract.

The framework contract will be concluded with one contractor. Specific contracts or purchase order shall be written on the basis of the terms laid down in the framework contract, refined or, in duly justified circumstances, supplemented to reflect the particular circumstances of the specific contract. The details are set out in Article I.4.3 of the Draft framework contract.]

□ Tenderers need to take full account of the provisions of the Draft contract as the latter will define and govern the contractual relationship(s) to be established between the *Contracting authority* and the successful tenderer(s). Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

By submitting a tender, the tenderer also accepts all the terms and conditions set out in the draft contract annexed to these specifications. The successful tenderer of the contract may no longer request an adaptation of any clause whatsoever.

1.7. Volume and value of the contract: how much do we plan to buy?

An indicative estimate of the volumes to be ordered over the whole duration of the framework contract is given in the financial model in **Annex 4**. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities which the *Contracting authority* will order through specific orders. In any case the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, shall not be exceeded.

Year	Amount (Tax Free)
2024	137.500,00 €
2025	137.500,00 €
2026	137.500,00 €
2027	137.500,00 €
TOTAL	550.000,00 €

The *framework contract ceiling* is indicated in Heading II.2.6 of the contract notice.

The contract shall automatically terminate if this maximum amount is reached, without notice or compensation, unless an addendum has been previously signed by both parties.

If the total amount is reached for a lot, no more orders may be placed under the said lot, without notice or compensation, unless an addendum has been previously signed by both parties.

Within three years following the signature of the framework contract(s) resulting from the current procurement, the *Contracting authority* may use the negotiated procedure under point 11.1.e of Annex 1 to [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)¹ to procure new works from the contractor(s) up to a maximum of 50 % of the initial *framework contract ceiling*. These works will consist in the repetition of similar works entrusted to the contractor(s) and will be awarded under the following conditions: lower price and quality of materials.

1.8. Duration of the contract: how long do we plan to use the contract?

The contract resulting from the award of this procurement will be concluded for **12 months** tacitly **renewable 3 times for successive periods of 12 months**, i.e. **48 months maximum**, unless one of the parties receives formal notification to the contrary at least three months before the end of the current duration or until the initial estimate of the value of the contract will be fulfilled. The details of the initial contract duration and possible renewals are set out in the Draft contract.

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This procurement is governed by the provisions of:

- [the Financial regulation of the European Schools](#) and
- [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#) (the Financial Regulation)¹.

The *Contracting authority* has chosen to award the contract resulting from this procurement through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Rules on access to procurement: who may submit a tender?

Participation in this procurement is open on equal terms to all natural and legal persons established in the European Union.

To enable the *Contracting authority* to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) in **Annex 1.1** and must present the supporting evidence normally acceptable under the law of that country/-ies if so requested by the contracting Authority. The same document(s) could be used to prove country/-ies of establishment and the delegation(s) of the authorisation to sign as described in **Section 4.3**.

2.3. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole tenderer or as a group of tenderers. In either case subcontracting is permitted.

In order to fulfil the selection criteria, set out in **Section 3.2** the tenderer can rely on the capacities of subcontractors or other entities (not subcontractors).

The role of each entity involved in a tender (hereafter referred to as *involved entity*) must be clearly specified: sole tenderer, member of a group or Group leader, subcontractor or an entity on whose capacities the tenderer relies to fulfil the selection criteria². This applies also where the *involved entities* belong to the same economic group.

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

² Such an entity is not considered a subcontractor, see Section 2.4.3.

2.3.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them. The group as a whole is considered a tenderer³.

All members of the group assume joint and several liability towards the *Contracting authority* for the performance of the contract as a whole.

Group members must appoint a *Group leader* and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contact signature. The model power of attorney attached in **Annex 1.2** is to be used.

The joint tender must clearly indicate the role and tasks of each member and of the *Group leader* who will act as the *Contracting authority's* contact point for the contract's administrative or financial aspects and operational management. The *Group leader* will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the *Contracting authority* shall sign the contract with the Group leader, authorized by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in **Annex 1.2**.

Changes in the composition of the group during the procurement procedure (after the submission deadline and before contract signature) shall lead to rejection of the tender except in case of a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see **Section 2.2**) and is not in an exclusion situation, (see **Section 3.1**).

In any case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the former entity must be taken over by the new entity member of the group, the change must not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

2.3.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the *Contracting authority* for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).

³ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”) to perform substantially the same tasks as the staff with employment contract (“employees”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tender (see **Section 1.4**).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the *Technical specifications* expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 1.3** and signed by its authorised representative.

By filling in the form available in **Annex 1.3**, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under **Section 3.2**;
- whose individual share of the contract, known at the time of submission, is above **10%**.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the *Contracting authority* subject to the following verifications:

- any new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the *Contracting authority* and resulted in a signed contract, is considered authorised.

2.3.3. Entities on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in ***Annex 1.4***, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity, the *Contracting authority* may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

Regarding technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required (i.e. the latter will assume the role of subcontractors).

☐ Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (see **Section 2.2**);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and signed by duly authorised representative(-s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements defined in the Tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The *Contracting authority* will evaluate the abovementioned elements in the order that it considers to be the most appropriate. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the *Contracting authority* during the procedure.

For the purposes of the evaluation related to exclusion and selection criteria the *Contracting authority* may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

As evidence of non-exclusion each tenderer needs to submit with its tender a Declaration on Honour in the model available in **Annex 2**. The declaration must be signed by an authorised representative of the entity providing the declaration.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations. The documents mentioned as supporting evidence in the Declaration on Honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the Contracting authority⁴.

The exclusion criteria apply individually to each member of the grouping and/or to each identified subcontractor.

⁴ The obligation to provide the supporting evidence will be waived in the following situations:

- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this procurement, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected. When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the procurement. The model Declaration on Honour available in ***Annex 2*** shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The selection criteria are applicable to all the members of the grouping and/or the subcontractors identified (combined capacity of all the members and/or of the subcontractors identified).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure⁵. In any case, to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the Contracting authority.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2.1. Legal and regulatory capacity

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the works subject to this procurement.

The legal and regulatory capacity shall be proven by a Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment

☐ All of the above specified evidence of legal and regulatory capacity must be provided with the tender.

⁵ The obligation to provide the supporting evidence will be waived in the following situations if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F1	
Minimum level of capacity	Average yearly operating income (bruto margin) of <u>the last two financial years</u> above 110.000,00€⁶
Basis for assessment	This criterium applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
Evidence	Copy of the profit and loss accounts and balance sheet for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

☐ All of the above specified evidence of economic and financial capacity must be provided with the tender.

3.2.3. Technical and professional capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Criterion T1	
The tenderer must prove experience in the field of painting and renovations works in public building (schools, universities, hospitals, etc.) or private companies (offices), but not for residential projects.	
Minimum level of capacity	<u>At least 3 similar (in scope and complexity) projects completed</u> in the last <u>three years preceding</u> the tender submission deadline, with a minimum value <u>in total</u> of them 137.500,00€⁷
Basis for assessment	This criterium applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration. As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.

⁶ 20% of the estimated value of this contract.

⁷ 25% of the estimated value of this contract.

Criterion T2	
The tenderer must prove that have a minimum of 4 workers on the company's staff , with whom it can carry out the works entrusted for this current tender.	
Evidence	They must provide a report issued by the competent authorities, indicating the number of active workers in the company, at the time of submitting the offer.

Criterion T3	
The tenderer must justify that it is well covered by an insurance policy of risks.	
Minimum level of solvency	Tenderers undertake to take out: • Operating Civil Liability insurance for a minimum amount of 200.000,00€ per claim covering bodily injury, material and immaterial damage combined. • Post-Delivery RC insurance for a minimum amount of 200.000,00€ per claim and per year of insurance covering bodily injury, material and immaterial damage combined. Tenderers undertake to renew or extend this insurance contract throughout the performance of this contract. They will provide proof of coverage annually.
Evidence	When submitting the offer: Commitment to take out insurance in the event of award of the contract. When signing the contract: A copy of the civil liability and professional risk insurance and the mention of the insured amounts.

☐ All of the above specified evidence of technical and professional capacity must be provided with the tender.

Please note that a request for evidence in no way implies that the tenderer has been successful.

☐ Involved entities must not be subject to conflicting interests which may negatively affect the contract performance. Where the *Contracting authority* has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (***Annex 1.2***).

3.3. Compliance with the minimum requirements of the Tender specifications

By submitting a tender, a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender. Particular attention is drawn to the minimum requirements specified in the Technical specifications document (Tender specifications – part 2 and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation,

collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any limitations, conditions, or reservations on the part of a tenderer.

☐ **Tenders that are not compliant with the applicable minimum requirements shall be rejected due to irregularity.**

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

Cr.	Description	Weight
1	<u>Price</u> To determine the evaluation of the Economic Offer, the following formula will be applied: 1.1. PAINTING OF INTERIOR. (rooms and toilets, common areas, common areas services, corridors, ceilings, etc.), scraping, repair of chipping with top quality filler, sanding and paint finish, two coats and with quality paint.): maximum 23,00 points $Score = 23,00 \text{ points} \times \left(\frac{Best \ Offer}{Offer \ considered} \right)$ 1.2. RENOVATIONS AND REPAIRS. Price per renovations working hour (excl. materials). maximum 15,00 points $Score = 15,00 \text{ points} \times \left(\frac{Best \ Offer}{Offer \ considered} \right)$ 1.3. WINDOW AND DOOR FRAMES. Painting of latticework in corridors or rooms. maximum 11,00 points $Score = 11,00 \text{ points} \times \left(\frac{Best \ Offer}{Offer \ considered} \right)$ 1.4. RADIATORS. Painting of metal radiators with special paint resistant to different thermal conditions. maximum 11,00 points $Score = 11,00 \text{ points} \times \left(\frac{Best \ Offer}{Offer \ considered} \right)$ 1.5. DOORS. Painting of doors, repair of the wood and sanding. maximum 10,00 points $Score = 10,00 \text{ points} \times \left(\frac{Best \ Offer}{Offer \ considered} \right)$	96%

	1.6. PAINTING OF EXTERIOR SURFACES (facades), scraping of areas in poor condition, repair of chipping with top quality filler, sanding and paint finish, two coats and with quality paint. maximum 9,00 points $\text{Score} = 9,00 \text{ points} \times \left(\frac{\text{Best Offer}}{\text{Offer considered}} \right)$ 1.7. BEAMS AND OUTDOOR FURNITURE. Exterior painting on ironwork and scraping of areas in poor condition, repair of chipping, sanding and finishing painting, two coats and with quality anti-rust paint. maximum 9,00 points $\text{Score} = 9,00 \text{ points} \times \left(\frac{\text{Best Offer}}{\text{Offer considered}} \right)$ 1.8. FURNITURE. Painting of furniture (tables, cabinets, etc.). maximum 7,00 points $\text{Score} = 7,00 \text{ points} \times \left(\frac{\text{Best Offer}}{\text{Offer considered}} \right)$ The Best Offer will be the cheapest. The maximum points will be the maximum score awarded in this section for the economic offer. The offer with the best prices receives the maximum score. Those offers that exceed the maximum of the budget for the framework contract will be excluded. Prices should be inclusive of all costs incurred by the tenderer such as paint, work tools and products, packaging, transportation, administration, labour costs, etc., with the exception of renovation works (1.2), which have to be quoted upon request for approval of the School (The supplier must describe the cost of the work hours, provide the invoice for the cost of materials and apply a reasonable percentage of the internal management costs (delivery, transportation, etc.))	
2	<u>Guarantee of works.</u> The tenderer provides a description of the warranty and after-care provided. The extension of the warranty term will be valued over the minimum established in the specifications on quality of the works (Minimum 12 months). (After the completion date of the works: no paint peeling, cracking, etc.). For issues not attributable to the bidder and in view of effective use by the <i>Contracting Authority</i>. The offer with the best extension of warranty (in months or years) receives the maximum score. The following offers will be evaluated proportionally with the following formula: $\text{Score} = 4,00 \text{ points} \times \left(\frac{\text{Offer considered}}{\text{Best offer with widest warranty}} \right)$	4%

	* Those offering only 12 months warranty in total will not be scored in this section. Those offers that do not reach the minimum guarantee period of twelve months will be excluded.	
TOTAL AWARD CRITERIA		100 %

3.5. Abnormally low tenders

If the price proposed in the tender appears to be abnormally low (**Greater than 25% of the arithmetic average of all the offers received and accepted**), the Contracting authority may reject the tender under the conditions set out in point 23 of Annex 1.6 to the EU Financial Regulation.

3.6. Tie-breaking Criteria

The tie between several tenderer after applying the contract award criteria will be resolved by applying the following criteria in order:

1st. Lowest in painting interior (1.1.)

2nd: Lowest in the percentage for materials in renovation and repairs (1.2).

3.7. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

$$\text{Cr. 1} * (\text{weight } 96\%) + \text{Cr. 2} * (\text{weight } 4\%) + = \text{Total score}$$

The contract shall be awarded to the tender ranked first, which complies with the Tender Specifications and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling with the selection criteria.

4. FORM AND CONTENT OF THE TENDER.

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted according to the instructions laid down in the Invitation to tender letter.

☐ Make sure you prepare and submit your tender early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice. A tender received after this deadline will be automatically rejected due to irregularity.

4.2. Content of the tender: what documents to submit with the tender?

The tenderer will be required to furnish the following documentation (Contact details and project information to be presented):

Overview of Annexes

Annexes to the Descriptive Document and the Framework Agreement:	
1.1.	Specifications. Administrative. Part 1
1.2	Specifications. Technical Part 2
1.3.	General Conditions
1.4	Draft Framework Contract

Annexes to be submitted by the Tenderer:		File
2.1.	Annex A - Tenderer's Identification Form	1
2.2.	Annex B - Declaration on honour on exclusion criteria and selection criteria <u>Attachment:</u> Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment	1
2.3.	Annex C - Tender requirements: <u>Attachments:</u> 1. Copy of the profit and loss accounts and balance sheet for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. 2. Certificates of good execution issued by the promoter of the contract for painting and/or renovations works with a <u>lump sum amount equal to or greater than 137.500,00€</u> 3. A report issued by the competent authorities, indicating the number of active workers in the company, at the time of submitting the offer.	1
2.4.	Annex D - Technical offer.	2
2.5.	Annex E - Financial offer.	3

☐ The European schools are exempt from such charges. Exemption is granted to the European Schools by the governments of the Member States.
In Belgium, European schools are exempted through exemption No 450, Article 42, §3 paragraph 1st, 4^o of the VAT code.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written, a qualified electronic signature or an advanced electronic signature based on a qualified certificate as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

All documents requested must be signed by the tenderer's legal representative, i.e. a person duly authorised to represent the tenderer for this procurement and the signing of the contract.

If requested so by the contracting authority, the delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the *Contracting authority* has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the *Contracting authority* is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the *Contracting authority* or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. The *Contracting authority* may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such

information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets⁸.

- The *Contracting authority* may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure⁹, the *Contracting authority* may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

☐ The *Contracting authority* will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to clearly mark the information they consider confidential and explain why it may not be disclosed. The *Contracting authority* reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

⁸ For the definition of trade secrets please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

⁹ See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

5. PROCESSING OF PERSONAL DATA

Any personal data included in or relating to the TENDER, including its implementation, shall be processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons regarding the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. Such data shall be processed solely for the purposes of the monitoring of the tender by the data controller.

Tenderers or any other person whose personal data is processed by the data controller in relation to this contract has specific rights as a data subject under Regulation (EU) 2016/679, in particular the right to access, rectify or erase their personal data and the right to restrict or, where applicable, the right to object to processing or the right to data portability.

Should tenderers or any other person whose personal data is processed in relation to this contract have any queries concerning the processing of its personal data, it shall address itself to the data controller: The Director of the European School of Mol.

They may also address themselves to the Data Protection Officer of the data controller. They have the right to lodge a complaint at any time to the European Data Protection Supervisor. Details concerning the processing of personal data can be requested to the data controller.