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**OPEN TENDER N° 2023\_01**

**CONCESSION OF CRECHE  
AT THE EUROPEAN SCHOOL OF MOL**

**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 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 tenders is **CONCESSION OF CRECHE SERVICES AT THE EUROPEAN SCHOOL OF MOL**

### 1.3. Lots: is this procurement divided into lots?

This procurement is not divided into lots.

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

The concession of services that are the subject of this call for tender, including any minimum requirements, are described in detail in the document *Tender Specifications – part 2: Technical specifications*, hereafter referred to as *Technical specifications*.

#### 1.4.1. Background

The European School of Mol, needs the provision of specialized child care services for the infant creche, from 0 years old, located within the campus facilities. In this way, it is intended to offer a service that facilitates work-life balance of families belonging to the educational community, so that, during working hours, minors can be cared for in complete safety and preparing a future integration of children in the pedagogical school environment.

#### 1.4.2. Technical requirements

The technical specifications are described in 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 performed at the **European School of Mol, Europawijk, 100-2400 Mol (Anvers)- België-Belgium**

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

In direct contracts all the terms governing the provision of the services, supplies or works are defined at the outset. Once signed by both parties, they can be implemented directly without any further contract procedures

👉 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?

The estimated total amount of the entire service concession has been determined based on turnover figures from previous years. The amounts will not imply a commitment by the contracting authority, but will be determined by the operational risk and the commercial strategy of the contractor in the execution of the technical specifications (Tender specifications - part 2).

Within three years following the signature of the 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](#)<sup>1</sup> to procure new services from the contractor(s) up to a maximum of 50 % of the initial contract value. These services will consist in the repetition of similar services entrusted to the contractor(s) and will be awarded under the following conditions: prices and quality conditions.

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

The contract(s) resulting from the award of this procurement will be concluded for **3 years**, tacitly renewable 1 time for successive periods of 3 additional years, (i.e. **6 years maximum**). Unless one of the parties receives formal notification to the contrary **at least one academic year** before the end of the current duration.

The justification for determining such a period has been taken into account on the basis that if the maximum period for which a child may remain enrolled in the centre is 3 years (from 0 to 3 years), it has been considered that the pedagogical continuity in their education should not be interrupted for a shorter period.

Likewise, the total duration of up to a maximum of 6 years is due to the fact that, if the company awarded the contract has to invest in equipment, toys and furniture, etc., it can amortise these expenses within a reasonable period that allows the technical and economic viability of the contract in its entirety.

## 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)<sup>1</sup>.

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 criteria<sup>2</sup>. This applies also where the *involved entities* belong to the same economic group.

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<sup>1</sup> 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).

<sup>2</sup> 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 tenderer<sup>3</sup>.

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](#)).

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<sup>3</sup> 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 20 %.

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.

With regard to 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 authority<sup>4</sup>.

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<sup>4</sup> 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.

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

**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 procedure<sup>5</sup>. 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 services 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 Flanders (Belgium) under the regulation of Kind & Gezin** (<https://www.kindengezin.be/nl>)

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<sup>5</sup> 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.

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

### 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	
<b>Minimum level of capacity</b>	Average yearly turnover of <u>the last three (3) financial years</u> above <b>100.000,00€</b> .
<b>Basis for assessment</b>	This criterion 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.
<b>Evidence</b>	Copy of the profit and loss accounts and balance sheet <u>for the last two years</u> 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 creche services.	
<b>Minimum level of capacity</b>	<b><u>At least one similar</u></b> (in scope and complexity) projects completed <b><u>in the last three years</u></b> preceding the tender submission deadline, with a <b><u>minimum value in total of 100.000,00€</u></b>
<b>Basis for assessment</b>	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
<b>Evidence</b>	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.  <b>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</b>

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

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☞ 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 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:

CRITERIA	WEIGHT	EVALUATION SYSTEM
<b>C1: Technical proposition</b>	<b>20,00%</b>	Through the application of subjective value judgments, determined by the evaluation committee
<b>C2: Prices and Guaranties</b>	<b>80,00%</b>	Through the automatic application of mathematical formulas

C1.- TECHNICAL PROPOSITION:	WEIGHT: 20,00%
<p><b><u>Didactical program and educational projects, proposed activities, etc.</u></b></p> <p>Tenderers must propose an educational project with didactical methodologies adapted to the different ages of the children, activities. Those proposals that contribute the most to the values of the European Schools, will receive a higher score, with a maximum of 10,00 points.</p> <p>Maximum description: <b>15 pages</b>. Excess pages may not be evaluated.</p>	Max 10,00 points

<p><b><u>Technical team and professional experience:</u></b></p> <p>Tenderers must describe the technical team offered, which must correspond to the field of child care and creches services, in which the professional experience, knowledges, studies, languages, etc., of each of them will be described. Those with the best technical team and the most professional experience will obtain higher scores, with a maximum of 5,00 points.</p> <p>Maximum description: <b>5 pages</b>. Excess pages may not be evaluated.</p>	Max. 5,00 points
<p><b><u>Enrolment organization, internal communication with families:</u></b></p> <p>The best proposal on the system that will be used to manage admissions, pick-up, communication with families, incident resolution, etc., will be valued with a maximum of 5,00 points</p> <p>Maximum description: <b>5 pages</b>. Excess pages may not be evaluated.</p>	Max. 5,00 points

C2.- PRICES AND GUARANTIES:	WEIGHT: 80,00%
<p><b><u>Price per full day.<sup>6</sup></u></b></p> <p>Tenderers may offer a reduction on the price to be charged to parents per full day of service, without exceeding the maximum of 45,00€ per day. The offer with the lowest price will receive the maximum points and the rest of the offers will receive scores arithmetically by applying the following mathematical formula:</p> $\text{No. of points} = 45,00 \times (P_{\min}/P_i)$ <p>Being:  <math>P_{\min}</math>= the lowest bidder (in Euros).  <math>P_i</math>= The tenderer's offer (in Euros)</p> <p><i>The prices to be offered will be indicated in euros per day, in whole number format with a maximum of two decimal places (XX.XX€)</i>  <i>Prices without VAT were taken into account</i></p>	Max 45,00 points
<p><b><u>Price per half day (mornings)</u></b></p> <p>Bidders may offer a reduction on the price to be charged to parents per half day in the mornings of service, without exceeding the maximum of 30,00€ per day. The offer with the lowest price will receive the maximum points (10,00) and the rest of the offers will receive scores arithmetically by applying the following mathematical formula:</p> $\text{No. of points} = 10,00 \times (P_{\min}/P_i)$	Max 10,00 points

<sup>6</sup> When the offer of any bidder exceeds the arithmetic mean of the offer of the rest of the bidders by more than 15 percentage units, it may be considered as a dangerously low bid. With which its technical and economic justification will be required to be admitted.

<p>Being:  <math>P_{min}</math> = the lowest bidder (in Euros).  <math>P_i</math> = The tenderer's offer (in Euros)</p> <p><i>The prices to be offered will be indicated in euros per day, in whole number format with a maximum of two decimal places (XX.XX€)</i>  <i>Prices without VAT were taken into account</i></p>	
<p><b>Price per half day (afternoons)</b></p> <p>The tenderers may offer a reduction on the price to be charged to parents per half day in the afternoons of service, without exceeding the maximum of 25,00€ per day. The offer with the lowest price will receive the maximum points (7,50 and the rest of the offers will receive scores arithmetically by applying the following mathematical formula:</p> <p style="text-align: center;"><b>No. of points = 7,50 x (<math>P_{min}/P_i</math>)</b></p> <p>Being:  <math>P_{min}</math> = the lowest bidder (in Euros).  <math>P_i</math> = The tenderer's offer (in Euros)</p> <p><i>The prices to be offered will be indicated in euros per day, in whole number format with a maximum of two decimal places (XX.XX€)</i>  <i>Prices without VAT were taken into account</i></p>	Max 7,50 points
<p><b>Increase special discounts to be applied.</b></p> <p>Those tenderers who offer a greater discount than the minimum established in the technical specifications will receive scores arithmetically based on the following formula:</p> <ul style="list-style-type: none"> <li>- <u>For children of employees of institutional bodies of the European Union (e.g. JRC) or of the European Schools: (Minimum 5,00% discount)</u></li> </ul> <p style="text-align: center;"><b>No. of points = 3,50 x (<math>P_i/P_{max}</math>)</b></p> <p>Being:  <math>P_{max}</math> = the high bidder (in Euros).  <math>P_i</math> = The tenderer's offer (in Euros)</p> <ul style="list-style-type: none"> <li>- <u>For a second and additional child (sibling enrolled in the European School of Mol) during the same course: (minimum 2,50% discount on both),</u></li> </ul> <p style="text-align: center;"><b>No. of points = 1,50 x (<math>P_i/P_{max}</math>)</b></p> <p>Being:  <math>P_{max}</math> = the high bidder (in Euros).  <math>P_i</math> = The tenderer's offer (in Euros)</p> <p><i>The discount figure must be indicated the total percentage (%) as a whole number with up to 2 decimals (XXX,XX%): for example: 5,00% + 4,55% = 9,55%</i></p>	5,00 points
<p><b>Extra charges for delays</b></p> <p>Tenderer may offer a reduction on the delays to be charged to parents, between a minimum of 0,00€ and in a maximum of 10,00€ per fraction of 15-minute-delay (after the first fraction of 15 minutes). The offer with the</p>	0,50 points

<p>lowest price will receive the maximum points and the rest of the offers will receive scores arithmetically by applying the following mathematical formula:</p> <p style="text-align: center;"><b>No. of points = 0,50 x (Pmin/Pi)</b></p> <p>Being:  Pmin= the lowest bidder (in Euros).  Pi= The tenderer's offer (in Euros)</p> <p><i>The prices to be offered will be indicated in euros per day, in whole number format with a maximum of two decimal places (XXX.XX€)</i></p> <p><i>Prices without VAT were taken into account</i></p>	
<p><b>Enrolment Fee (warranty of reservation for a child)</b></p> <p>Tenderer may offer a reduction on the warranty to be charged to parents for the reservation of a place, between a minimum of 0,00€ and in a maximum of 300,00€ per year. The offer with the lowest price will receive the maximum points and the rest of the offers will receive scores arithmetically by applying the following mathematical formula:</p> <p style="text-align: center;"><b>No. of points = 0,50 x (Pmin/Pi)</b></p> <p>Being:  Pmin= the lowest bidder (in Euros).  Pi= The tenderer's offer (in Euros)</p> <p><i>The prices to be offered will be indicated in euros per day, in whole number format with a maximum of two decimal places (XXX.XX€)</i></p> <p><i>Prices without VAT were taken into account</i></p>	<p>Max. 0,50 Points</p>
<p><b>Insurance policy coverage</b></p> <p>Tenderers must have an insurance policy that covers damages, accidents, medical costs and civil liability for users of the creche service <b><u>(from a minimum total of 120.000,00€ per child)</u></b>. Those tenderers who commit to taking out an insurance policy with greater coverage will receive the highest score. The rest will receive scores arithmetically by applying the following mathematical formula:</p> <p style="text-align: center;"><b>No. of points = 4,50 x (Pi/Pmax)</b></p> <p>Being:  Pmax= the high bidder (in Euros).  Pi= The tenderer's offer (in Euros)</p> <p>The offers must indicate the total coverage of the contracted insurance, per child.</p>	<p>Max. 4,50 Points</p>
<p><b>Increase of Annual Fee</b></p> <p>The tenderers may offer an increase on the annual fee to be paid to the School in concept of expenses for services provided, without exceeding the minimum of 1.000,00€ per year. The offer with the high proposition will receive the maximum points and the rest of the offers will receive scores arithmetically by applying the following mathematical formula:</p>	<p>Max 2,00 points</p>

<p style="text-align: center;"><b>No. of points = 2,00 x (Pi/Pmax)</b></p> <p>Being:  Pmax= the high bidder (in Euros).  Pi= The tenderer's offer (in Euros)</p> <p>The prices to be offered will be indicated in euros per day, in whole number format with a maximum of two decimal places (XXXX.XX€)</p>	
<p><b>Increase of Guarantee</b></p> <p>Bidders may offer an increase on the guarantee to be deposited to the School in concept indemnity, without exceeding the minimum of 6.000,00€ per year. The offer with the highest proposition will receive the maximum points and the rest of the offers will receive scores arithmetically by applying the following mathematical formula:</p> <p style="text-align: center;"><b>No. of points = 5,00 x (Pi/Pmax)</b></p> <p>Being:  Pmax= the high bidder (in Euros).  Pi= The tenderer's offer (in Euros)</p> <p>The prices to be offered will be indicated in euros per day, in whole number format with a maximum of two decimal places (XXXX.XX€)</p>	Max. 5,00 points

**👉 When a tenderer in its offer indicates values higher than the maximum, or lower than the minimum, the evaluation committee will automatically take as reference those established as maximum or minimum.**

### 3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below: C1 + C2

**👉 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 documents to be submitted with the tender are listed in Annex 1 of these Specifications.

👉 Each document must be signed by a duly authorized representative of the tenderer.

The following requirements apply to the technical and financial offer:

- Technical offer.

The technical offer must provide all the information needed to assess the compliance with the Technical specifications document (Tender specifications – part 2) and the award criteria.

Tenders deviating from the minimum requirements or not covering all the requirements will be rejected on the basis of non-compliance and not evaluated further.

- Financial offer.

A complete financial offer. In case of discrepancies between different documents, only the amount indicated in the financial offer will be taken into account.

Should there be an error in the calculation of the total, the unit price will prevail.

The financial offer shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT. The tenderer may indicate the amount of VAT but it must be shown separately.

👉 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 1<sup>st</sup>, 4<sup>o</sup> 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 secrets<sup>7</sup>.

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<sup>7</sup> 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.

- 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 disclosure<sup>8</sup>, 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 mark clearly 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.

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<sup>8</sup> 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 with regard to 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: **Director of 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.

# ANNEXES