



Schola Europaea
European School of Mol
Europawijk 100
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Date: 31/03/2023

TENDER SPECIFICATIONS

procedure n° 2023_04

SUPPLY OF GARDENING MACHINERY AND TOOLS

Type of procedure: **negotiated procedure for middle value contract**

Award method: **best value for money**

Type of contract: **framework contract**

Contracting authority: **European School of Mol**

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Legal basis: what are the rules?

This tender 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.

1.2. Subject: what is this procurement about?

The subject of this procurement is **Supply of gardening machinery.**

1.3. Lots: is this procurement divided into lots?

This procurement is divided into 3 lots:

Lot number	Lot title
1	Multifunctional Compact Loader
2	Utilities: <ul style="list-style-type: none"> - Utility Bucket - Pallet Fork - Snow Blade - Spreader - Roller-compactor - Leveller - Front hoe
3	Other tools

Tenders may be submitted for 3 lots jointly or for each one separately. Each lot will be assessed independently of any other lot. Tenders which cover only part of one lot or are declared as being conditional on the award of any other lots are not permitted and will be dismissed of its own motion because of irregularity.

1.4. Description: what do we want to buy through this procurement (minimal technical specifications)?

The supplies that are the subject of this call for tender, including any minimum requirements, are described in detail below (see 1.4.1).

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).

1.4.1. Background and objectives

During the next 4 years, the European School of Mol, is interested in acquiring equipment for gardening work, which are compatible with each other, having an all-include assistance service.


The main purchase, will be the **Lot 1 (Multifunctional Compact Loader)**. In each of the offers, up to three item options will be offered (Cheapest, medium price and highest price, without exceeding the maximum).

For **Lot 2 (Utilities)**, unit purchases of each of the utilities may be made. Although, they must always be compatible with Lot 1 that is initially purchased.

For **Lot 3 (Tools)**: the three selected awarded tenderer will be consulted and the purchase will be made from the one that offers the best performances and price.

For this reason, the tender for a framework agreement for the purchase of said material is proposed based on the needs and budgetary availability of each year.








1.4.2. Technical description

Lot number	Minimal Requirements
1. Multifunctional Compact Loader	
	<p>a. <u>Engine</u></p> <ul style="list-style-type: none"> - Fuel: Diesel - Minimum Power: 25hp - Cooling: liquid - Fuel capacity: min: 20L
	<p>b. <u>Transmission</u></p> <ul style="list-style-type: none"> - Type: Hydrostatic - Pump: Piston - Pushing force: min 10500N - Forward/reverse motion: 2 pedals - 4-wheel drive - Chassis: articulated with power steering wheel
	<p>c. <u>Lift Boom</u></p> <ul style="list-style-type: none"> - Telescopic arm - Minimum lifting height: 300 cm - Hydraulic lifting capacity (at pin): min 2000Kg - Self-levelling: yes - Mounting plate: quick connect and release
	<p>d. <u>Hydraulic system</u></p> <ul style="list-style-type: none"> - Type: open loop with 2 gear pumps - Optional: Rear hydraulic outlets
	<p>e. <u>Driving position</u></p> <ul style="list-style-type: none"> - Seat with lumbar support
	<p>f. <u>Safety devices</u></p> <ul style="list-style-type: none"> - Load anti-spill

- Machine anti-tip
- g. **Weight and measures**
- Maximum Length/width / height: 260 x130 x 220
- h. **Cabine** (optional)

In each of the offers, up to three item options will be offered (Cheapest, medium price and highest price, without exceeding the maximum).

2. Utilities

Utility Bucket  Width: min 135 cm Capacity: min 0,20 m ² Tooth: optional	Pallet Fork  Length: minimum 110 cm Load Capacity: Min 1.100 kg	Snow Blade  Working width: min 120 cm	Spreader  Functionality: To spread seeds, salt, etc. Spreading width: Minimum 0.75/ 4 m Capacity: 100-200 litres
Roller-compactor  Working width: Minimum 120 cm Weight: Minimum 225 kg	Leveller  Working width: Minimum 140 cm	Front hoe  Bucket width: minimum 40 cm Maxim. Digging depth: 2 m Hydraulic stabilizer bars and slide shift	

In each of the offers, up to three item options will be offered (Cheapest, medium price and highest price, without exceeding the maximum).

9. Other tools

Tenderers may offer **a catalog** of small machinery available for sale. Such as for example:

- Blower,
- brushcutter,
- chainsaw,
- cordless tools,
- hedge trimmer,
- lawnmowers,
- leaf blower,
- outdoor cleaning,
- secateurs,
- shredders,
- sprayers,
- tillage,

- weed control,
- etc.

Purchases will be made based on the cheapest offer, at the time of the purchase order request.

*** All utilities from Lot 2 must be compatible with lot 1 (Multifunctional Compact Loader)**

All equipment to be purchased must:

- Compliance with the EEC European Standard, ISO or equivalent.
- **Include transportation and start-up within the European School campus, at no additional cost.**
- Have a minimum guarantee of **2 years** (except for an increase offered by the bidder): **including replacement of parts, transport, labour and travel costs, during all period.**
- Offer **Customer Service** for technical questions, by phone, email, etc.
- Offer an Official Service for technical assistance repairs, **without delays of more than 20 working days** (Or in case of not being able to comply with said period, because would be longer, at least to offer a replacement utility while the repair period lasts).

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.

1.4.5. Incoterms

All materials will be delivered and placed at the location specified by contracting authority. Free of any charge for all transport, customs duties, transshipment insurance, delivery ready-to use, unpacking and installation, etc.

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

The supplies will be delivered at European School of Mol

Address: Europawijk 100, 2400 Mol (Belgium)

How to arrive: <https://goo.gl/maps/Se7n9eez7waR7AU78>

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

The procedure will result in the conclusion of **a multiple framework contract with reopening of competition, per lot (with a maximum of three (3) contractors).**

A framework contract establishes a mechanism for future repetitive purchases by the Contracting authority to be awarded in the form of specific contracts. The signature of a framework contract does not impose an obligation on the Contracting authority to conclude specific contracts or purchase order with a framework contractor.

Multiple framework contracts with reopening of competition are awarded through specific contracts for which all contractors are invited to propose an offer on the basis of the same or, if necessary, more precisely formulated terms laid down in these Tender specifications. A specific contract shall be awarded to the contractor who has submitted **the most economically advantageous specific tender on the basis of the award criteria set out in quality and price.**

👉 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 ceiling of the framework contract, i.e. the maximum amount that can be spent under the framework contract is **ONE HUNDRED THOUSAND EUROS (100.000,00€)**.

The actual amounts depend on the quantities that the contracting authority will order under specific contracts or order forms. In any event, the ceiling of the framework contract, i.e. the maximum amount that can be spent under the framework contract, cannot be exceeded.

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.

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

The contract or purchase order resulting from the award of this procurement will be concluded for **four (4) years**.

2. 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;
- 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.

2.1. 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 annexed. 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 authority².

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

² 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.

2.2. 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 call for tender. The model Declaration on Honour annexed shall be used. The declaration must be signed by an authorised representative of the entity providing the declaration.

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

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 procedure³.

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

2.2.1. 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 supplies subject to this procurement.

The legal and regulatory capacity shall be proven by the evidence listed below:

- Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment

2.2.2. 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 turnover of the last two financial years above 30.000,00€
Evidence	Copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate

³ 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.

	statements from banks. The most recent year must have been closed within the last 18 months.
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☞ The evidence of economic and financial capacity does need not be provided with the tender but may be requested by the Contracting authority at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

2.2.3. 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 Supply of machinery for agricultural or gardening use	
Minimum level of capacity	At least one similar (in scope and complexity) projects completed in the last three years preceding the tender submission deadline with a minimum value in total of 25.000,00€
Evidence	<p>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.</p> <p>As supporting documents for each project reference the Contracting authority may request statements issued by the clients and take contact with them.</p>

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

☞ 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.

2.3. 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 documents for this call for tender. Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications 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 and not be the subject of any negotiation initiated by the contracting authority.

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

2.4. 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, **lot by lot**, on the basis of the following award criteria and their weighting:

CRITERIA	WEIGHT	EVALUATION SYSTEM
C1: Technical proposition	15,00%	Through the application of subjective value judgments, determined by the evaluation committee
C2: Prices and Guaranties	85,00%	Through the automatic application of mathematical formulas

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the Tender Specifications.

Each tenderer may offer to a maximum of three proposals: one cheaper, one intermediate and one more advanced. The scores will be distributed over the average of each product offered (3 options) in each lot.

C1.- TECHNICAL PROPOSITION:	WEIGHT: 15,00%
<p><u>Technical proposition:</u></p> <p>Each tenderer will send a technical description of the different lots. The evaluation committee will score by applying value judgments, up to a maximum of 15,00 points in each lot (5 points as a maximum for every option; low intermediate and high).</p> <p>Qualitative aspects of the machine or items offered will be taken into account, such as: Technology, power, resistance, ergonomics, safety, weights, heights, measurements, Commitment to attend repairs or maintenance reviews in a shorter time (For this they must describe what is the average time to which they are committed, in case of requesting a repair), etc.</p>	Max 15,00 points

C2.- PRICES AND GUARANTIES:	WEIGHT: 85,00%
<p><u>Reduction of prices.</u></p> <p>Tenderers will offer a reduced price on the maximum of each lot (1 to 2). The scores will be awarded automatically, by applying the following arithmetic formula. Awarding the highest score to the most economical option.</p>	Max. 75,00 points

<p style="text-align: center;">No. of points = 75,00 x (Pmin/Pi)</p> <p>Being: Pmin= the lowest bidder (in Euros). Pi= The tenderer's offer (in Euros)</p> <p><i>Prices without VAT were taken into account</i></p>	
<p><u>Extension of the warranty period.</u></p> <p>Tenderers may offer an extension of the warranty period over the mandatory minimum of two years. Said warranty period must cover the replacement of parts, labour costs, travel, etc. The scores (up to a maximum of 10,00 points) will be awarded by applying the following arithmetic formula. Awarding the highest score to the bidder who offers the longest warranty period.</p> <p style="text-align: center;">No. of points = 10,00 x (Pi/Pmax)</p> <p>Being: Pmax= the high bidder (in Euros). Pi= The tenderer's offer (in Euros)</p>	Max. 10,00 points

For lot

2.5. Award (ranking of tenders)

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

☞ The contract shall be awarded to **the first three (3) ranked tenders**, which comply with the Tender Specifications and are submitted by tenderers with access to procurement, not in an exclusion situation and fulfilling the selection criteria. The ranking will determine who will be invited to compete for specific contracts during the implementation of the framework contract.

In each purchase order, the first three contractors selected for each lot will be consulted.

Finally, the one of the three contractors that offers the best value for money, for each purchase order, will be the one that finally provides it.

2.6. Abnormally low prices

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. FORM AND CONTENT OF THE TENDER

3.1. 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 to submit an offer in the invitation. A tender received after this deadline will be automatically rejected due to irregularity.

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

👉 The documents to be submitted with the tender are:

- Tenderer's entity form (Annex 1)
- Declaration on the honour related to the exclusion and selection criteria (Annex 2)
- Your technical offer (Annex 3)
- Your financial offer (Annex 4)
- Form bank account (Annex 5)
- [Any other useful documents (Annex XX)]

👉 **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 Section 1.4 of these specifications 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.

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 1st, 4^o of the VAT code.

4. 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: The Director of the School 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.

LIST OF ANNEXES:

The following documents are attached to this specification and form an integral part of this specification:

- Annex 1: Tenderer's entity form
- Annex 2: Declaration of the honour related to the exclusion and selection criteria
- Annex 3: Technical offer
- Annex 4: Financial offer
- Annex 5: Form bank account
- [Annexe- XX: Any other useful document]