



EUROPEAN
COURT
OF AUDITORS

The European Court of Auditors

Call for Expressions of Interest (C.E.I.) 2015–2017

“Supply of promotional material”

Ref. OJ: 2015/S 047-079944 of 9th March 2015

GENERAL INFORMATION

February 2015

1. SUBJECT OF THE CALL FOR EXPRESSIONS OF INTEREST

The subject of this call for expressions of interest is the supply of promotional material to the European Court of Auditors in Luxembourg (hereafter referred to as “ECA”).

ECA is publishing this call for expressions of interest for the purpose of drawing up a list of potential contractors with a view to awarding future contracts in the fields listed in point 1.1 below.

The list drawn up following this call for expressions of interest will remain valid for three years from the date of dispatch of this notice for publication in the OJ, as indicated below.

Interested providers may ask to be included on the list at any time during the period of validity of the list, with the exception of the last three months of that period.

Applications to be included on the list must be submitted in accordance with the instructions set out in this document (see point 2).

Candidates who fulfil all the criteria and requirements set out in this document will be included on the list. Inclusion on the list does not imply a legal obligation or an obligation on the part of the ECA either with regard to the award of a contract or, subject to the foregoing, with regard to the dispatch of an invitation to submit a tender.

Where a need for a specific promotional material covered by any of the fields described in point 1.1 arises, the ECA will invite all the candidates appearing on the list applicable to a given field to submit a tender. The invitation will indicate the required promotional material, the required quantities, the delivery time as well as any other requirements relevant for ECA. The ECA will send the tender documents simultaneously to all the candidates invited to submit a tender. The tenders will be given reasonable time to prepare their tenders. The evaluation of tenders will be based either on price or on the most economically advantageous tender. The evaluation method will be clearly announced in the invitation to tender.

1.1. Description of the areas covered by this call for expressions of interest

This call for expressions of interest covers the following 8 fields:

Field 1: Stationery

- Pens
- Pencils
- Calculators
- Mouse mats

Field 2: Badges and other identification materials

- Badges
- Lanyards
- Badge holders

Field 3: USB sticks

Field 4: Textile - bags

- Cotton bags
- Laundry eco bags

Field 5: Textile

- T-Shirts
- Hoodies
- Caps
- Ladies' silk scarves
- Men's silk ties
- Other fashionwear

Field 6: Printed materials

- Notepads
- Post-its
- Stickers
- Notebooks
- Paper bags

Field 7: Agendas and calendars

- Agendas (book-type, desk and wall)

Field 8: Others

- Promotional sweets
- Reflective bands
- Umbrellas

Interested candidates may submit an application for one, several or all of the field(s). They should indicate in their application the field or fields of activity for which they are applying. For this purpose, they must use the field names and numbers outlined above.

1.2. Place of delivery of the supplies or performance of the services.

European Court of Auditors in Luxembourg, 12 Rue Alcide de Gasperi, L-1615 Luxembourg or any other place indicated by ECA within the European Union.

1.3. Customisation and packaging

The requirements concerning packaging and customisation will be specified each time the candidates will be invited to submit a tender.

As a general rule, the promotional items must bear the Court's logo and/or internet address. The Court's logo and/or website address must appear on the item itself and/or on the case or box thereof. The requirements concerning logo will be specified each time and the logo will be delivered electronically to candidates invited to tender.

1.4. EMAS related requirements

The candidates undertake to comply with the environmental legislation in force in the area for which he or she is submitting an application. It should be noted in this connection that the Court pays particular attention to environmental aspects and has committed itself to obtain an EMAS certification by the end of 2016. The purpose is to reduce the environmental impact of the Court's daily work and continually improve the Court's environmental performance (non exhaustive list):

- taking measures to prevent pollution and to achieve a more efficient use of natural resources (energy, water, paper, etc.);
- taking steps to reduce overall carbon emissions;
- encouraging waste prevention maximising recycling and reuse and optimizing their disposal;
- purchasing environmentally friendly products and services;
- complying with the relevant environmental legislation and regulations.

Taking the above into account, the environmental aspects of the products might appear as important aspect when assessing the tenders and or when defining the technical specifications of the product.

2. SUBMISSION OF APPLICATIONS AND CLOSING DATE FOR SUBMISSION

This call for expressions of interest shall be valid for three years with effect from the date on which the notice is sent to the Office for Official Publications of the European Union: **24 February 2015**.

Anyone interested may submit an application at any time during the list's period of validity, **except for the last three months thereof**.

The contracting authority will regularly evaluate new applications received every two months.

Tenderers may choose to submit applications :

- a) either by post or by courier service to the address indicated below.
- b) or delivered by hand to the Reception Desk. The Reception Desk is open **from 8.00 am to 5.00 pm**, Monday to Friday. It is closed on Saturdays, Sundays and European Court of Auditors' holidays.

The following label must be attached to the **envelope**:

<p>European Court of Auditors Reception Desk – Procurement Service 12, rue Alcide de Gasperi L-1615 Luxembourg</p> <p>Call for Expression of Interest – AMI 426 “Promotional material”</p> <p>NOT TO BE OPENED BY THE RECEPTION DESK OR MAIL SERVICE</p> <p>OR ANY UNAUTHORISED PERSON</p>

Electronic transmission (fax or email) of application is not permitted!

Tenderers may submit an application and a comprehensive file for one, several or all of the field(s) listed under point 1.1.

Documents which must be attached to applications are listed in the model application form.

These documents must be included in the stated order.

Candidates will be required to produce a comprehensive original file, accompanied by one copy, each page of which shall be duly completed and which shall comprise the following documents in the order listed below:

- 1) the **application form** duly completed, dated and signed including the administrative documents listed in the model application form,
- 2) all the **documents relating to the exclusion criteria**,
- 3) all the **documents relating to the selection criteria**:
 - a. Legal capacity
 - b. Economic and financial capacity
 - c. Technical and professional capacity

Applications must be written in one of the 23 official languages of the European Union.

The submission of your application implies acceptance of the terms and conditions laid down in the documents making up this call for expressions of interest.

Expenses incurred in connection with preparing and submitting applications will be borne by tenderers and will not be reimbursed.

Candidates will be informed in writing of the decision concerning their application within 2 months after receipt of the application. In case you have not received within the specified period of time any notification from the Court, you are advised to contact the Court by sending an email to: eca-procurement.service@eca.europa.eu.

Subcontracting is permitted.

3. PERSONAL DATA

If processing your reply to the call for expression of interest involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your application in accordance with the requirements indicated below and will be processed solely for that purpose by the authorising officer's service.

However, personal data may, where appropriate, be transferred to our external and internal audit bodies, the Financial Irregularities Panel (FIP) and the European Anti-Fraud Office (OLAF) of the European Commission.

You may, upon request, obtain access to your personal data and ask for any inaccurate or incomplete personal data to be rectified. Should you have any queries concerning the processing of your personal data, please address them to the ECA's Data Protection Officer. As regards the processing of your personal data, you have the right of recourse at any time to the European Data Protection Supervisor.

Data regarding financial operators which are in one of the situations referred to in Articles 106, 107 and Article 109(1)(b) and (2)(a) of the Financial Regulation may be recorded in a central database (Central Exclusion Database) and communicated to persons designated by the Commission, to other institutions, agencies, authorities and bodies referred to in Article 108(1) and (2) of the Financial Regulation.

This provision also concerns persons empowered to represent, take decisions for, or monitor the said financial operators. Any person recorded in the database is entitled to access the data held about them, by means of a request addressed to the Commission's accounting officer.

4. EXCLUSION CRITERIA

4.1 Exclusion from participation in this call for expressions of interest

In accordance with Article 106 of the European Parliament and of the Council Regulation No 966/2012 of 25 October 2012 **on the financial rules applicable to the general budget of the Union** – hereinafter referred to as “the Financial Regulation” (OJ L 298/1 of 26 October 2012) and repealing Council Regulation (EC, Euratom No 1605/2002), candidates shall be excluded from **participation in this call for expressions of interest** if they:

- a) are bankrupt or being wound up, are having their affairs administered by the Court, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations; or
- b) have been or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata; or
- c) have been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the EIB and international organisations; or

- d) are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed; or
- e) have been or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests; or
- f) are subject to an administrative penalty referred to in Article 109(1) of the Financial Regulation.

Points (a) to (d) shall not apply in the case of the purchase of supplies on particularly advantageous terms from a supplier which is definitively winding up its business activities or from the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.

Points (b) and (e) shall not apply where the candidates or tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision making or control over them, who are subject to a judgement as referred to in points (b) or (e).

4.2 Exclusion from awarding of the contract

No contract will be awarded to tenderers who, at the time when contracts are being awarded under this procedure:

- a) are subject to a conflict of interest;
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;
- c) find themselves in one of the exclusion situations, referred to in paragraph 1, points (a) to (f) above, for the procurement procedure.

4.3 Evidence related to the exclusion criteria

Candidates must certify that they are not in one of the situations listed in paragraphs 1 and 2. To that end, they shall provide a declaration on their honour, duly dated and signed, included in Section 4 of the application form.

In respect of the cases referred to in paragraph 1 points (a), (b) or (e), the production **of a recent extract from the judicial record** or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are satisfied;

In respect of the cases referred to in paragraph 1(d), **a recent certificate provided by the competent authority of the State concerned.**

Where the document(s) or certificate(s) referred to in paragraph 3 is/are not issued in the country concerned, and in respect of the other exclusion cases referred to in paragraph 1(c) and (f), they may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his/her country of origin or provenance.

Where the contracting authority has doubts concerning the personal situation of candidates, it may apply itself to the competent authorities to obtain the information that it considers necessary concerning that situation.

5. SELECTION CRITERIA

5.1 Legal capacity

Legal capacity will be assessed on the basis of the following document:

- **Proof of entry on the professional or trade register under the conditions laid down by legislation in the country in which the candidates reside.**

5.2 Financial and economic capacity

Candidates must have sufficient economic and financial capacity to enable them to perform potential future contracts in compliance with the contractual provisions.

Financial and economic capacity will be assessed on the basis of the information included in the following documents, to be supplied by tenderers:

- **the presentation of balance sheets or extracts from balance sheets for at least the last three years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;**
- **if the balance sheets or the statements show an average loss over the past 2 financial years for which accounts have been closed, then the candidate must furnish another document as proof of his financial and economic capacity, such as appropriate bank references or proof of professional risk insurance cover.**

5.3 Technical and professional capacity

Candidates must have sufficient technical and professional capacity to enable them to perform future potential contracts in compliance with the contractual provisions. The Court requires candidates to have a minimum technical and professional capacity which will be assessed on the basis of the following elements:

- **a catalogue of the products the candidates propose shall encompass at least one half of the products of the field to which they apply**

By way of example if a candidate submits an application for field 1 (Stationery), in order to be accepted he must prove that the catalogue contains at least 2 items out of 4 products mentioned under field 1.

The technical and professional capacity of economic operators will be substantiated on the basis of one or more of the following documents:

- **a catalogue of the products they propose for each field to which they apply (in paper or electronic format / preferably in electronic format).**

Compliance with the exclusion and selection criteria is required at all stages. Candidates placed on the list and who submit an offer for a specific promotional material will have to declare on honour that their situation as regards the exclusion and selection criteria remains unchanged.