

ECHA/2016/146

ECHA Building 2020

**Market Prospection
(Article 134.1(g) of the Rules of Application of the
EU Financial Regulation)**

Specifications

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DISCLAIMER

Whenever this document mentions a specific product name or trademark and a sufficiently precise and fully intelligible description is not possible, such mention should be understood as referring to that product or its equivalent.

SUMMARY

Contracting authority	The European Chemicals Agency (ECHA) in Helsinki.
Procedure	Market Prospection via publication in the Official Journal of the EU ¹ . (Article 134.1(g) of the Rules of Application of the EU Financial Regulation)
Purpose	Selection of three (3) Candidates (Phase I) to be invited to a Negotiated Procedure for the establishment of a Building Contract for ECHA future premises (Phase II).
Scope of Contract	The Building Contract may consist of a lease or purchase of property or other real estate. ECHA's lease agreement for its current premises, located in Annankatu 18, 00120, Helsinki, expires on 31 December 2019.
Volume (indicative)	The maximum value of the Building Contract shall be established taking into account an indicative total size of 19.000 sqm in the relevant location. In terms of leasing period, the Agency is looking for a duration between 10 and 15 years depending on which solution brings the best value for money.
Contract award (Phase II)	The European Chemicals Agency will sign the Contract with the successful Candidate offering best price-quality ratio.
Location	City of Helsinki, Finland.
Language	The working language of the Agency is English. The English language shall be used throughout the execution of the Contract for all communication, reports and other documentation.
Joint offers	Permitted as described in the current document.
Subcontracting	Permitted as described in the current document.

¹ See below the Legal Framework of ECHA Procurement.

INTRODUCTION

ABOUT ECHA

The European Chemicals Agency (ECHA) is the driving force in implementing the EU's ground-breaking chemicals legislation for the benefit of human health and the environment. ECHA was founded in 2007 and is based in Helsinki, Finland. We are a modern, science-driven organisation which has grown rapidly to become one of the largest EU agencies.

ECHA has regulatory tasks related to four pieces of EU legislation²: Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH); Classification, Labelling and Packaging of substances and mixtures (CLP); Biocidal Products Regulation (BPR); and the Prior Informed Consent (PIC).

The purpose of REACH is to ensure a high level of protection of human health and of the environment; to promote alternative methods to animal testing to assess the hazards of chemicals; to facilitate the free circulation of substances within the single market; and to enhance competitiveness and innovation.

The purpose of CLP is to ensure a high level of protection of human health and of the environment, as well as the free movement of substances, mixtures and certain articles, by harmonising the criteria for the classification of substances and mixtures, and the rules on labelling and packaging.

BPR aims to harmonise the European market for biocidal products and their active substances while providing a high level of protection for humans, animals and the environment.

PIC sets requirements for the import and export of certain hazardous chemicals. The regulation implements the Rotterdam Convention at EU level.

ECHA's Mission

ECHA is the driving force among regulatory authorities in implementing the EU's ground breaking chemicals legislation for the benefit of human health and the environment as well as for innovation and competitiveness. ECHA helps companies to comply with the legislation, advances the safe use of chemicals, provides information on chemicals and addresses chemicals of concern.

ECHA's Vision

ECHA aspires to become the world's leading regulatory authority on the safety of chemicals.

ECHA's Values

Transparent

We actively involve our regulatory partners and stakeholders in our activities and are transparent in our decision-making. We are easy to understand and to approach.

Independent

We are independent from all external interests and impartial in our decision making. We consult members of the public openly before taking many of our decisions.

Trustworthy

Our decisions are science based and consistent. Accountability and the security of confidential information are cornerstones of all our actions.

² On the ECHA web site (<http://echa.europa.eu/>), the REACH, CLP, BPR and PIC Regulations are located in section "Document Library".

Efficient

We are goal-oriented, committed and we always seek to use resources wisely. We apply high quality standards and respect deadlines.

Committed to well-being

We stimulate the safe and sustainable use of chemicals to improve the quality of human life in Europe and to protect and improve the quality of the environment.

More information about the Agency, its structure and activities can be found on the Agency website³, where also the Work Programme 2015⁴ and the Multi-Annual Work Programme⁵ can be found.

LEGAL FRAMEWORK OF ECHA PROCUREMENT

The present procedure is governed by the Financial Regulation of the European Chemicals Agency (ECHA), which refers to the Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015, amending Regulation (EU, Euratom) No 966/2012, on the financial rules applicable to the general budget of the Union (hereinafter referred to as the Financial Regulation - FR), as well as to the Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015, amending Delegated Regulation (EU) No 1268/2012, on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter referred to as the Rules of Application - RAP), as the regulatory framework for the procurement and contract management of the Agency.

The Protocol on the Privileges and Immunities or, where appropriate, the Vienna Convention of 24 April 1963 on Consular Relations shall apply to this procedure.

In submitting his Proposal, the Candidate accepts in full and without restriction the requirements of these Specifications as the sole basis of this procedure. Candidates are expected to examine carefully and comply with all instructions, forms and specifications contained in this dossier. Failure to submit a proposal containing all the required information and documentation may lead to its rejection.

No account can be taken of any reservation expressed in the proposal as regards the procurement documents (if necessary, clarification may be requested by the potential candidate concerned while the submission phase is open – see section 1.8 below); any reservation may result in the immediate rejection of the proposal without further evaluation.

³ <http://echa.europa.eu/>

⁴ <http://echa.europa.eu/web/guest/about-us/the-way-we-work/plans-and-reports>

⁵ <http://echa.europa.eu/web/guest/about-us/the-way-we-work/plans-and-reports>

1. GENERAL INFORMATION

1.1 BACKGROUND

The current lease agreement for ECHA's office building at Annankatu 18, Helsinki, Finland expires on 31 December 2019. ECHA seeks to sign a new contract for its future premises after the current lease expires.

Based on preparatory activities an indicative total size of 19.000 sqm of office space with a conference centre will be required.

The targeted commencement date for occupancy is 1 January 2020, entailing that fit-out works are completed and all ECHA Staff move in fully operational premises.

1.2 NATURE OF THE CONTRACT

- Title of the contract: ECHA Building 2020 ("the Contract").

- Short description of the contract:

The functional, operational and technical requirements of ECHA's future premises have been set out in Annex 3.1.1 to these Specifications. The list of requirements will be further detailed in the Tender Specifications of the Negotiated Procedure (Phase II). An advanced draft of the requirements is to be provided upon request.

- Type of contract: ECHA aims at concluding a building Contract in the form of a net lease agreement; other lease structures can also be considered. In addition, the option to purchase the property may as well be considered and candidates shall mention this option, where available, in their proposal.

The draft Contract will be provided to the selected candidates as part of the procurement documents of the Negotiated Procedure (Phase II).

1.3 STARTING DATE OF THE CONTRACT AND DURATION OF THE TASKS

It is expected that the Contract will be signed towards the end of 2017 (completion of the Negotiated Procedure), and the execution and acceptance of all fit-out works shall be completed in due time in order to allow the relocation of ECHA in the new premises by the end of its current lease agreement without disruption of service.

The successful Candidate shall deliver the premises on time. Any additional cost incurred by the Agency due to late delivery will be carried by the candidate in line with the provisions of the Contract signed with ECHA.

1.3.1 Specific Provisions relating to Lease Agreement

The Contract will initially be signed for a period of ten (10) or fifteen (15) years whatever delivers the best value for money to ECHA. In case the Contract is signed for ten (10) years the Agency would like to foresee the possibility of an extension for an additional period of 5 years. The total maximum duration of the Contract shall not exceed fifteen (15) years, starting from the date on which ECHA takes possession of the new premises.

1.4 INFORMATION ABOUT THE PROCEDURE

The process that ECHA will follow for the signature of the Contract is divided in phases, as detailed below:

PHASE I Prospection of the local market: prior to the launch of the Negotiated procedure for a building contract (Article 134.1(g) RAP), the Agency shall prospect the local market in order to draft a merit list of candidates;

PHASE II Negotiated Procedure: The pre-selected candidates from the merit list will be invited to submit a technical and financial offer. For information, the procedure is briefly summarised below:

- Invitation to tender sent to the pre-selected candidates
- Submission of initial technical and financial offers
- Assessment of the initial offers and negotiations (iterative)
- Submission of updated technical and financial offers (iterative)
- Assessment of the updated offers and selection of the best offer
- Final negotiation round with selected offer
- Initiation of ECHA's decision making process: approval by ECHA's Management Board and the Budgetary Authority (European Parliament and European Council)
- Award decision and signature of the building contract

This document contains only the Specifications for the Prospection of the local market – Selection of Candidates (Phase I).

1.4.1 Prospection of the Local Market

The prospection of the local market (Phase I) is required prior to the launch of a Negotiated Procedure for building contracts (Article 134.1(g) of the the Rules of Application of the EU Financial Regulation).

A prospection notice is published on the Official Journal of the EU and all interested economic operators can submit a proposal. The submitted proposals will be assessed against the criteria as set out in these Specifications⁶.

The merit list drawn up as a result of the assessment of the proposals received in Phase I will serve as the basis to select a maximum of three (3) best ranked candidates, provided that a sufficient number of proposals satisfy the criteria defined in Phase I, to be invited to the Negotiated Procedure for the award of the contract (Phase II).

1.4.2 Availability of documents

The Notice (published on the Official Journal of the EU) and the administrative and technical documents relevant for submitting a proposal in Phase I can be downloaded from ECHA website: <http://echa.europa.eu/web/guest/about-us/procurement>

The Negotiated Procedure in Phase II will be launched when the selected candidates will simultaneously receive the invitation to submit a tender, together with the Tender Specifications giving full details about the administrative procedure, the subject of the procurement and related technical information, the award criteria, as well as the contractual terms and conditions. The Tender Specifications of Phase II will not be available on ECHA's website.

The indicative timing for the launch of the Negotiated Procedure (Phase II) is the end of November 2016.

1.4.3. Languages

Interested economic operators may submit their Proposal in any of the official languages of the European Union. Please note, however, that Candidates are invited to submit the

⁶ See Sections 2 and 3.

Proposal in English because the spoken and written language of all communications with the successful Candidate during the implementation of the Contract shall be English.

1.5. GENERAL TERMS AND CONDITIONS FOR SUBMITTING A PROPOSAL

Submission of a Proposal implies that the Candidate accepts all the terms and conditions of this Prospection of the Market procedure set out in these Specifications including the Annexes hereto. Any reservation may result in the rejection of the proposal without further evaluation.

The Candidates selected following the prospection of the Market are under no obligation to submit a tender in the Negotiated Procedure. In this regard the Agency may decide to invite additional candidates on the basis of the merit list drawn as a result of the prospection of the local market in Phase I.

Once ECHA has received the Proposal, it shall become the property of ECHA and shall be treated confidentially.

ECHA shall not reimburse expenses incurred by the Candidates in the preparation and submission of the Proposal in Phase I.

1.6. PERIOD OF VALIDITY OF THE PROPOSAL

The Proposal should remain valid for a period of six (6) months following the final date for submission of the Proposals in Phase I. During this period, candidates must maintain all the terms of their Proposal.

If a Candidate wishes to withdraw the Proposal before the end of the period of validity, ECHA needs to be informed immediately in writing.

1.7. OPENING OF THE PROPOSAL

The opening of the Proposals will not be public. However, all Candidates will be informed of the decision regarding their Proposals as soon as the selection is completed.

1.8. CONTACTS BETWEEN THE CANDIDATES AND THE ECHA

In principle, no contact related to this Procedure is permitted between ECHA and the Candidates other than the submission of the Proposal.

However, contact may be made on the Candidates' initiative before the final date for the submission of the Proposal in order (and only for this reason) to request further information aimed at clarifying the content of the present Specifications.

Such requests for further information must be addressed in writing **to the ECHA functional mailbox:** procurement@echa.europa.eu

ECHA is not bound to reply to requests for additional information made less than six (6) working days before the deadline for submission of the Proposal. In this regard, candidates are advised to pay attention to ECHA Holidays schedule⁷.

⁷ ECHA holidays are published on the Agency's website here: <http://echa.europa.eu/en/contact/opening-hours>

Insofar as it has been requested in good time, the questions raised and the additional information provided by ECHA will be published on the website at: http://echa.europa.eu/opportunities/procurement_en.asp.

All candidates are advised to take note of the fact that no additional communication will be sent (neither by post nor by e-mail) regarding new information that has become available. Therefore, all candidates are kindly requested to visit the above-mentioned website frequently prior to submitting their Proposal.

Similarly, contact may **in exceptional circumstances** be made on ECHA's initiative:

- before the final date for the submission of the Proposal, in order to inform interested parties of an error, a lack of precision, an omission or any other material shortcoming in the drawing up of the documents of the Specifications. In case ECHA deems it appropriate to provide additional information it will be published on the website mentioned above;

or

- after the opening of the Proposal, where ECHA requires the supply by the Candidate of additional material or the clarification of the supporting documents submitted in the Proposal in connection with the criteria set in these Specifications. Such contacts may not, however, result in the modification of the terms of the Proposal.

1.9. NO OBLIGATION TO AWARD THE CONTRACT

The procurement procedure shall not impose on ECHA any obligation to proceed to the Negotiated Procedure in Phase II, or to award the Contract.

Up to the point of Contract signature, the Agency may either abandon the procurement or cancel the award procedure, without the candidates being entitled to claiming any compensation. ECHA will notify the decision and its reasons to the candidates.

1.10. TAX EXEMPTION

The Protocol on the Privileges and Immunities of the European Union shall apply.

The European Union is exempt from all such duties and taxes in accordance with the provisions of Articles 3 and 4 of the *Protocol on the Privileges and Immunities of the European Union* annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, and to Article 15 paragraph 10 of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes, as amended. The Governments of the Member States grant exemption to the Institutions and Agencies either through refunds upon presentation of documentary evidence or by immediate exemption. ECHA will give the successful Candidate instructions concerning this point.

Due to ECHA's VAT status as described above, the Agency is not registered for VAT as a taxable entity. The Candidates are therefore advised to consider the potential VAT implications of such status for their taxation, in particular the possibility of the input VAT incurred on the construction services and leasing operations not being refundable.

1.11 DATA PROTECTION

If processing your reply to the call for proposals 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 proposal in accordance with the Specifications and

will be processed solely for that purpose by ECHA. Details concerning the processing of your personal data are available on the privacy statement that can be found on <http://echa.europa.eu/about-us/procurement>.

Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation. For more information, see the Privacy Statement on http://echa.europa.eu/documents/10162/13612/annex2_privacy_statement_procurement_procedures_en.pdf

1.12 ECHA LEGAL STATUS

It is to be mentioned that the legal status of ECHA's premises is regulated by the Protocol in the Privileges and Immunities of the European Union and by the Seat Agreement between the Government of Finland and the European Chemicals Agency (SopS 11/2008). Following the provisions of the Protocol and the Agreement the premises of ECHA shall be inviolable, which means that the property owner has limited and/or controlled access rights to the premises occupied by ECHA. The respective provisions may need to be reflected in the contract that will result from the Negotiated Procedure in Phase II.

2. PREPARATION AND SUBMISSION OF THE PROPOSAL

2.1 GENERAL

Proposals must be clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled, etc.).

Proposals can be submitted in any of the official **languages** of the European Union. ECHA invites, however, Candidates to preferably submit the documentation in English, as it will be the working language of the Contract.

Candidates must include the following information:

- a **statement** signed by a legal representative of the Candidate, authorised to sign contracts with third parties, confirming the validity of the proposal;
- the **name and contact details** of a contact person in relation to the submission of the proposal;
- **all the information and documents requested** by the Agency in order to assess the proposal;

If the above is not included, the Candidate may be excluded from the procedure.

2.2. HOW TO SUBMIT A PROPOSAL

The Proposal must:

- be submitted in paper form (one original);
- in addition, an electronic copy, PDF in searchable format, of each document included in the proposal must be submitted on a **USB** or CD/DVD ROM. If drawings are included in the proposal they also must be submitted in an electronic version; both pdf and Acad or any picture (i.e. jpg, tiff) format.
- be submitted under double sealed envelope:
 - The outer envelope should bear the address as mentioned below.
 - The inner envelope should be addressed to the Finance Unit indicated in below and marked:

Procedure No ECHA/2016/146
Not to be opened

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape.

Candidates shall observe precisely the below indications in order that Proposals can reach their precise destination in due time.

Candidates shall submit the Proposal:

- a) either by post or by courier no later than **12/09/2016** in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the address indicated below.
- b) or delivered by hand no later than 16:00 (EET) on **12/09/2016** to the address indicated below. In this case, a receipt must be obtained as proof of submission, signed and dated by the security guard at ECHA's reception who took delivery.

ECHA's business hours are from Monday to Friday 9:00 - 18:00 local time (EET). ECHA is closed on Saturdays, Sundays and ECHA holidays⁸.

By post	By courier or by hand:
ECHA Building 2020 <i>No ECHA/2016/146</i> European Chemicals Agency (ECHA) Finance Unit R-1 For the attention of Jaime Martin-Granizo <u>Not to be opened by the internal mail service of ECHA</u> P.O. Box 400 00121 Helsinki Finland	ECHA Building 2020 <i>No ECHA/2016/146</i> European Chemicals Agency (ECHA) Finance Unit R-1 For the attention of Jaime Martin-Granizo <u>Not to be opened by the internal mail service of ECHA</u> Annankatu 18 00120 Helsinki Finland

Important: Late submission by post or courier, or late delivery by hand, will lead to the exclusion of the Proposal from the selection of the Candidates for this Contract.

2.3 CONTENT OF THE PROPOSAL

Proposals must be presented in two sections:

Section one: Administrative proposal – including:

- **Candidate Identification** (*see below, section 2.4.1*);
- **A table with the list of all documents submitted in the Proposal;**
- **Declaration of honour on exclusion and selection criteria and absence of conflict of interest form** duly filled and signed by the authorised representative of the Candidate (Annex 3.2.2);

⁸ ECHA holidays are published on the Agency's website here: <http://echa.europa.eu/en/contact/opening-hours>

ONLY the selected candidates will be requested to submit:

- **Evidence for exclusion criteria** (see below, section 2.4.2);
- **Evidence for selection criteria** (see below, section 2.4.3);

Section two: The Technical Proposal addressing all matters laid down in the Functional, Operational & Technical requirements (see Annex 3.1.1 and 3.1.2).

2.4 SECTION ONE: ADMINISTRATIVE PROPOSAL

2.4.1 Eligibility

Participation in this procurement procedure is open on equal terms to all natural and legal persons falling within the scope of the EU Treaties. This includes all legal entities registered in the EU and all natural persons having their domicile in the EU. Participation is also open to all natural and legal persons registered or having their domicile in a non-EU country which has an agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. This procedure is, however, not covered by the Government Procurement Agreement (GPA).

Candidate composition

Both joint proposals and subcontracting are allowed.

A **joint proposal** is a situation where a proposal is submitted by a group of economic operators (consortium). Joint proposals may include subcontractors.

In case of a joint proposal, all economic operators in a joint proposal assume joint and several liabilities towards ECHA for the performance of the Contract as a whole. Nevertheless, Candidates must designate a single point of contact for ECHA.

After the award, ECHA will sign the Contract with the member duly authorised by the other members via a power of attorney.

Subcontracting is permitted in the proposal but the Contractor will retain full liability towards ECHA for performance of the contract as a whole.

Candidates must give an indication of the proportion of the contract that they intend to subcontract and be prepared to identify key subcontractors before signing final agreements.

Candidate identification documentation

The Candidate must include a **cover letter** presenting the name of the Candidate (including all entities in case of joint proposal), and identified subcontractors if applicable, and the name of the single contact person in relation to this proposal.

To identify themselves Candidates must fill in:

- **Candidate information sheet**⁹, to be completed with the names of all the economic operators involved in the Proposal clearly indicating the role of each one.
- a **Legal Entity Form**¹⁰
- a **Financial Identification Form**¹¹

⁹ This sheet is provided in Annex 3.2.1.

¹⁰ This form is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

¹¹ The form is available at:

All Candidates must provide their legal entity form signed by a legal representative.

- The financial identification form shall be duly filled in and signed by an authorised representative of the candidates and his or her banker.

The above forms must be accompanied by the evidence as indicated at the bottom of each form.

In case of a joint proposal all economic operators shall provide the legal entity form, and only the co-ordinator must return the financial identification form.

2.4.2 Exclusion criteria documentation

Candidates, or their legal representatives, shall provide a **declaration on their honour**¹², with nothing added, deleted or altered, duly signed and dated, in which they:

- state whether or not they are in one or more of the situations referred to in Articles 106 and 107 of the Financial Regulation and detailed in the form, and
- undertake to submitting to the Agency any additional document relating to the exclusion criteria, that the Agency considers necessary to perform its checks, within seven calendar days following the receipt of the Agency's request.

Where the proposal constitutes a joint proposal, each entity must provide the declaration on their honour.

By returning the above-mentioned form, duly signed, Candidates confirm that they have been notified of the following points:

- Administrative or financial penalties may be imposed by the Agency on candidates who are in one of the cases of exclusion provided for in Articles 106 and 107 of the Financial Regulation after they have been given the opportunity to submit their observations.
- These penalties are detailed in Article 108 of the Financial Regulation and Articles 142 and 145 of the Rules of Application.

The pre-selected Candidates will be asked to provide evidence relating to the exclusion criteria before the merit list is drawn.

2.4.3 Selection criteria documentation

Candidates shall provide a **declaration on their honour**¹³, duly signed and dated, concerning their legal, economic, financial, technical and professional capacity to perform the Contract. The selection criteria shall be assessed at first on the basis of the declaration of their honour submitted as part of the proposal. However, before making the merit list, the Agency will request from the pre-selected Candidates the documentary evidence of their legal, economic, financial, technical and professional capacity. Therefore, the Agency recommends that Candidates and, when relevant, subcontractors, timely compile the evidence described below.

Legal capacity: The Candidate is asked to prove that they are authorised to perform the Contract under the national law.

The following evidence will be required as information and proof of legal capacity:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

¹² See Annex 3.2.2

¹³ See Annex 3.2.2

- a. Proof of inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.
- b. Graphic explanation of the group organisation from any holding companies down to the entity responsible for the development.
- c. Explanation of the planned shareholding of the completed development, either as a whole or the part/s that ECHA would occupy.
- d. Explanation on the existence of any claims against the Candidates that can interfere with ECHA acquiring space at the property or in any other way interfere with the stated plans for the development.
- e. Information of current companies associated with the development.
- f. Copy of the rights to own, lease, purchase or develop the property.
- g. Copy of a valid detailed plan for the property approved or in the approval process by the Helsinki City Council

Economic and financial capacity: The Candidate must be in a stable financial position and have the economic and financial capacity to perform the Contract. In case an ad-hoc new company has been created specifically for the development of the project, ECHA may decide to check the economic and financial capacity with regards to the mother company.

The following evidence will be required as a proof of economic and financial capacity¹⁴:

- h. A copy of the Candidate's annual accounts (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable) of the last three years, as approved by the general assembly of the company and, where applicable, audited and/or published;
- i. The completed Financial and Economic Capacity Overview Form¹⁵.
- j. Provision of details of the professional risk indemnity insurance covering the Candidate's organization to a level appropriate to the Project of ECHA.

Additionally, please provide the following evidence:

- k. Explanation on how the proposed premises will be financed and any key milestones or conditions that need to be met for any additional financing prior to contract/project finalisation.
- l. Details of insurance of the premises and its holdings to cover incidents that may negatively affect the availability and use of the premises by ECHA under the conditions agreed in the Contract.

ECHA reserves the right to request any additional documentary evidence it deems necessary or useful in order to verify a candidate's economic and financial standing.

Technical and professional capacity: Candidates must be able to demonstrate that, either by having the expertise within the company or by co-operation with others, they have sufficient technical knowledge and experience to perform the Contract. The organization proposed for this real estate development / construction / retrofitting project must have sufficient past and associated experience.

Where a joint proposal is submitted, please present the information for each member individually.

¹⁴ If for some exceptional reason which ECHA considers justified, the candidate is unable to provide the references requested by ECHA, the candidate may prove its economic and financial capacity by any other means which ECHA considers appropriate. In any case, ECHA must at least be notified of the exceptional reason and its justification in the proposal.

¹⁵ See Annex 3.2.3

The following documents or information shall be presented as evidence of compliance with the technical and professional capacity criteria:

Technical capacity

At least **3 (three) project references**¹⁶ of properties / real estate developments / construction / retrofitting works contracted or carried out in the last 10 (ten) years for office buildings, ideally for a public institution, and similar in scope and volume to those of ECHA's requirements in this procedure. The description shall include the following data for each project:

- a. the total value
- b. the leasable sqm
- c. dates
- d. address
- e. customer
- f. role of the candidate

Each reference must be accompanied by certificates of satisfactory execution (acceptance report or equivalent), specifying whether they have been carried out in a professional and timely manner and have been fully completed.

Professional capacity

The Candidate must propose an **organisation of qualified and experienced professionals** to execute and manage a complex project of the scale ECHA is putting to competition. The description shall include the following data:

- a. Provision of an organisation chart that shows all the partners, consultants and other professionals responsible for the proposed development and how they are related to the Candidate and to each other. This should include, but not be limited to, architects and designers, project managers, cost managers, structural and other engineers, mechanical and electrical engineers / designers, environmental specialists, etc.
- b. Describe the roles and responsibilities of each company;
- c. Describe the qualifications and required abilitation /certification of the professionals to operate in large office developments;
- d. List of any categories of fit-out design, management or execution that is normally undertaken by the own in-house staff of the Candidate.

To facilitate the work of the Selection Panel, please mark any supporting documents clearly with the applicable letter above. For joint proposals the Selection Panel will assess the combined capacities of all members together.

IMPORTANT

Changes to the composition of the group of economic operators in the Proposal presented in Phase I when submitting an offer in Phase II, may lead to the rejection of the tender if those changes alter the conditions for the selection of the Candidate in Phase I. In this regard, ECHA will assess the changes to verify

- whether the new economic operators (if any) are not in an exclusion situation, by requesting a Declaration on their Honour concerning Exclusion Criteria;
- whether the Candidate still fulfils the Selection Criteria when compared to the Proposal originally submitted in Phase I.

¹⁶ See Annex 3.2.4

2.5 SECTION TWO: TECHNICAL PROPOSAL

2.5.1 Qualitative award criteria documentation

This section is of great importance in the assessment of the proposals for the shortlisting of the candidates and the future execution of any resulting contract. Some guidelines are given below, but attention is also drawn to the criteria, which define those parts of the technical proposal to which the candidates should pay particular attention. In this regard, the technical proposal shall address all matters laid down in the Annexes in section 3.1 and, in particular, the requirements mentioned in Annex 3.1.1 ('Operational & Technical Requirements').

We draw your attention to the **minimum requirements of this procedure**:

- a. The properties presented to ECHA must be located in the **City of Helsinki**.
- b. The total size of the premises **must not be below 15.000 sqm** of private/office space with the required conference facilities.
- c. The proposal must be **in compliance with the applicable 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 the EU Public Procurement Directive¹⁷.

Failing to meet those requirements will exclude the proposal from further evaluation steps.

Candidates must elaborate on all points addressed in Annex 3.1.1. The mere repetition of minimum requirements set out in the Specifications, without going into details or without giving any added value, will only result in a very low score.

Please note that, to grant equal treatment of all candidates, it is not possible to modify the proposals in Phase I after their submission. As a consequence, incompleteness in the technical proposal will have a negative impact on the assessment.

Assessment of the proposals

Proposals will be assessed according to the technical criteria and the weighting applicable to each criterion as set out in Annex 3.1.2 'Evaluation Checklist of Functional, Operational and Technical Requirements'.

The Candidates must observe that the proposals submitted shall be binding in the subsequent delivery of services by the selected Contractor.

The Selection Panel appointed for this procedure shall draft a **merit list** based on the scoring of the weighted technical criteria. The evaluation will concentrate on the elements of the proposal specifically responding to the requirements outlined in Annex 3.1.1 'Functional, Operational & Technical Requirements'.

For each of the technical requirements, a scoring ranging from 0 to 100 will be assigned. The following will be applied to attribute points:

- Requirement not fulfilled: 0% of available points
- Requirement fulfilled: 50% of available points

¹⁷ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement.

- Preferred option included: 50-75% of available points
- Ideal option or extra solutions on top of preferred option: 75-100% of available points

Once the scoring has been assigned for each of the technical requirement, these points will be weighted with the percentage value assigned to their category.

2.5.2 Merit List and Short-listing of best ranking candidates

As a result of the assessment of the proposals received a merit list will be drawn and the three (3) Candidates with the proposal with the highest score, provided that a sufficient number of proposals satisfy the criteria defined in Phase I, will be shortlisted to be invited to direct negotiations in Phase II. All candidates will be notified of the result of the procedure.

2.6 NEGOTIATED PROCEDURE FOR BUILDING CONTRACTS (ARTICLE 134.1(G) RULES OF APPLICATIONS)

The shortlisted Candidates will be invited to submit a detailed technical and financial tender with regard to the proposed property. The complete set of technical, financial and contractual Specifications will be sent to the invited candidates as part of the procurement documents. After receipt of the tenders, the Negotiated Procedure will take place in stages in order to reduce the number of tenders to be negotiated, by applying the award criteria set out in the procurement documents. This will consist in evaluating the received tenders (in a second round) and rejecting those below the pre-announced quality thresholds; tenders above thresholds are invited to negotiate further to ultimately select the offer representing the best quality/price ratio for a final round of negotiation. Any refinement concerning technical, legal and financial aspects with the final Candidate will take place in this phase. If there is any significant change in the final offer ECHA may revert to the preceding phase(s).

Once the Candidates have submitted a technical and financial offer in the Negotiated Procedure in Phase II, they commit to keeping their tender through the entire duration of the negotiated procedure. In this regard, a tender guarantee may be requested by ECHA.

Prior to, or during the Negotiated Procedure, ECHA will not sign any exclusivity contract or similar clauses in favour of a Candidate. ECHA reserves the right to examine and negotiate all shortlisted candidates simultaneously. At any stage of the procedure ECHA reserves the right to pay a visit to a site of the building project. ECHA may make specific requests to the Candidates in order to make the tenders comparable.

It is noted that, if during the negotiations, a more detailed analysis reveals that the proposed property does not meet the criteria used for selection in Phase I, the property in question will be excluded from further negotiations. In such a case ECHA may decide to review its decision on the shortlisting of candidates. Namely, one or more candidates from the merit list drawn in Phase I as a result of the prospection notice may be invited to take part to the direct negotiations.

Internal approval and contract award

At the end of the negotiations, ECHA will initiate its internal approval procedure that involves seeking for opinion of ECHA Management Board and approval of the Budgetary Authority (European Parliament and European Council). This process is estimated to take up to six months. Having received the opinion of the Budgetary Authority, ECHA will publish the contract award notice. ECHA and the successful candidate shall then sign the final contractual documents.

Please note that ECHA reserves the right to not awarding the contract or to cancel the procedure, without Candidates being entitled to any compensation.

3. ANNEXES

3.1 TECHNICAL DOCUMENTATION

The technical documentation constitutes an integral part of the Specifications and consists of the following documents:

3.1.1 Functional, Operational & Technical Requirements

3.1.2 Evaluation Checklist of Functional, Operational & Technical Requirements

3.1.3 Architectural & Technical Specifications (upon request)

3.2 ADMINISTRATIVE DOCUMENTATION

3.2.1 Candidate information sheet

3.2.2 Declaration on honour - Exclusion and Selection criteria

3.2.3 Financial and Economic Capacity Overview Form

3.2.4 Project reference form