



ACSE/ URBACT II (2007-2013) Operational Programme

CONTRACT No. 2010 URB 09 28

MID TERM EVALUATION OF THE URBACT II PROGRAMME

TENDER RULES (T.R)

PUBLIC PURCHASER:

Agence Nationale pour la Cohésion Sociale et l'Égalité des Chances (Acse).

Etablissement Public National à Caractère Administratif
209 - 211, rue de Bercy - 75585 - Paris Cedex 12

REPRESENTED BY MR FRENTZ, DIRECTOR-GENERAL OF THE ACSE

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ARTICLE 1: PURPOSE OF THE CONTRACT

1.1. Mid term evaluation of the URBACT II programme

The purpose of this contract is the carrying-out of a mid term evaluation of the URBACT II programme within the context set out in III above. This external evaluation is in addition to the actions carried out by the Managing Authority for the programme and by the Secretariat itself regarding "quality control", as well as the monitoring tools set up by the Secretariat for the management of the programme.

1.2. Goals of the evaluation

The mid term evaluation is an essential component of the URBACT II programme's life cycle. For the programme's Managing Authority, the Monitoring Committee and for the Secretariat it constitutes an evaluation tool for the programme's implementation and is a source of recommendations for potential future changes (during as well as after the current programming period).

The goals of the mid term evaluation are the following:

- 1) Evaluating the programme's implementation and overall performance in terms of relevancy, effectiveness, impact and results (for each of the programme's main operations);
- 2) Issuing proposals with the purpose of improving the implementation of the programme, in particular looking forward to the 3rd call for proposals that will be launched at the end of 2011;
- 3) Producing a contribution to the discussions and ideas in preparation for the next programming period 2013-2020.

Goals 1 and 2 represent the firm tranche of the contract. Goal 3 is the conditional tranche.

ARTICLE 2: PROCEDURE AND FORM OF THE CONTRACT

2.1 Procedure and form of the contract:

This is a single contract with a set overall price.

The contract comprises a firm tranche and a conditional tranche.

This contract does not include any compensation in the event of the conditional tranche not being confirmed.

2.2 Form of notifications

The notification to the successful tenderer of decisions or information by the contracting authority which include a deadline is carried out:

- either directly to the successful tenderer, or to its duly qualified representative in return for a receipt (delivered into his hands);
- or by letter (recorded delivery letter with acknowledgement of receipt);
- or by electronic communications (in particular email, fax or electronic means) or on electronic media.
- The communication methods must enable a receipt date to be given with certainty;
- or by any other means that confirms the receipt date of the decision or the information.

ARTICLE 3: DURATION OF THE CONTRACT-EXECUTION PERIOD

The total duration of the contract is 12 months from the date it is notified to the successful tenderer. The execution period for the firm tranche is 6 months from the date it is notified to the successful tenderer. The execution period for the optional tranche is 3 months from its confirmation.

However, the successful tenderer may make a request for an extension to the execution period. It must make its justified request to the contracting authority in writing stating the requested time which must be within the maximum time assigned for the duration of the contract. The possible acceptance of the extension will thus be notified to it in writing.

The conditional tranche begins at the end of the firm tranche. It is confirmed or otherwise by Acsé-Secretariat URBACT. The decision is notified to the successful tenderer at the latest one month before the end of the firm tranche.

This contract does not include any compensation in the event of the conditional tranche not being confirmed.

ARTICLE 4: CONDITIONS RELATING TO THE CONSULTATION

4.1 Consortium

Companies may bid as joint-and-several liability consortiums or as joint-liability-only consortiums. In the latter case, the successful tenderer must be a jointly-liable representative of the consortium.

4.2 Variants: Candidates are not allowed to present variants.

4.3 Language(s) that may be used in the proposal or the participation application:

English, French

ARTICLE 5: COMPETITIVE TENDERING – CONTENTS OF THE CONSULTATION FILE

The competitive tendering will take place after a public notice of competitive tendering published by BOAMP, by JOUE, an advertisement on Acsé's web site (www.lacse.fr), on the buyer profile (www.achatpublic.com), on the Urbact site (www.urbact.eu) and on other specialised sites if appropriate.

The consultation file is made up of the following documents:

- These tender rules (TC);
- The Special clauses (CCP);
- The tender document (DC8) ;

- The reply forms CERFA (DC4, DC5, Delegation of signing authority).

The CERFA forms can be downloaded from various sites and in particular:

http://www.minefe.gouv.fr/themes/marches_publics/formulaires/index.htm

(Non-mandatory national forms for candidates of a public procurement contract)

ARTICLE 6: CONDITIONS FOR OBTAINING THE CONSULTATION FILE

The consultation file (issued free of charge) may be sent to candidates by email as soon as a request has been received by email (scpc@lacse.fr) or by fax (No. 01.40.02.77.14) to the *public procurement and litigation service*. Indicate the consultation reference: **2010 URB 09 28**.

The consultation file can also be downloaded from the buyer profile site at the following address: www.achatpublic.com then go to the companies space (section: access the market room) and then indicate in the main pane, called research criteria, the consultation reference: **2010 URB 07 28** then click on search and then on the pane that is displayed which includes the name of the contract.

Moreover, the file can also be downloaded from Acsé's web site (www.lacse.fr / section "contracts" sub-section "underway" under reference " **2010 URB 09 28**"), or on the URBACT site (www.urbact.eu)

ARTICLE 7: CONTENTS AND PRESENTATION OF THE TENDER FILES

It is imperative that the application documents and proposals are signed by the candidate organisation's **legal representative**. If there is another signatory, a formal delegation of signature must be enclosed.

Moreover, candidates are asked not to send bound documents in order to make digitisation easier. They may staple them or put them in files, jackets or sleeves without binding.

The envelope must contain the following documents:

A/ Application file

This application file must contain the following administrative documents in accordance with articles 43 to 45 of the public procurement code and the decree of 28 August 2006:

- An **application letter** signed by the organisation's legal representative (use the enclosed **DC4** form);
- A **copy of the latest ruling in the event of receivership**;
- A **declaration by the candidate** duly filled in and signed (use the enclosed **DC5** cerfa form);
- A **presentation enabling the candidate's abilities to be evaluated and appraised**:

The candidate must give information about its *professional, technical and financial abilities*.

To do so it shall indicate its annual turnover for the last 3 years and enclosed with its DC5 any document proving its technical and professional competencies about the purpose of the contract (technical, human, material resources etc) as well as its experience and detailed references (years, ordering organisation, price, purpose).

NB: If the candidate does not have the requested references, it may present any kind of equivalent evidence proving a sufficient level of professional competence to execute the contract.

These documents enable the admissibility of the applications to be checked.

B/ Tender file

This tender file will include the following documents:

7.1 The tender document duly filled in, dated and signed (use the **DC8** cerfa form enclosed), including in particular the name and the role of the signatory authorised to commit the company legally and financially;

The candidate indicates a valid fax and/or email address for all correspondence (page 2 of the tender document).

The candidate shall indicate in the "contract price" of the tender document (page 3 of the tender document), the fixed price of the contract.

These prices are deemed to include all of the services requested in the special clauses (CCP).

Any candidate that is not liable to VAT must indicate in view of which piece of legislation it is exempted.

7.2 A presentation of the technical proposal dated and signed which must include the following elements:

The candidate must conform with the services described in the Special Clauses (CCP).

- the technical proposal to carry out successfully the evaluation indicating the intended methodological approach: the method in its entirety, the various tasks needing to be carried out in order to apply it, the team that will work on the evaluation, the organisation of the work and the timetable for completing the various stages. To contribute to the discussion and ideas and the decision-making process for the implementation of the programme for the 2011-2013 period.

The proposed methodological approach must comply with the orientations fixed by the European Commission for the evaluation of programmes, in particular in its Working Document No. 5 – "Indicative Guidelines on Evaluation Methods : Evaluation during the Programming Period (for further information, consult the site:http://ec.europa.eu/regional_policy/sources/docoffic/working/sf2000_en.htm)

The methodological approach will combine the following elements:

- documentary research;
- a preliminary survey through a questionnaire to the various groups of players (lead partner and project partners, the programme's Monitoring Committee, the Managing Authorities of the operational programmes etc)
- qualitative interviews with key players (Monitoring Committee, Urbact Secretariat, the programme's Managing Authority, the European Commission, the European Parliament, the Committee of the Regions, local authorities etc)
- case studies of a sample of some of the Urbact projects (at least one project per type of operation for Operations 1,2, and 3 in particular).

The proposal will state the estimated number of interviews, the number of case studies as well as the sampling principles.

- A presentation of the team of evaluators (CVs and references): competencies and qualifications of the persons involved in the project as well as the distribution of tasks among the various contributors.

The quality of the candidate's teams (professional experience and competencies of the proposed persons) will be evaluated with the proposal. This must include a description of the proposed team and the profiles of each person (a CV preferably in the European format).

The required qualifications are as follows:

- **experience in evaluating European territorial cooperation programmes financed by the Structural Funds**
- **experience in evaluating cross-border exchange programmes**

Due to the specific nature of the expected services and the timetable for the work, the following skills would be an asset:

- excellent written and spoken communication skills;
 - a strong ability to work in a team and within tight deadlines;
 - an excellent command of written and spoken English and a working knowledge of French, possibly another language of the EU;
 - a command of the current software tools
 - rigour, organisation and autonomy.
- A certificate or an affidavit showing that the candidate and the team proposed have no direct or indirect interest which could compromise the necessary independence of the evaluation work. The URBACT Secretariat-L'ACSE will appreciate this criteria according to the documents transmitted. In order to ensure the independence and the impartiality of the contractor in the performance of services, members of the teams proposed by the candidate may not have any role in the URBACT II Programme in a position which will be itself subject of the evaluation throughout the contract period. Furthermore, members of the teams proposed by the candidates will not be allowed to apply for a position of expert of any kind in the URBACT II Programme throughout the contract period.
- A detailed financial proposal (in euros only) breaking down the proposed fixed price.

The candidate shall also demonstrate in its description, its responsiveness and more generally its capacity to deal with the tasks which are the object of the contract.

The candidate is requested to remit the elements described above in one paper copy and one electronic copy (on CD-ROM or USB stick).

A negotiation phase may take place with the candidates which have presented the best offers, in particular on the implementing modalities and on the price.

NOTES:

⇒ **The candidate whose proposal is chosen shall provide the following documents:**

- for commercial companies: an extract of its enrolment (K bis) in the commercial register;
- For non-profit associations: a copy of the publication in the Official Gazette of its creation;

For other corporate entities: any other document proving its legal existence;

- certificates issued by government offices and competent organisations proving that it has met its fiscal and social obligations (the DC7 cerfa form can be used) or all *equivalent documents in the event of a candidate based in a State other than France, in accordance with the conditions set out in article 46 of the public procurement code*;
- the bank or postal details using the candidate's legal name;
NB: For bank accounts outside France, the holder must provide the name and address of its bank, its bank account number and the IBAN and corresponding SWIFT/BIC codes.
- the declaration relating to the fight against undeclared work (DC6 cerfa form).

⇒ In the event of the documents stated above, as well as the documents making up the tender file not being drawn up in French, the contracting authority may require the chosen candidate to accompany these documents with a translation in French.

ARTICLE 8: CONDITIONS FOR SENDING THE TENDER FILES

8.1 Sending on a physical medium

The files will be presented in a single sealed envelope with the words:

Marché n° 2010 URB 09 28
EVALUATION A MI-PARCOURS DU PROGRAMME URBACT II
A ne pas ouvrir par le service courrier

**This envelope will be sent to the Public procurement and litigation service (SCPC)
by recorded delivery post or by Chronopost to:
L'Acisé, Tour Paris- Lyon, Secrétariat du SCPC
209-211, rue de Bercy - 75585 Paris Cedex 12.
(16^e étage Bureaux 1618 -1619)**

or

**Remitted in return for a receipt at the same address and the same offices
(opening hours: 9 am - 12.30 pm and 1.30 pm – 6 pm)**

8.2 Sending electronically

The files may also be remitted **electronically**, see conditions in article 14 of these tender rules.

ARTICLE 9: VALIDITY PERIOD OF THE PROPOSALS

The validity period is 3 months from the deadline for the receipt of the envelopes

ARTICLE 10: DEADLINE FOR RECEIPT OF THE ENVELOPES

The deadline for receipt of the envelopes is:

23 September 2010 at 12 noon.

ARTICLE 11: PROPOSALS SELECTION CRITERIA

The economically most advantageous proposal is judged according to the criteria set out below with their weighting:

40 points: The technical quality of the proposal, in particular the proposed methodological approach and its feasibility;

30 points: The quality and competences of the proposed team;

30 points: The financial proposal.

ARTICLE 12: MINOR CHANGES AND ADDITIONAL INFORMATION

12.1 Minor changes to the RFT

The public entity reserves the right, at the latest six (6) days before the set deadline for receipt of the proposals, to make minor changes to the consultation file. Candidates must, in this event, reply on the basis of the modified file without being able to make any complaint on this subject. This six (6) day period starts on the date the changes are sent.

If, during the study of the file by the candidates, the deadline fixed for receipt of the envelopes is postponed, this said provision applies according to this new date.

12.2 Additional information

The technical correspondents for this contract are:

Acsé, URBACT Secretariat, 194, avenue du Président Wilson, 93217 Saint-Denis La Plaine Cedex.
Mr Jean Loup Drubigny, Director - URBACT Secretariat tel: 01 49 17 46 02 / email: jl.drubigny@urbact.eu.

Mr. Thierry Picquart, Head of Administration-Coordination- URBACT Secretariat tel: 01 49 17 46 02 / email: t.picquart@urbact.eu.

The administrative correspondents for this contract are:

Acsé, SCPC, 209, rue de Bercy ,75585 Paris Cedex 12. Mrs Martine Bourcier, Director of the public procurement and litigation service (Scpc) Tel: 01.40.02.74.12 / fax: 01.40.02.77.14 / email: scpc@lacse.fr and martine.bourcier@lacse.fr.

Mr Laurent Cousin, liaison officer at SCPC Tel: 01.40.02.74.36 / email: laurent.cousin@lacse.fr.

Miss Delphine Moya: liaison officer at SCPC Tel: 01.40.02.74.95 / email: delphine.moya@lacse.fr, F-75585 Paris Cedex 12.

ARTICLE 13: APPEAL PROCEDURES

Body responsible for appeal procedures:

Administrative Court of Paris, 7, rue de JOUY, 75181 Paris Cedex 04.

E-mail: greffe.ta-paris@juradm.fr

Tel. 01 44 59 44 00. URL : <http://www.ta-paris.juradm.fr>. Fax 01 44 59 46 46.

Department to whom information may be obtained regarding making appeals:

Clerk of the Administrative Court of Paris, 7, rue de JOUY, 75181 Paris Cedex 04.

E-mail: greffe.ta-paris@juradm.fr

Tel. 01 44 59 44 00. URL : <http://www.ta-paris.juradm.fr>. Fax 01 44 59 46 46.

ARTICLE 14 - SENDING OF FILES ELECTRONICALLY

14.1 Provisions applicable in the case of sending of files electronically

- For a candidate wishing to respond in an electronic form (sending of the file electronically through the buyer profile) and in order to guarantee this electronic procedure is carried out in the best way, it must take into account the following instructions:

- Firstly, the candidate goes to the buyer profile site at the following address: www.achatpublic.com then goes to the companies space (section: access the market room) and then indicates in the main pane called research criteria, **the consultation reference: 2010 URB 09 28** then clicks on search and then on the pane that is displayed which includes the name of the contract. Secondly, the candidate sends its file electronically by accessing the "response" section generally available in the left-hand side tabs.

- Candidates must send the documents in Word, Excel or PDF (Adobe Acrobat) format, all PC compatible. Acsé must be able to read and print received files. Candidates are asked not to use "exe" type formats and "macros".

- The applications and tender documents (and more generally all the documents which must be signed), transmitted electronically (or sent on a physical electronic medium), are signed by the economic operator using an electronic signature certificate which guarantees the identification of the candidate.

The categories of signature certificates used to sign electronically must, firstly, comply with the intersectoral security reference system and secondly, be included in a list drawn up by the Minister for State Reform.

The intersectoral security reference system and the list of categories of electronic signature certificates mentioned in the previous sentence are published in an electronic form at the following address: <http://www.entreprises.minefi.gouv.fr/certificats/>.

- Envelopes sent electronically are time and date stamped. It is understood that all of the documents must have been sent via the site by 17/08/2010 whatever the remittance method.

14.2 Back-up copy

- At the same time as sending the file electronically, candidates may also send Acsé (Acsé, Secrétariat du SCPC, 209-211, rue de Bercy - 75585 Paris Cedex 12), a back-up copy on a physical medium: paper or electronic (CD-ROM, USB stick etc), the candidate must, in this case, indicate on **its envelope the words "copie de sauvegarde" (back-up copy)**.

- This back-up copy will only be opened in the following cases:

When a computer virus is detected in the applications or the proposals sent electronically.

When an application or a proposal has been sent electronically and has not arrived within the deadline or was unable to be opened, subject to the back-up copy having arrived within the deadline.

- This back-up copy shall only be taken into account if it has arrived at Acsé BEFORE the deadline for receipt of the envelopes.

- In the event of the use of a physical electronic medium, the enclosed documents requiring signature must have an electronic signature (see above **point 14.1**).

