



ACSE/ URBACT II (2007-2013) Operational Programme

**CONTRACT No. 2010 URB 08 28
STUDY SERVICES FOR THE URBACT EUROPEAN PROGRAMME
IN THE FIELD OF URBAN POLICIES
TENDER RULES (T.R)**

PUBLIC PURCHASER:

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

A National Public Establishment of an Administrative Nature

209 - 211, rue de Bercy - 75585 - Paris Cedex 12

REPRESENTED BY MR FRENTZ, DIRECTOR-GENERAL OF ACSE

Contents

Article 1: Purpose of the contract

Article 2: Procedure and form of the contract

Article 3: Duration of the contract-Execution period

Article 4: Conditions relating to the consultation

Article 5: Competitive tendering – Contents of the consultation file

Article 6: Conditions for obtaining the consultation file

Article 7: Contents and presentation of the tender files

Article 8: Conditions for sending the tender files

Article 9: Validity period of the proposals

Article 10: Deadline for receipt of the envelopes

Article 11: Proposals selection criteria

Article 12: Minor changes and additional information

Article 13: Appeal procedures

Article 14: Sending of files electronically

ARTICLE 1: PURPOSE OF THE CONTRACT

The purpose of this contract is the conduct of two distinct studies, in the field of European urban policy connected to the URBACT I and URBACT II programmes

The goal of these studies is to provide the thematic sub-groups ("clouds"), the thematic centres and, beyond these, the whole programme with additional knowledge about the 2 following themes:

Work package 1/ the economic impact of cultural heritage linked to a strengthening of the integrated and sustainable development of the city

Work package 2/ Innovations in the development of the organisation of governance and the involvement of the private sector and civil society in the Cities-Regions

These tender rules (TC) describe the main provisions of the contract and the conditions under which candidates' proposals must be made to Acsé.

ARTICLE 2: PROCEDURE AND FORM OF THE CONTRACT

2.1 Procedure and form of the contract:

This is a service contract entered into according to an appropriate procedure in accordance with article 28 of the public contract code.

This is a contract divided into work packages (2 packages) with a set overall price.

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:

- 1) either directly to the successful tenderer, or to its duly qualified representative in return for a receipt (delivered into his hands);
- 2) or by letter (recorded delivery letter with acknowledgement of receipt);
- 3) 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;
- 4) 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 is 10 months from the date it is notified to the successful tenderer.

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.

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 08 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 contracts' room) and then indicate in the main search window the consultation reference: **2010 URB 08 28**, finally click on search then click on the section which appears showing 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 08 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 per work package 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 for each tranche 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 per work package, dated and signed which must include the following elements.

The candidate must conform with the services described in the Special

Clauses (CCP). The proposal must include:

- a letter of intention that presents the candidates references in the study fields and its motivations for conducting the work;
- a presentation of the person or team put forward by the candidate with CVs in the European format;
- a presentation of the methodology proposed for conducting the study supplying the expected deliverables;
- a detailed financial proposal (exclusively in euros) indicating the number of days allocated to each of the actions linked to the research project.

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

The candidate is requested to remit one paper copy and one electronic copy (on CD-ROM or USB stick) for proposals made on a physical medium.

Negotiations may take place with the candidate(s) having presented the best proposal, in particular, in respect of the provisions for the execution of the services and the prices.

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 No. 2010 URB 08 28
(Contract No. 2010 URB 08 28)
**PRESTATIONS D'ETUDES POUR LE PROGRAMME EUROPEEN URBACT
DANS LE DOMAINE DE LA POLITIQUE URBAINE
(STUDY SERVICES FOR THE URBACT EUROPEAN PROGRAMME
IN THE FIELD OF URBAN POLICIES)**
A ne pas ouvrir par le service courrier
(Not to be opened by the postal service)

**This envelope will be sent to the Public procurement and litigation service (SCPC)
by recorded delivery with acknowledgement of receipt 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: 9.00 - 12.30 and 13.30 - 18.00)

8.2 Sending electronically

See conditions under article 14 of these TR. **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:

| |
|------------------------------------|
| 4 November 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:

50 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;

20 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-](mailto:greffe.ta-paris@juradm.fr)

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 go to the companies space (section: access the contracts' room) and then indicate in the main search window **the consultation reference: 2010 URB 08 28**, finally click on search then click on the section which appears showing 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)** and the candidate's name.

- 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 **point 14.1** above).