

**CONTRACT No. 2011 URB 09 33**  
**URBACT 2 PROGRAMME "National Dissemination Points": dissemination on information websites for urban stakeholders and policy makers of information in their national language about the Urbact programme and the production for Urbact of national information on urban policies.**

**TENDER RULES**  
**R.C**

**PUBLIC PURCHASER:**

**L'Agence nationale pour la cohésion sociale et l'égalité des chances (ACSE) [National agency for social cohesion and equal opportunities].**

Etablissement public national administratif [National Public Body of an Administrative Nature]  
209, rue de Bercy  
75585 PARIS Cedex 12.

Represented by Mr Remi FRENTZ, Director-General

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## **ARTICLE 1: PURPOSE OF THE CONTRACT**

The purpose of this contract relates to so-called "National Dissemination Points" which consist of disseminating in the national language, on information websites, information about the URBACT II programme for urban development stakeholders, as well as services for the production of information about local urban policies for the URBACT II programme.

## **ARTICLE 2: DURATION OF THE CONTRACT**

The duration of the contract is 23 months from the date it is notified to the contractor.

The contract may then be extended tacitly by the contracting authority once for a period of 23 months from the anniversary date of the notification. However, if the contract is not renewed, the contracting authority shall notify its decision to the contractor.

## **ARTICLE 3: PROCEDURE, FORM, ALLOTMENT AND PRICE OF THE CONTRACT**

### **3.1 Procedure, form and allotment of the contract**

This contract is a service contract awarded under an open call for proposals in accordance with articles 33, 57 to 59 of the Public Procurement Code.

It is divided into 23 work packages, in accordance with article 10 of the Public Procurement Code, i.e.:

Work Package No.1-Germany  
Work Package No.2-Austria  
Work Package No.3-Bulgaria  
Work Package No.4-Cyprus  
Work Package No.5-Denmark  
Work Package No.6-Spain  
Work Package No.7-Estonia  
Work Package No.8-Finland  
Work Package No.9-Hungary  
Work Package No.10-Ireland  
Work Package No.11-Italy  
Work Package No.12-Latvia  
Work Package No.13-Lithuania  
Work Package No.14-Luxembourg  
Work Package No.15-Malta  
Work Package No.16-Netherlands  
Work Package No.17-Poland  
Work Package No.18-Romania  
Work Package No.19-United Kingdom  
Work Package No.20-Slovenia  
Work Package No.21-Slovakia  
Work Package No.22-Sweden  
Work Package No.23-Switzerland

These are purchase order contracts with a minimum of €8,000 inclusive of VAT and a maximum of €40,000 inclusive of VAT for the duration of the contract excluding renewal:

The completion of each work package shall be through purchase orders in accordance with article 77 of the Public Procurement Code.

The contract is performed as and when the purchase orders are issued during the duration of the contract.

## **3.2 Contract price**

### **A. Form of the prices**

The prices of this contract are contained in the financial offer enclosed with the tender agreement which states the prices item by item. The total maximum price cannot be higher than €20,000 inclusive of VAT for 23 months for the main services and €20,000 euros inclusive of VAT for 23 months for the additional services.

These prices include all the associated costs for the completion of the requested services but exclude expenses incurred by the meetings convened by ACSE – URBACT Secretariat which will be borne according to the rules in force for the programme.

### **B. Nature of the prices**

The contract prices may be revised on the anniversary date of the renewal of the contract, i.e. 2 years from the deadline date for receipt of the proposals for this contract.

In the event of a renewal, the prices in the financial annexe may be revised according to the formula indicated below.

$$P1 = Po \times S1/So$$

In which:

P1 = Revised price

Po = Initial price

S1 = Syntec Index on the last published index on the revision date.

So = initial Syntec Index i.e. the Syntec Index used as a reference published on the date the proposals are submitted.

The indices are published on the INSEE website (France).

## **ARTICLE 4: CONSORTIUM - VARIANTS**

4.1 Applicants may bid as a joint-and-several liability consortium or as a joint-liability-only consortium. In the latter case, the contractor must be a joint-and-severally-liable representative of the consortium.

4.2 Variants are not permitted.

## **ARTICLE 5: COMPETITIVE TENDERING - CONTENTS OF THE CONSULTATION FILE**

The competitive tendering will take place after a public notice of competitive tendering published in the BOAMP on paper and in the JOUE, an advertisement on ACSE's website ([www.lacse.fr](http://www.lacse.fr)) and on the buyer profile ([www.achatpublic.com](http://www.achatpublic.com)).

The consultation file is made up of the following documents:

- These tender rules (RC);
- The Special clauses (CCP);
- The tender agreement (DC3) and its financial annexe;
- The reply forms (DC1, DC2, DC4, Delegation of signing authority).

## ARTICLE 6: CONDITIONS FOR OBTAINING THE CONSULTATION FILE

The consultation file can also be downloaded from the buyer profile site at the following address: [www.achatpublic.com](http://www.achatpublic.com) then go to the companies' space (section: access the contract room) and then indicate in the main pane, called research criteria, the consultation reference: **2011 URB 09 33**, then click on search and then on the pane that is displayed which includes the name of the contract..

The consultation file may also be sent free of charge to applicants by email as soon as a request has been received by email ([scpc@lacse.fr](mailto:scpc@lacse.fr)) or by fax (No. 01.40.02.77.14) to the *public procurement and litigation service*. Indicate the consultation reference: **2011 URB 09 33**.

## ARTICLE 7: CONTENTS OF APPLICATIONS AND PROPOSAL

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

Moreover, applicants 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:

- An **application letter** signed by the organisation's legal representative (use the enclosed **DC1** cerfa form);
- A **copy of the latest ruling in the event of receivership**;
- A **declaration by the applicant** duly filled in (use the enclosed **DC2** cerfa form);
- A **presentation enabling the applicant's abilities to be evaluated and appraised**:

The applicant 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 DC2 any document proving its technical and professional competencies about the purpose of the contract as well its **Internet experience and detailed references (years, ordering organisation, duration, price, purpose) in disseminating, on a national scale, information in the field of urban policies.**

The proposed website must have existed for at least one year.

Moreover, the applicant guarantees the public corporation about its neutrality in respect to any particular professional body.

NB: If the applicant 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**

The tender file will include the following documents:

- **A tender agreement** duly filled in, dated and signed (use the DC3 form enclosed), including in particular the name and the role of the signatory authorised to commit the company legally and financially. The applicant shall fill in **a tender agreement for each work package.**

**Signing the tender agreement by the applicant commits it for all the elements included in its proposal.**

- **The financial annexe**, filled in, dated and signed.

The attention of applicants is drawn to the fact that if they are exempt from VAT or if they benefit from VAT at reduced rates, they must indicate the article of the text allowing the exemption or reduction.

The applicant fulfils a financial annexe **by work package** (price in euros: exclusive of VAT, inclusive of VAT with the VAT rate).

These prices include all the associated costs for the completion of the requested services but exclude accommodation and travel costs, which will be borne directly by the URBACT Programme. Each journey shall be subject to prior agreement by the Secretariat of the URBACT Programme and a "travel order" will be issued. Repayments shall be made after receipt by the URBACT Secretariat of the declaration form of expenditure and the original documentary proof.

- **The presentation of the detailed technical proposal provided for each work package** dated and signed:

Where the applicant applies for several work packages, particular attention shall be given by the ACSE – URBACT Secretariat to the way in which the applicant intends to organise itself in completing the work packages.

- **Optionally, any request for acceptance of sub-contracting.**

In this case it is necessary to fill in the DC4 enclosed with the consultation file ("Sub-contracting declaration").

## **C; The applicant that is awarded the contract shall present the documents below:**

- For commercial companies: a registration extract from the commercial register or equivalent;
- For associations: a copy of the publication proving their legal existence;
- 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 NOTI 2 cerfa form can be used) or all equivalent documents in the event of an applicant based in a State other than France, in accordance with the conditions set out in article 46 of the Public Procurement Code;
- Bank or postal details in the applicant's legal name;
- The declaration relating to the fight against undeclared work (NOTI 1 cerfa form).

## ARTICLE 8: CONDITIONS FOR SENDING APPLICATIONS

### 8.1 Presentation on physical medium

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

**2011 URB 09 33**  
**URBACT 2 PROGRAMME "National Dissemination Points": dissemination on information websites for urban stakeholders and policy makers of information in their national language about the Urbact programme and the production for Urbact of national information on urban policies.**  
**Not to be opened by the postal service**

**This envelope will be sent to the Public procurement and litigation service (SCPC) using a recorded delivery service with acknowledgement of receipt:**

L'Acisé, Tour Paris- Lyon, Secrétariat du SCPC  
209, rue de Bercy - 75585 Paris Cedex 12.  
(16<sup>e</sup> 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 (see article 14 of these RC)

## ARTICLE 9: VALIDITY PERIOD OF THE PROPOSALS

The validity period of the proposals is 4 months from the deadline for the receipt of the proposals.

## ARTICLE 10: DEADLINE FOR RECEIPT OF THE ENVELOPES

The deadline for receipt of the envelopes is on:

**12 December 2011 at 5 pm**

## ARTICLE 11: PROPOSALS SELECTION CRITERIA

The economically most advantageous proposal is judged for each of the work packages according to the criteria set out below with their weighting:

- Financial proposal (10%)
  - Main services 5%
  - Additional services 5%
- Quality of the dissemination proposals (handling of mailing lists, proposals of agreements with other websites, for the submission of articles to specialised journals and national websites) and understanding of the mission (25%)
- Age of the website, popularity and growth curve of visitors to the site and the ability of the applicant to write articles on urban policies in its country and to propose editorial content for the URBACT site (25%)
- Place given in the website to urban issues, on sustainable urban development, urban planning, construction, economic, social and environmental development (20%)
- Ability to provide regular and detailed statistical monitoring providing information (for at least a year) about the number of visitors to the website and the number of unique visitors per page (10%)
- Level and frequency of the web mastering of the website (enough to ensure its promotion at least once a week), features and appearance of the site (10%)

## ARTICLE 12: ADDITIONAL INFORMATION

### The technical correspondents for this contract are:

Mr Jean Loup Drubigny, Director of Urbact Secretariat;

Tel: 01.49 17 46 02 / email: [jl.brubigny@urbact.eu](mailto:jl.brubigny@urbact.eu)

Mr Thierry Picquart, Administration-Coordination Manager- Urbact Secretariat;

Tel: 01.49 17 46 02 / email: [t.picquart@urbact.eu](mailto:t.picquart@urbact.eu)

### The administrative correspondents for this contract are:

-Mrs Martine BOURCIER: Director of the public procurement and litigation service (SCPC) Tel: 01.40.02.74.12 / email: [scpc@lacse.fr](mailto:scpc@lacse.fr) and [martine.bourcier@lacse.fr](mailto:martine.bourcier@lacse.fr)

-Mr Laurent COUSIN, liaison officer at SCPC; Tel: 01.40.02.74.36 / email: [laurent.cousin@lacse.fr](mailto:laurent.cousin@lacse.fr)

## 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](mailto: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 from 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](mailto: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 FILES ELECTRONICALLY

For an applicant 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 applicant goes to the buyer profile site at the following address: [www.achatpublic.com](http://www.achatpublic.com) then go to the companies' space (section: access the contract room) and then indicate in the main pane, called research criteria, the consultation reference: 2011 URB 09 33, then click on search and then on the pane that is displayed which includes the name of the contract. Secondly, the applicant sends its file electronically by accessing the "response" section available in the tabs on the left.

- Applicants must send the documents in Word 2003, Excel 2003 or PDF (Adobe Acrobat) format, all PC compatible. ACSE – URBACT Secretariat must be able to read and print received files. Applicants are asked not to use "exe" type formats and "macros".

- The applications (DC1) and tender documents, 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 applicant.**

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/>**

Applicants must check that the electronic certificate available to them is a certificate that allows them access to the downloading platform for submitting proposals electronically.

Failing this, applicants are invited to send in their proposals by postal mail, ensuring that they will arrive at the service before the deadline for the submission of proposals.

- Envelopes sent electronically are time and date stamped. Any envelope received after the remittance deadline (date and time) shall be deemed to be after the deadline. It is understood that all of the documents must have been sent to the site before the expiry of the envelope remittance deadline. For information, the envelope remittance deadline is set at 12 December 2011 at 5 pm whatever the remittance method.

At the same time as sending the file electronically, applicants may also send the Acsé, SCPC service, a back-up copy on a physical medium (paper or electronic): the applicant must, in this case, indicate on its envelope the words "copie de sauvegarde" (back-up copy) as well as the identity of the organisation.

- 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).