



Tender Specifications
Operation of the European Environment Agency's Canteen
Open call for tenders EEA/ADS/06/005

1. Introduction

The purpose of the contract is to operate the canteen of the European Environment Agency (hereinafter called the “AGENCY”), Kongens Nytorv 6, DK-1050 Copenhagen K, Denmark.

2. Subject of the contract

a. Definition

For the purpose of the Contract, the expression “staff of the AGENCY” means all officials and other servants who come within the framework of the Staff Regulations and the Conditions of Employment of other servants but also other persons working for the AGENCY such as persons employed under private law contracts, experts on secondment from national civil services or trainees.

b. Performance of services

The canteen shall start to be operated as from 1 January 2007.

The canteen shall be operated by at least three professional and experienced cooks, and one dish washer. Their assignment to the canteen shall be subject to the approval of the Agency. Canteen staff must be able to communicate (orally) in English which is the working language of the AGENCY.

The canteen, as a minimum, must be opened from 8:00 AM to 15:00. The number of potential customers is the AGENCY staff (approx. 170 persons), consultants (approx. 30 persons), and meeting participants (on average approx. 20 persons per day, although with considerable variations from day to day, but not more than 100 persons per day).

The daily menu should be composed of at least: soup, 2 hot dishes (a fish course and a meat course), salad buffet, cold buffet, dessert, fruit, cheese and home baked bread. A broad selection of beverages should be offered, but no strong beers or spirits.

All food will be made and served in the canteen at Kongens Nytorv 6.

Where appropriate, products with an ecological label shall be privileged. The AGENCY attaches great importance to the canteen contributing to a good social atmosphere given the fact that it will be used for lunches by the staff of the AGENCY and meetings' attendees, but also for other arrangements and receptions.

The canteen will also provide services to meetings in the AGENCY (mostly coffee, tea and water) in its main building at Kongens Nytorv 6 and, if required, in its meeting facilities in Kongens Nytorv 28.

c. Facilities and equipment

The AGENCY makes available to the contractor a kitchen (including facilities for hot and cold kitchen; dishwasher; storage facilities; toilet for the staff), counters for sale and display of food in the AGENCY's main building at Kongens Nytorv 6, free of charge. Further, the following is at the disposal of the contractor, free of charge:

- a) premises
- b) heating
- c) water
- d) light and electricity
- e) kitchen machines and equipment
- f) furniture, etc.
- g) porcelain, glass, etc.

The AGENCY also makes available to the contractor a small kitchen (incl. kitchen machines and porcelain for coffee, tea, and water orders at meetings) at its facilities at Kongens Nytorv 28 which are largely used for meetings and conferences.

Equipment that is made available to the contractor remains the property of the AGENCY or the landlord, whichever is the case. The maintenance hereof is the responsibility of the AGENCY, however subject to the condition that equipment is not being mismanaged by the contractor. Equipment purchased by the contractor, and the maintenance hereof, is the responsibility of the contractor.

Joint operation with another canteen, restaurant or café is acceptable. However, the kitchen facilities and equipment of the canteen at the AGENCY may be used only to service AGENCY staff and guests in the canteen.

d. Hygiene

The AGENCY pays the fee for the removal of waste once it has been sorted and put in containers by the contractor.

The contractor bears the cost for linen (dish towels etc) as well as the washing of the linen.

Dish washing and cleaning of the kitchen area (kitchen, sales area, scullery, changing room and toilet) are the responsibilities of the contractor and the contractor carries the costs for cleaning materials, etc.

The contractor shall make sure that the kitchen is kept clean and meets a high hygienic standard in conformity with the standards set by the Danish food safety authorities ("Fødevarestyrelsen").

Cleaning of the canteen sitting area is the responsibility of the AGENCY.

3. Visits to Premises

The interested bidders may visit the premises on Tuesday, **1st of August 2006, 16:00 hrs**. They are requested to inform Mr Domingo Zorrilla in advance, by email or letter. Email address: domingo.zorrilla@eea.europa.eu; fax no. +45 33 36 72 72.

4. Volume of the contract

The estimated yearly budget for the requested services is approximately EUR 230,000.

5. Duration

The successful tenderer will be offered a framework contract for a period of maximum four years. On the basis of this framework contract, order forms will be issued detailing the subject, duration, price and implementing conditions.

6. Price

Prices shall be fixed and not subject to revision for implementation during the first year of duration of the Contract.

From the beginning of the second year of duration of the Contract, each price may be revised upwards or downwards each year, where such revision is requested by one of the contracting parties by registered letter no later than three months before the anniversary of the date on which it was signed. The Agency shall purchase on the basis of the prices in force on the date on which orders or specific contracts are signed. Such prices shall not be subject to revision.

This revision shall be determined by the trend in the harmonised consumer price index EEAICP published for the first time by the Office for Official Publications of the European Communities in the Eurostat Database <http://epp.eurostat.cec.eu.int/> (Theme 2 - Economy and Finance; Prices; HICP – Harmonized Indices of Consumer Prices; HMIDX – Monthly data (index 2005=100), COICOP - CP00).

Revision shall be calculated in accordance with the following formula:

$$Pr = Po \left(0,2 + 0,8 \frac{Ir}{Io} \right)$$

where:

- Pr = revised price;
- Po = price in the original tender;
- Io = index for the month in which the validity of the tender expires
- Ir = index for the month corresponding to the date of receipt of the letter requesting a revision of prices

The European Environment Agency is exempt from all charges, taxes and dues, including value added tax pursuant to Article 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities and the Headquarters Agreement between the Agency and the Government of Denmark of 17 August 1995; such charges may not therefore be included in the calculation of the price quoted; the VAT amount must be indicated separately.

Prices shall be all-inclusive and expressed in **EURO**. The tenderer should present the financial offer in the format of Annex 3. The tenderer shall submit a price-list for products and services offered by the canteen containing the following items:

- Staff buffet;
- Guest buffet;
- Buffet incl. soft drink / beer for meetings;

- Coffee / Tea and water for meetings,
- 2 course meal for meetings incl. service and soft drink / beer;
- 1 course meal for meetings incl. service and soft drink / beer.

The contractor will receive a quarterly contribution paid by the AGENCY. Therefore, for the Staff Buffet a discounted price shall be charged to the staff of the AGENCY, so that the price level corresponds to that of other private or public canteens. The tenderers are requested to indicate the amount of the Quarterly Contribution that they propose.

The costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed. Travel time and costs incurred during the journey to the EEA offices are not reimbursed to the contractor.

7. Contractual Terms

In drawing up his bid the tenderer should bear in mind the provisions of the standard contract attached to this invitation to tender

8. Terms of payment

The Quarterly Contribution will be paid every three months, within 30 calendar days upon receipt by the Agency of an invoice and any supporting documents relating to the services carried out, provided the services have been accepted by the Agency.

Payments for other services (special events, meetings, etc) shall be made monthly, upon delivery of the services requested, within 30 calendar days upon receipt by the Agency of an invoice and any supporting documents relating to the services carried out, provided the services have been accepted by the Agency.

9. Criteria

(i) Exclusion Criteria

Candidates or tenderers shall be excluded from participation in a procurement procedure if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

- (e) they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) they have been convicted for an environmental offence in the exercise of the profession;
- (g) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Candidates or tenderers must certify that they are not in one of the situations listed above. The tenderer shall provide an auto-declaration, preferably made on oath before a judicial or administrative authority, a notary or a competent professional or trade body by a person competent to do so on behalf of the tenderer, which states that none of the grounds for exclusion apply to the tenderer (See Annex 1). N.B. additional evidence may be requested at a later stage prior to signature of the contract.

Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:

- (a) are subject to a conflict of interest;
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

(ii) Selection Criteria

(a) Legal status

The tenderer is requested to prove that he is authorised to perform the contract under national law, as evidenced by 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.

The tenderer should also provide an identification sheet (Annex 2) duly filled out and signed.

(b) Financial capacity

Evidence of economic and financial capacity shall be furnished **by one or more** of the following documents:

- appropriate statements from banks or evidence of professional risk indemnity insurance;
- the presentation of balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;
- a statement of overall turnover for the last three financial years.

If, for some exceptional reason, which the contracting authority considers, justified, the tenderer or candidate is unable to provide the references requested by the contracting authority, he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.

(c) Technical capacity

The evidence of the technical and professional capacity should be furnished on the basis of the following documents:

- the educational and professional qualifications of the service provider and in particular those of the persons responsible for providing the services (CVs of the proposed staff);
- a list of the principal services provided in the past three years, with the sums, dates and recipients, public or private
- an indication of the proportion of the contract which the service provider may intend to subcontract.

(iii) Award Criteria

The contract will be awarded to the tender with the best price-quality ratio, taking into account the following criteria:

Quality of the food offered, including variety and value from a dietary point of view: **20%**;

Quality of the services offered: **20%**;

Flexibility: in providing services requested in short notice: **20%**;

Environmental policy: the tenderer shall describe the environmental policy of the company or present evidence of environmental management measures: **10%**

Price¹: **20%**

Quarterly Contribution²: **10%**

10. Environmental considerations

The EEA runs a certified environmental management system (EMAS) and aims to minimize the environmental impact of all its activities, including those carried out under contract. The successful tenderer will, therefore, be requested to consider the EEA environmental management guidelines in their work, in particular those relating to business travel, paper and energy consumption. Further information on the EMAS system can be found on the EEA homepage: <http://org.eea.europa.eu/documents/emas>

Moreover, we strongly recommend the tenderers to submit the tenders in an environmentally friendly way, as following:

- Only material mentioned in the technical specifications attached (no additional material);
- Printed on both sides of paper;

¹ For the price, the points will be awarded using the formula:

$$\text{Price} = (\text{lowest average rate} / \text{average rate of the tender being considered}) \times 20\%$$

² For the Quarterly Contribution, the points will be awarded using the formula:

$$\text{Quarterly Contribution} = (\text{lowest offer} / \text{offer of tender being considered}) \times 10\%$$

- Without plastic folders or binders;
- With consecutive page numbering and with a list of contents.

11. General comments

The tender must comprise:

- A technical offer containing the description of the services to be delivered to the EEA;
- A financial offer as per Annex 3 and an indication of the Quarterly Contribution;
- Declaration on Exclusion Criteria;
- Documents proving the Legal Status;
- Documents proving the Financial and Technical Capacity.

Tenders from consortiums of firms or groups of service providers must specify the role, qualifications and experience of each of the members or of the group.

Declaration on exclusion and documents on selection criteria must be supplied by each member of the consortiums of firms or groups of service providers submitting a single tender.