

**Tender specifications for advertisement of contract**

**Project name: RoHS dossier on small brominated alkyl alcohols**

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## TENDER SPECIFICATIONS

### 1.1 Introduction

The present tender documents provide supplementary information in respect of the notice in the Danish online portal for Public Procurement (Udbud.dk) and on the homepage of the Danish EPA.

The procurement process is held as an open procedure in accordance with Section IV of the Danish Law on Public Procurement, and Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 (“the Public Procurement Directive”).

All interested parties are hereby invited to tender for the execution of the project as detailed in the specifications, which are part of the present tender documents (available on the homepage of the Danish EPA).

### 1.2 The contracting authority

The contracting authority under this procurement process is:

#### **The Danish Ministry of Environment and Food**

Environmental Protection Agency

Strandgade 29

DK - 1401 Copenhagen K

Denmark

Phone: (+45) 72 54 40 00

[www.mst.dk](http://www.mst.dk)

In the present tender specifications, the contracting authority will be referred to as the “Contracting Entity”.

Attn: Dorte Lerche

E-mail: [doble@mst.dk](mailto:doble@mst.dk)

All communications shall be in writing and submitted in English.

Where there are discrepancies between the Contracting Entity’s written and oral statements, the written statements shall always be given precedence.

### 1.3 Description of the project

This Call for tenders covers:

The assignment to collect, assess and present scientific data to support a proposal for restriction of small brominated alkyl alcohol in the RoHS Directive, if the data prove to be adequate. The category can be defined as having 3-5 carbons, 2-3 bromine atoms and 1-2 alcohol groups.

The description of and requirements for the contracted project are stated on the homepage of the Danish EPA.

### **1.3.1 Contract period**

The contract period runs from the contract is signed and until December 31, 2016.

## **1.4 Tender specifications**

### **1.4.1 Competitive procurement procedure**

In an open invitation to tender, all interested providers may submit a tender. The tenders received will be evaluated in two phases: the selection phase and the award phase.

In the selection phase, an assessment is made of the individual tenderer's general suitability to provide the contracted project. The object of the suitability assessment is to ensure there is competition between tenderers that are suited to providing the contracted project. The suitability assessment will be based on the information requested in the section 1.4.2 "Selection criteria".

In the award phase, a specific assessment of the tenders received is carried out and on this basis, a decision is made as to which tenderer is to be awarded the contract. The award is based on the award criteria specified in section 1.4.3.1 "Award criteria".

### **1.4.2 Selection criteria**

#### *1.4.2.1 The legal entity*

Tenderers shall state clearly and unambiguously in their tenders, which legal entity is the tenderer and thereby responsible to the Contracting Entity.

#### *1.4.2.2 Tender submitted by a consortium*

Where a tender is submitted by a consortium including multiple responsible tenderers, each legal entity shall be specified clearly and unambiguously and the consortium members shall also specify a joint authorised representative with whom the Contracting Entity can enter into a contract with binding effect on the consortium. The consortium members have joint and several liability. Whereupon a consortium is awarded the contract, each member of the consortium shall submit a written declaration that it is jointly and severally liable for completion of the contract.

Participating in a consortium means that several companies join together such that they jointly complete the contracted project which, for example, would have been too large for them to complete individually. Use of subcontractors in completing the project does not constitute a consortium.

Where the tenderer is a consortium, the statements and information stated below under section 1.4.2.4 "Conditions for participation", section 1.4.2.5 "The tenderer's financial and economic suitability" and section 1.4.2.6 "The tenderer's technical and/or specialist suitability" shall be submitted by all members of the consortium. If the Contracting Entity asks for references, cf. section 1.4.2.6, and the Contracting Entity has set a maximum number therefor, may the consortium overall only be permitted to deliver this maximum number.

However, only the consortium as a whole shall comply with the minimum requirements in the tender specifications provided minimum requirements have been stipulated. There is an exception to this, however, when minimum requirements for insurance cover have been set, in that sums covered may not be added together in order to meet the minimum requirement. In such circumstances, at least one member or the consortium itself must be able to document compliance with the minimum requirement.

#### *1.4.2.3 Use of subcontractors*

If a tenderer intends to use subcontractors to complete the contracted project or parts thereof, the names of the subcontractors shall be specified clearly and unambiguously in the tender, as well as with the elements of the project that the subcontractors are to be used for.

The statements and information specified below shall not be submitted for subcontractors, as the provider is responsible and liable for the work of any subcontractors.

#### *1.4.2.4 Conditions for participation*

The Contracting Entity will undertake an assessment of the tenderer's suitability to complete the contract put out to tender. The assessment of suitability will include the tenderer's specific circumstances and their financial and technical suitability.

After the deadline for submission of tenders, the Contracting Entity may demand that the tenderer with whom it wishes to enter into a contract submit a full certificate issued by the relevant Business Authority as supporting documentation before the contract is signed. The certificate shall not have been issued more than three months prior to the deadline for submission of tenders.

#### *1.4.2.5 The tenderer's financial and economic suitability*

Tenderers shall submit appropriate documentation in order to document their economic suitability. This include as a minimum:

- Submission of the company's balance sheet or an extract from it, if the tenderer is covered by a legal requirement to publish accounts

If tenderers cannot present the required documentation, they shall ensure their financial and economic suitability is endorsed by submitting alternative suitable documents. In such case, tenderers shall indicate the circumstances they claim as valid grounds for not submitting the requested materials.

#### *1.4.2.6 The tenderer's technical and/or specialist suitability*

Tenderers shall submit the following in order to document their technical and specialist suitability:

1. References for the company. A maximum of five references should be attached, covering projects which the tenderer has undertaken within the specified area in the last three years, calculated from the date of publication of the contract notice, cf. Annex 3. The list of references shall include the following information:

- Brief description of the project and its relevance to the contracted project;

- Details about the company which has obtained the reference (this is only a requirement if the reference is based in a subcontractor, or if the reference is given in connection with a consortium);
  - Contact person at the company/public institution for which the project was undertaken;
  - Contract period; and
  - Contract value.
2. Description of the tenderer's organisation, number of employees, and technical qualifications of employees (not CVs).
  3. Description of the company's inventory and technical equipment to be used to carry out the project.
  4. Description of measures taken by the tenderer to assure quality.

Where tenderers have a valid reason, e.g. the company is a new player in the field, as to why they cannot submit the required documentation for references, they shall provide evidence for the technical capacity in some other way by submitting suitable documents. In this case, tenderers shall indicate the circumstances they claim as valid grounds for not submitting the requested materials.

The Contracting Entity reserves the right to contact the specified referees to confirm the contents of the references given.

### **1.4.3 Evaluation of tenders**

Tenders will be evaluated on the basis of the award criteria specified below with a view to identifying the winning tender. Tenderers shall meet the requirements set out in the specification of requirements, regarding completion of the project, unless specified otherwise. Repetition of the contents of the specification of requirements in bids will therefore be afforded no additional weight in the evaluation of tenders.

All the requested information specified in section 1.4.3.2 "Sub-criteria" received from the tenderer in connection with submission of the tender will be considered in the evaluation.

#### *1.4.3.1 Award criteria*

Providers will be selected on the basis of the award criteria: the most economically advantageous tender.

#### *1.4.3.2 Sub-criteria*

The most economically advantageous tender will be assessed on the basis of the criteria given below, with the specified weightings:

- 1. Price**
- 2. Professional qualifications / CVs**
- 3. Quality assurance in relation to the specific project**
- 4. Approach, method and planning**
- 5. Time schedule**

**Re. 1: Price**

The economy of the project must be well described, in order to clarify the price pr. hour and the number of hours for each participant of the project team (5 %).

**Re. 2: Professional qualifications / CVs**

The qualifications of the members of the team should be well described and documented with CV and list of publications (20 %).

**Re. 3: Quality assurance in relation to the specific project**

The Consultants should describe how they will assure the quality of the project (5 %).

**Re. 4: Approach, method and planning**

The Consultant must make a thorough description of their approach and methods for fulfilling the assignment (60 %).

**Re. 5 Time schedule**

The project has a tight time schedule since it must be completed in 2016. Thus a detailed time schedule must be included in the description of the project.

**1.5 Conditions of tender**

The tenderer shall submit the tender on the basis of the attached tender documents. The final contract will be entered into on the basis of the attached draft contract.

**1.5.1 Time limit for submitting tenders etc.**

Tenders shall reach the Contracting Entity no later than June 16, 2016 at 10.00 CET.

Tenders received after this time will not be taken into consideration and will be returned unopened.

Tenders should be sent or handed in to:

**The Danish Ministry of the Environment**

Environmental Protection Agency

Strandgade 29

DK - 1401 Copenhagen K

Denmark

Phone: (+45) 72 54 40 00

[www.mst.dk](http://www.mst.dk)

**Att.:** Dorte lerche

By e-mail to: [doble@mst.dk](mailto:doble@mst.dk)

Tenderers are bound by their tenders for three months after the deadline for submission of tenders.

The Contracting Entity does not consider the procurement process to be complete until the contract has been signed. Notwithstanding whether the contract is awarded to another tenderer, the tenderer shall be bound by its tender until the Contracting Entity has entered into a contract, although no longer than the compliance period stated above.

### **1.5.2 Minimum requirements for the content, layout, etc. of the tender**

When a tender is submitted, it shall contain the necessary annexes and documentation as described in the contract notice and these tender specifications.

Tenders shall contain the following:

1. Covering letter clearly stating which legal entity or grouping is submitting the tender as well as any use of subcontractors etc. cf. section 1.4.2.1 "The legal entity", section 1.4.2.2 "Tender submitted by a consortium" and section 1.4.2.3 "Use of subcontractors".
2. Documentation of the requested details concerning the tenderer's financial suitability, cf. section 1.4.2.5 "The tenderer's financial and economic suitability".
3. Documentation of the requested details concerning the tenderer's specialist and technical suitability, cf. section 1.4.2.6 "The tenderer's technical and/or specialist suitability".
4. Descriptions and documentation of the specified sub-criteria in the specified form, cf. section 1.4.3.2 Sub-criteria".
5. Other documentation required in the project description.
6. Labelling of the submitted papers, correct address and timely dispatch, cf. section 1.5.1 "Deadline for submission of tenders etc."

The submitted tender shall contain all the requested information and documentation. However, the Contracting Entity reserves the right to correct or rectify any formal errors and omissions in the tenders received, in accordance with subsection 151 (4) of the Danish Law on Public Procurement.

If the tender submitted contains more than the specified maximum number of references, the Contracting Entity reserves the right to contact the tenderer in order to request submission of a correct list of references within a short deadline set by the Contracting Entity.

### **1.5.3 Language**

The tender and associated annexes, as well as any written questions submitted during the tendering period shall be drawn up in English.

### **1.5.4 Contractual basis**

The contract will be entered into on the basis of the attached draft contract – see the homepage of the Danish EPA.

The contract lays down the obligations and rights that will apply between the contracting parties in connection with delivery of the services covered by this call for tenders. It should be noted that the basic terms of the draft contract cannot be amended.

The tenderer's standard terms and conditions will not form part of the contractual basis. This applies irrespective of whether the tenderer attaches its own terms and conditions when submitting the tender, providing services, confirming orders or invoicing, etc.

#### **1.5.5 Notification**

When the Contracting Entity has identified a tender that is most economically advantageous, the Contracting Entity shall notify all tenderers of the award decision. This notification will be made simultaneously and will include a brief account of the relevant grounds for the decision, and indicate when the standstill period expires.

#### **1.5.6 Cancellation**

Until the procurement process has been concluded with the final establishment of a contract, the Contracting Entity reserves the right to cancel the call for tenders, and thereafter possibly to initiate a new call for tenders, provided there are objective grounds for cancellation. Any cancellation of the current tender procedure will be announced by letter to all tenderers. The letter will explain the reason for the cancellation.

#### **1.5.7 Costs of participation**

Participation in the procurement process is at the tenderer's own expense and risk, and costs or losses incurred by the tenderer in connection with participation in the procurement process are of no concern to the Contracting Entity. The tender material will not be returned to tenderers.

#### **1.5.8 Reservations**

Tenderers are not entitled make significant reservations in respect of fundamental elements of the overall tender documents. The Contracting Entity will assess the significance of any reservations. The Contracting Entity shall reject any tenders that contain significant reservations in respect of fundamental elements. Such tenders shall be regarded as non-compliant. Reservations regarding the specified price, deadlines, time schedules, etc. will always be regarded as significant reservations.

Any reservations that do not relate to the fundamental elements in the overall tender documents will be priced by the Contracting Entity, with the resultant price being added to the tenderer's proposed price. The Contracting Entity has the right not to consider such tenders.

Any reservations shall be stated clearly.

### **1.6 Questions and corrections**

If tenderers find parts of the documentation unclear or inappropriate, they are invited to submit clarifying questions.

Under the principle of equal treatment, the Contracting Entity shall treat all tenderers equally. Among other things, this means that the Contracting Entity shall furnish all tenderers with the same information during the procurement process.

Tenderers may submit questions in writing about the tender specifications and the procurement process in general.

All questions that are received no later than 2 days before expiry of the time limit for submitting tenders will be answered. Questions received later than 2 days before the deadline for submission of tenders will not be answered unless the questions insignificant and do not relate to performance of the project.

Questions will be answered in writing. Questions, answers and any corrections will be published in anonymised form at the Danish EPA homepage.

It is the tenderer's responsibility to ensure that questions and answers and any corrections are received, as responsibility for any incomplete tenders due to missing corrections will be borne solely by the tenderer.

### **1.7 Secrecy obligation, confidentiality and access to documents**

Tenderers shall observe unconditional secrecy in respect of unauthorised persons in relation to information that they may become aware of in connection with submitting tenders.

Tenderers are reminded that the documents, including tenders submitted, could be subject to legislation on access to documents. Requests for access to documents from other companies participating in the procurement process shall be handled by the Contracting Entity in accordance with the practice of the Complaints Board for Public Procurement, depending on the specific circumstances. This assessment shall, however, among other things, consider whether the company submitting a tender has asked for the tender to be treated confidentially and has indicated which information/elements within the tender such a request for confidentiality applies to.

Where a tender contains information or elements that a tenderer wishes to keep outside the scope of access to documents for commercial reasons, the tenderer is asked to specify this in the tender.

However, the Contracting Entity shall be entitled and obliged, under all circumstances, to provide access to the extent required by law.

### **1.8 Prohibition against negotiation**

Note that the Contracting Entity will not be able to negotiate, in the traditional way, with tenderers in respect of the tenders submitted. There is therefore only limited room for negotiation.

There will thus be no actual contract or price negotiations, for which reason tenderers should take care to ensure that their tenders are such that the contract in question can in principle, be entered into without any prior discussions between the tenderer and the Contracting Entity.

It is therefore of the utmost importance for the tenders to be complete and to deal with all relevant conditions and include all the necessary information, including specification of all prices (including discounts and similar) and for tenders to be accurate in every respect.

### 1.9 Time schedule

The procurement process will take place in accordance with the following time schedule:

27. May 2016	Tender procurement notice sent
14. May 2016 at 10.00	All queries, cf. section 1.6, which are received before or on this date at the latest, will be answered. Questions received later than this date will only be answered if a reply can be given no later than six days before the deadline for submission of tenders. Questions received later than six days before the deadline for submission of tenders will not be answered unless the questions insignificant and do not relate to performance of the project.
16. June 2016 at 10.00	<b>Time limit for submitting tenders</b>
<i>Week 25</i>	Expected award of contract
<i>Week 25or 26</i>	Expected signing of the contract
Week 26	Contract enters into force

