



Tender Specifications

Supply of Electricity and provision of related advisory services to the offices of the European Environment Agency EEA/ADS/07/001

1. Introduction

The European Environment Agency (EEA) is a specialized agency of the European Communities located in Copenhagen, Denmark. The EEA aims to support sustainable development and to help achieve significant and measurable improvement in Europe's environment through the provision of timely, targeted, relevant and reliable information to policy making agents and the public. The EEA's core task is to provide decision-makers with the information needed for making sound and effective policies to protect the environment and support sustainable development. "The EEA recognises that it has a special responsibility, as the only Community body dedicated exclusively to providing information for protecting the environment, to show leadership in its own environmental management and performance."¹

2. EEA environmental policy and the promotion of electricity from renewable energy sources (RES-electricity)

In accordance with the EEA environmental policy, the Agency has set itself targets for electricity saving and for increasing the share of renewable energy in its electricity consumption:

- The "EEA environmental statement 2005" states that: "One third of the electricity is generated from wind and hydro sources and in 2005 we will increase this share."
- The EEA's "Environmental management programme 2006" includes the following targets:
 1. Reduce the total yearly electricity consumption by 3% per full-time-employee (FTE) compared to 2005 at Kongens Nytorv 6 and create an electricity and heating baseline for Kongens Nytorv 28.
 2. Increase the amount of electricity coming from renewable sources in the next contract with an electricity provider.

Based on the above, the EEA has decided that the future share of RES-electricity shall be at least 40% of the EEA's total annual electricity consumption. This percentage shall be fixed for the first year of the contract.

The EEA will review this minimum RES-electricity percentage annually, in line with its environmental management programme and inform the contractor of any increase prior to every contract renewal.

3. Definitions

The following definitions of Directive 2001/77/EC of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market shall be applicable to this tender:

¹ EEA environmental policy; in "EEA environmental statement 2005" (http://reports.eea.eu.int/report_2005_0620_104143/en/environ_statement_final_web.pdf)

- ‘renewable energy sources’ (RES) shall mean renewable non-fossil energy sources (wind, solar, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases); and
- ‘electricity produced from renewable energy sources’ (RES electricity) shall mean electricity produced by plants using only renewable energy sources, as well as the proportion of electricity produced from renewable energy sources in hybrid plants also using conventional energy sources and including renewable electricity used for filling storage systems, and excluding electricity produced as a result of storage systems.

4. Purpose and duration of the contract

The objective of this call for tenders is to establish a contract for the supply of electricity and the provision of related advisory services to all EEA offices, namely:

- Headquarters located at Kongens Nytorv 6, in Copenhagen, DK-1050 (hereafter referred to as KN6), with a surface of approximately 7200 m².
- Additional offices located at Kongens Nytorv 28, in Copenhagen, DK-1050 (hereafter referred to as KN28) with a surface of approximately 650 m².

Any supply under this contract shall comply with the applicable legislation on the supply of electricity in the liberalised market as well as the EEA’s environmental targets (see above 2.).

The contract’s initial duration shall be 12 months from the date of its signature. It shall be tacitly renewable three times for equal time periods up to a maximum total duration of 48 months.

For the terms and conditions of the contract, reference is made to the draft contract which forms part of the tender documents.

5. Mandatory technical requirements

In order to be technically compliant all mandatory requirements need to be fulfilled failing which a tender will be excluded as technically non-conform.

5.1 Supply and documentation requirements

The EEA’s annual electricity consumption is currently approx. 1 GWh. This is also the estimated annual consumption of which at least 40 % shall be RES-electricity. Tenderers should base their offers on this scenario (see also 7.3).

While the EEA is not in any way bound to purchase these amounts of electricity, the future contractor is obliged to make sure that he has the capacity (selection criterion) to meet the EEA’s demand in compliance with the mandatory technical requirements set out in this section 5.

In addition and in accordance with the EEA’s energy saving targets as well as its general commitment to eco-efficiency, the Agency may request the future contractor to provide advisory services related to, *inter alia*, demand management, the increase of energy efficiency and the reduction of consumption. A quotation for such services is mandatory (see 5.2).

a) Tenderers are required to document/describe the following in their technical offer:

1. All RES used and related proof of origin for RES-electricity [including name of products, producers, contact information, percentages per source and their total amount].
2. The annually applied audit and verification scheme (including documentary review and on-site inspections) as well as the results of the last audit and verification certified by an independent third party.

b) The future contractor will be bound to provide the EEA with similar information prior to every contract renewal, namely the following:

1. Its current capacity to supply RES-electricity;
2. The description of all RES used and related proof of origin for RES-electricity including name of products, producers, contact information, percentages and total amount; and
3. The results of the last audit and verification certified by an independent third party.

5.2 Supply-related advisory services (framework element)

Based on need and as indicated above (under 5.1) the EEA may request the contractor by means of order letters to provide services related to, *inter alia*, demand management, the increase of energy efficiency and the reduction of consumption.

Tenderers are required to separately quote the standard price for such services (per person-day) which will be subject to the specifications under 6. The EEA is not in any way bound to request provision of such services from the future contractor.

6. Prices

Prices shall be fixed and not subject to revision for the first year of performance of the contract.

From the beginning of the second year of performance of the contract prices may be revised upwards or downwards each year, where such revision is requested by one of the contracting parties by registered letter received by the other no later than three months before the anniversary of the date on which the contract was signed.

This revision shall be determined by the trend in the harmonised consumer price index of the EU27 published for the first time by the Office for Official Publications of the European Communities in the Eurostat monthly bulletin, Theme – Economy and Finance, Prices, Harmonized indices of consumer prices – Monthly data, COICOP – CP04.

Revision shall be calculated in accordance with the following formula:

$$Pr = Po (0,2 + 0,8 * Ir / Io)$$

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.

Under Articles 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, the Agency is exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted; the VAT amount can be indicated separately.

The price tendered must be all-inclusive and expressed in euros, including for countries that are not part of the euro zone. For tenderers in countries that do not belong to the euro zone, the price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an exchange rate and assume the risks or the benefits deriving from any variation.

The costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.

7. Criteria

7.1 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) 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.

Tenderers must provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situation listed above (see Annex 1).

The tenderer to whom the contract will be awarded must provide the evidence confirming the declaration referred to in the previous point prior the signature of the contract. The contracting authority shall accept as satisfactory the following evidence:

i) For points (a), (b) and (e) a recent extract from the judicial record, or failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.

ii) For point (d) a recent certificate issued by the competent authority of the State concerned.

Where the document of certificate referred above is not issued in the country concerned and for other cases of exclusion, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

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.

7.2 Selection criteria as stated in III.2 of the Contract Notice

7.3 Award criterion – lowest price

The contract will be awarded to the tenderer whose tender is technically conform and offers the lowest price based on the estimated electricity consumption of 1 GWh PER year of which at least 40% RES-electricity.

A separate price is to be quoted for related advisory services (as specified above, see chapter 5.2). ***Please note that*** this price will ***not*** be relevant for the award of the contract. Also this price which will be subject to the specifications under Chapter 6 must be all-inclusive and expressed in euro/person-day.

8. Environmental considerations

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

Moreover, it is strongly recommended that tenders are submitted in an environmentally friendly way, e.g., by choosing a simple and clear structure (list of contents and consecutive page numbering), double-sided printing, limiting attachments to what is required in the technical specifications (no additional material) and avoiding plastic folders or binders.

9. Further information

Submitting an offer implies acceptance by the tenderer of all terms and conditions of the draft contract and its annexes.