



## COMPETITION RULES

### PUBLIC INDUSTRIAL CONTRACT

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## CREATION OF “COMIC STRIP”-INSPIRED STREET FURNITURE FOR THE CITY OF ANGOULEME (3 lots)

Consultation reference: VA Nos. 22066–22068

<https://demat-ampa.fr>

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**Deadline for the receipt of bids:**

12 noon on Thursday 3 November 2022

**City of Angoulême**

1 place de l'Hôtel de Ville – CS42216 – 16022 ANGOULÊME CEDEX – FRANCE

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## **ARTICLE 1 THE PURCHASER**

Contracting authority :

### **City of Angoulême**

Joint Public Procurement Service  
25 boulevard Besson Bey – 16023 ANGOULÊME CEDEX  
FRANCE

Tel.: +33 (0)545 386984 – Fax: +33 (0)545 386085

Email: [marche-public@grandangouleme.fr](mailto:marche-public@grandangouleme.fr)

Purchaser profile: <https://demat-ampa.fr>

## **ARTICLE 2 SUBJECT AND SCOPE OF THE CONSULTATION**

### **Subject**

The subject of this consultation is a public art commission with an urban design and comic strip theme for the centre of the City of Angoulême. The service consists of providing artistic creations, and monitoring the design, performance and on-site installation of the following:

- approximately 40 items of seating furniture
- approximately 20 primary school signs to secure surroundings
- 1 children's playground.

### **Division in lots**

The contract is divided into lots as follows:

- Lot no. 1: 40 items of seating furniture
- Lot no. 2: Primary school signage
- Lot no. 3: 1 children's playground

Candidates may tender for one or more lots.

**The purchaser buyer does not authorise general tenders.**

Each lot will be the subject of a separate contract.

### **Nature of the contract**

This is a simple contract at a fixed price per phase.

Each lot is divided into technical components which must be performed separately:

- Phase no. 1 (competition): Outline drawings
- Phase no. 2 : Draft designs
- Phase no. 3 : Industrial designs and working drawings
- Phase no. 4 : Creation of a model or laboratory prototype
- Phase no. 5 : Manufacturing, delivery and installation of the furniture

### **Duration of the contract**

The contract enters into force as from the date it is notified to the holder and will end on the date on which the furniture warranty period expires.

In support of its tender, each holder will have provided a detailed phase-by-phase schedule for provision of the services. In any case, the work must be inaugurated during the *Festival International de la Bande Dessinée* (International Comic Strip Festival, FIBD) at the end of January 2024.

### **Constitution of the team**

The city of Angoulême expects candidates to assemble an interdisciplinary team capable of bringing together a creator (visual artist, designer, architect, etc.) and an author of comic strips or a graphic illustrator.

### **Variants**

The purchaser does not authorise variants.

### **Minimum tender validity period**

The minimum period during which tenderers must maintain their tenders is 5 months from the deadline for the receipt of tenders.

### **Inclusion through Employment**

The contract does not include an Inclusion through Employment clause.

### **ARTICLE 3 TYPE OF PROCESS**

Restricted competition, launched under Articles L2125-1 and R2162-15–R2162-26 of the French Public Procurement Code.

Following the competition, the purchaser will implement the process, defined in Article R2122-6 of the French Public Procurement Code, with the competition's winner(s) in order to conclude the subsequent contract.

### **ARTICLE 4 THE SELECTION BOARD**

In accordance with Article R2162-22 and 26 of the French Public Procurement Code, the Selection Board will be composed of members of the *commission d'appel d'offres* (Tenders Commission, CAO), a third of whom possess the same professional qualifications or equivalent as those required of candidates in the consultation.

These individuals will be appointed by order of the Mayor.

In addition, the following interested individuals will be joining the Selection Board in an advisory capacity:

1. Gérard Desaphy - Municipal Council Delegate for "Ville créative et francophonie" ("The creative city and Francophony");
2. Stéphanie Garcia – Deputy, delegate for "Childhood and Youth";
3. Guillaume Chupin - Deputy, delegate for "Works, daily life and urban cleanliness";
4. Mathieu Bordes - Councillor for the Visual Arts (French Regional Directorate for Cultural Affairs, DRAC)
5. Hélène Bizet - *Direction régionale de l'Environnement, de l'Aménagement et du Logement* (French Regional Department for the Environment, Planning and Housing, DREAL)
6. Marc Monjou - Director General of the *Ecole Européenne Supérieure de l'Image* (European School of the Image, EESI) Angoulême – Poitiers – France
7. Vincent Eches, Director General of the *Cité Internationale de la Bande Dessinée et de l'Image* (International City of Comics and Images, CIBDI) in Angoulême
8. Isabelle Verilhac - UNESCO Focal Point, City of Saint-Etienne (Design)
9. Camille de Singly - Professor of the History of Art and Design at Bordeaux's *Ecole d'Enseignement Supérieur d'Art* (Higher Education Art School), and art critic

### **ARTICLE 5 ARRANGEMENTS FOR THE SUBMISSION OF BIDS**

Solely electronic submissions on the purchaser profile, at the following address, are authorised for this consultation: <https://demat-ampa.fr>. Bids submitted via fax or e-mail are not acceptable.

#### **Preparing for an electronic response**

#### **To prepare to respond via GrandAngoulême's purchaser profile, candidates must:**

- Possess a user account specific to their SIRET number and must confirm their identity (a candidate may not submit a bid on behalf of another candidate).
- Check the platform's technical prerequisites, that it is virus-free (files containing viruses cannot be opened), and the work station's configuration.
- "Prepare to respond", by responding to test consultations.

**Acceptable file formats:** .doc / .rtf / .pdf / .xls or table / image: PNG / JPEG / .ppt, .odt, .odp, and html documents.

- do not use certain formats, particularly .exe, com, .scr, and video formats;
- do not use certain tools, particularly macros; ActiveX, Applets, scripts, etc.;
- ensure that the tender file is not too voluminous.

### **Assistance:**

- technical support is available during working days between 9 am and 7 pm.
- Information and a number of documents are available in the platform's "assistance" section:
  - User's manual to help you navigate the platform;
  - Telephone assistance;
  - Self-study module for candidates;
  - Frequently-asked questions;
  - IT tools.

Similarly, when a response is made by a consortium of operators, tenderers are reminded that they should make sure they allow plenty of time for the co-contractors to complete the forms.

Why must a user account be created on the <https://demat-ampa.fr> portal?

- So alerts can be sent concerning possible amendments to, or clarifications to, downloaded consultations;
- So administrative and technical questions can be posed;
- So certain documents can be made available in your company safe;
- So you can respond electronically;
- So you can be informed and approached if necessary, up until the notification of the contract;
- So you can take advantage of all the free services available on the purchaser profile: monitoring (alerts, shopping basket, RSS feeds), tests, your activity's prominence in purchaser supplier bases and on the co/subcontracting exchange, alongside other companies).

Candidates remain responsible for their settings and for checking their mailboxes (automatic redirection, use of Anti-spam, etc.) and must ensure that messages sent via the <https://demat-ampa.fr> portal, particularly [nepasrepondre@demat-ampa.fr](mailto:nepasrepondre@demat-ampa.fr), are not processed as junk mail.

### **Electronic responses**

To respond electronically:

- Confirm your identity with your user account on <https://demat-ampa.fr>;
- Access the consultation, in "submit", click on "respond to the consultation – simplified method";
- Submit the electronic response:
  - Using the ESPD:
    - Complete the ESPD online and attach the documents or provide the ESPD as a separate document
    - Attach any additional documents relating to the application if necessary
  - Without using the ESPD:
    - Attach all the documents relating to the application
- If certain documents required for the application have been made available in a company safe (for example, the one on the <https://demat-ampa.fr>) portal, check the documents' validity and include access instructions;
- Attach the other additional documents requested: "documents required for the consultation" ;
- after having accepted the conditions of use, click on "validate".

Candidates will receive a message confirming that the submission of their bid has been successfully completed; they will then receive an acknowledgement by email showing the specific date and time their submission was received.

Backup copies may be sent concurrently, in accordance with the arrangements defined in **[ANNEX 3](#)** **[DETAILS CONCERNING BACKUP COPIES.](#)**

## **ARTICLE 6 INFORMATION FOR CANDIDATES**

### **This is a two-part process:**

Firstly, candidates must send their applications only. DCEs are made available to candidates. Secondly, the contracting authority selects the candidates admitted to the competition, who will receive their DCEs and submit a tender.

### **LIMITING THE NUMBER OF CANDIDATES**

In accordance with the provisions of the contract notice, the number of candidates who will be selected to submit a tender is limited by the following conditions:

**Number of candidates envisaged: maximum of 3**

### **Objective criteria for selecting the number of**

#### **candidates:**

- The candidate team's qualifications and characteristics (skills required, additional skills, general and assigned human resources, qualifications, consistency of turnover, a consortium's coherence with regard to the project), judged in the light of the attached Power Point document completed by the candidate, and the CVs of the individuals appointed, which will be in a specific file;
- Relevance of references (nature, importance, complexity, technicality, photographic visuals of significant works by the artist, presented in colour);
- Relevance of the insight notice (presentation of the team, a candidate or consortium's motivation as regards the commission's context and programme, as evidence of their interest in the creative project and their awareness of the combination of disciplines involved (design, comic strip, illustration, urban development, etc.), in relation to the programme).

### **Company Competition File (DCE)**

The Company Competition File consists of the following items:

- these Competition Regulations (RC),
- the Tender Document (TD) for each lot,
- the Special Administrative Terms And Conditions (SATP),
- the Special Technical Specifications (STS).

The competition file is downloadable in its entirety on the purchaser profile <https://demat-ampa.fr>

Only candidates duly identified when uploading the file will be alerted concerning amendments.

Candidates must respond on the basis of the latest amended file.

In the event that a candidate has tendered prior to the amendments, he can submit a new tender based on the latest amended file, before the deadline for the submission of tenders.

In the event that the original date set for the submission of tenders does not allow for the amendment or transmission of tenders within the deadline, this date shall be extended by the purchaser. Identified candidates will be informed of the extension to the deadline for the submission of bids.

## **ARTICLE 7 CONTENT OF THE RESPONSE**

A response is composed of information concerning a candidate's application and tender, analysed separately.



All documents constituting, accompanying or cited in support of tenders must be written in French. Foreign-language documents accompanying application files will be accepted if they are accompanied by a French translation certified by a sworn translator.

Financial details are to be expressed in euros.

### **Submission of applications**

Candidate teams can submit their applications using a simplified method, the ESPD. They can complete an ESPD form and add all the documents relating to their professional aptitude, economic and financial capacity and technical and professional capacity for which the ESPD logo does not appear.

Information concerning the ESPD is available in **[ANNEX 1 APPLICATIONS](#)**.

Personal data submitted as part of an application and/or tender (for example, the content of a CV), will be used strictly for the analysis of this consultation's applications and/or tenders.

Moreover, candidate teams are exempted from submitting the application documents requested if these are stored in a free digital storage space: they must then provide the information required for viewing such storage spaces.

You can make such documents available in a free electronic safe on your purchaser profile company account (<https://demat-ampa.fr>).

If they have already been submitted to the purchaser as part of a previous consultation and remain valid, indicate the consultation's reference.

### **Additional documents or information to be supplied**

Documents or information may be supplied using an ESPD (<https://dume.chorus-pro.gouv.fr/#/operateur-economique>).

Application information and documents that have not been retrieved from other authorities are to be attached when submitting tenders; these are the following supporting documents and evidence concerning candidates' aptitudes and abilities:

#### **Identification document**

- **a completed letter of application (using the template included in form [DC 1](#)), containing a sworn statement (relating to bidding bans) in accordance with Article R2143-3 of the French Public Procurement Code:**

*"To support his application, a candidate is to produce:*

**1° A sworn statement establishing that he does not fall into any of the categories mentioned in Articles L. 2141-1-L. 2141-5 and L. 2141-7-L. 2141-11, in particular that he meets his obligations concerning the employment of disabled workers as defined in [Articles L. 5212-1-L. 5212-11 of the Labour Code](#);"**

For discretionary bidding bans, refer to [ANNEX 4 BIDDING BANS](#).

**2° - Conditions for participation relating to a candidate's professional aptitude, and economic, financial, technical and professional capacity:**

#### **Aptitude**

- Listing in a Companies Register (provide a declaration of activity receipt) or a *Maison des Artistes* or *Agessa* (association for the management of authors' social security) serial number, or French or foreign equivalent.

*And/or in cases of listed regulated professions **only**:*

<https://www.afecreation.fr/pid316/activites-reglementees.html>

#### **Economic and financial capacity:**

- Declaration concerning a candidate's overall turnover and, where applicable, turnover in the field of activity covered by the public contract, for a maximum of the last three available financial years based on the date the company was created or the start date of the economic operator's activities, insofar as information on these figures is available;
- Copy of the judge's decision if a candidate is in receivership;

#### **Technical and professional capacity:**

- a *Maison des Artistes* or *Agessa* (association for the management of authors' social security) serial number, or French or foreign equivalent;
- A note specifying a candidate or consortium's motivation with regard to the commission's context and programme, demonstrating their interest in this creative project and their awareness of its harmonious combination of disciplines (design, comic strip, illustration, urban development, etc.) in relation to the programme;
- A Curriculum Vitae and a presentation of the candidate artist or consortium, including photographic visuals of significant works by the artist, presented in colour. Such reference works, completed during the last three years, are to be accompanied by a key specifying the year the works were completed, the artist's approach, the contracting authorities and the subjects of the commissions.

## **Details concerning consortia of operators and subcontracting**

### 7.1.1.1 Applying with a subcontractor

Candidates are free to propose the subcontracting of part of the services or works covered by this contract. Subcontracting is not authorised in supply contracts, with the exception of certain installation works.

The holder must provide one annex to the tender document (form DC4 April 2019 version – <http://www.economie.gouv.fr/daj/formulaires-marches-publics> - or free form) per subcontractor which must include the following information:

- the nature of the services to be subcontracted,
- the name, company or business name and address of the proposed subcontractor,
- the amount of any sums payable directly to the subcontractor,
- the payment terms set out in the draft subcontracting agreement and, where applicable, terms for price variation,
- the account to be credited for direct payment,
- the documents demonstrating the subcontractor's technical, professional and financial abilities (sworn statements or form DC1, applicant's statement or form DC2, etc.),
- certificates issued by the competent authorities and organisations proving that they have fulfilled their tax and social security obligations (returns 3666 1-2-3 for the year N-1 and certificates for social security declarations and the payment of social security charges and contributions within the last six months, issued by the social security body responsible for collecting contributions).

Where the value for subcontracted work appears abnormally low, the purchaser will require that the holder provides more details and explanations regarding the value of these services.

If, after checking the explanations provided by the holder, the purchaser establishes that the value for the subcontracted services is abnormally low, the proposed subcontractor will not be accepted.

The completed annex to the deed of commitment constitutes a request for the subcontractor's acceptance, and approval of the terms of payment.

Candidates must state the part they intend to subcontract in their tender, particularly where this concerns SMEs or artisans.

### 7.1.1.2 Applying as part of a consortium

The legal status of consortia of operators may be either joint or several. In the case of joint consortia, the status imposed by the purchaser is that of joint consortia with the agent representing the members of the consortium in order to ensure the proper execution of the contract.

In the event of an error on the part of candidates regarding their consortia's legal status, their tender will only be accepted on condition that they ensure that the required change is made when the contract is being finalised.

In order for a tender to be taken into consideration, the above-mentioned certificates and declarations must, where applicable, be produced by each member of a consortium, no later than the deadline for the submission of tenders, and be written in French.

In accordance with Article R2142-21- 1° of the French Public Procurement Code, candidates may not present several tenders for contracts, by acting both as individual candidates and as members of one or more consortia.

### **Presentation of the programme and site visit**

For the tender phase, **the three teams admitted to the competition** will be invited to a site visit so that they may appreciate all the issues affecting their proposals and the completion of their work. A candidate's tender will be contractually deemed to take into account all their findings during their reconnaissance of the site, and to include all the ancillary and other works required.

**The site visit will take place on 5 and 6 December 2022.** Details of the arrangements will be provided to each of the 3 candidates admitted to the competition. Nevertheless, the teams will be able to use this information freely. The costs associated with this visit will be covered by the City of Angoulême (potential visa fees, 2nd- or economy-class transport, accommodation, catering and on-site programme arrangements for a maximum of two individuals per team).

No verbal questions will be answered (before or after) the site visit.

**Following this visit, a report is to be sent as soon as possible and attached to the competition file.**

Provisional schedule:

- Competition files sent out to the 3 successful candidates: 16<sup>th</sup> November 2022
- Site visit and question/answer session: 5 and 6 December 2022
- Submission of tenders: 27<sup>th</sup> March 2023
- Candidate interviews: 10<sup>th</sup> and 11<sup>th</sup> April 2023
- Winner interviewed by the *Conseil National des Œuvres dans l'Espace Public* (French National Council for Works in Public Spaces, CNOEP): date to be confirmed in 2023

### **Amendments to the Company Competition File (DCE)**

During the consultation phase, candidates may submit their questions and requests for further information on the purchaser profile <https://demat-ampa.fr>

**The latest date for the submission of questions and requests for further information is the 15<sup>th</sup> day before the deadline for the submission of tenders, and replies will be sent within the deadlines mentioned below.**

**The purchaser may make minor changes or add additional information to the consultation documents up to 10 days before the deadline for the submission of tenders.**

### **Competition secretariat**

The Joint Service for Community Public Procurement is staffing the competition secretariat. Its mission is to ensure compliance with the rule of anonymity for work submitted by competitors.

Upon receipt of the bids, the competition secretariat will register the work submitted in the 1<sup>st</sup> envelope and verify that anonymity has been respected before marking projects with a confidential code in order to submit it for factual analysis to the contracting authority's operational services.

Should the competition secretariat find that anonymity has not been entirely respected, they will take any measure deemed appropriate for rendering it effective until the board has given its opinion and ranked the projects. To preserve anonymity, it will retain the envelope containing financial details.

Moreover, in the event that a candidate submits a document in electronic form (CD ROM, infographic simulation, etc.) with a logo or any other detail allowing it to be identified, the Joint Service for Public Procurement will preserve its anonymity.

### **Submission of tenders (Solely for candidates admitted to the competition)**

Each candidate will have to produce a technical and financial tender comprising the following documents submitted in two parts (two separate envelopes):

### 7.1.2 Content of the first envelope (anonymised work)

The first envelope will comprise the work requested and the written and graphic documents below. Whatever their format (written, graphic or electronic), candidates are to anonymise the work contained within the first envelope (removal of footers, headers, initial pages, logos, the authors of electronic documents, cartridges, etc.). **This envelope is to be submitted electronically to the following address: <https://demat-ampa.fr>**

The second envelope will comprise the draft contract, in accordance with the provisions of the article below. **This envelope is to be submitted electronically to the following address: <https://demat-ampa.fr>.**

#### A ) Written documents

- A written summary presentation to be read by the Selection Board (maximum of 1 sheet of A4, recto) presenting:
  - The spirit of the project, in particular how collaboration respecting the specific professional skills of each member was achieved, so that none of its authors (artist, designer, comic strip author) imposed their vision on any of the others and so that the artist or designer's role did not involve putting an emphasis on any one illustration or image from a comic strip.
- An artistic study comprising:
  - A written note explaining the artistic choices, the general philosophy behind the artistic approach, the harmonious interaction between design and comic strip, and the methods and means of executing the work
- A technical study comprising:
  - The range of providers chosen to create the various types of furniture.
  - a detailed description of the materials used (accompanied by data sheets), their environmental impact and the dimensions envisaged, possibility of replacing sections of the furniture, etc.
  - a proposal for the method of manufacture and installation of the furniture (type of floor anchoring required, etc.) and by which provider.
  - an estimate of the work's energy consumption, if applicable.
  - detailed instructions and a maintenance protocol for the furniture, specifying the nature and frequency of the interventions required to install it and preserve it properly.
  - a detailed provisional schedule, within the project's overall schedule, for its design, completion, delivery and installation, showing the key dates.
  - a note explaining the need to comply with the specific constraints outlined by the purchaser, particularly with regard to urban development, the environment and security.
- A financial file comprising a maximum estimated budget for the design, completion, delivery and installation of each item of furniture.

The project must stay within the budget allocated to the operation. The amount earmarked for the completion phase is €435,000 including tax, which includes the artists' remuneration as well as the creation of the furniture and its installation.

#### B ) Graphic documents

Graphic documents are to be submitted to the competition secretariat in exchange for a receipt, or sent by registered letter with recorded delivery to the competition secretariat at the following address:

**Communauté d'Agglomération du GrandAngoulême  
Service commun de la commande publique  
25 boulevard Besson Bey 16023 ANGOULEME CEDEX**

Such letters are to be sent **before the deadline indicated on the 1<sup>st</sup> page of the competition rules.**

Graphic documents are to be submitted in formats .dwg and PDF

- Description of the work in the form of a model, sketch or photomontage superimposing it on the urban landscape. These images are also to be included in a digital medium.

### 7.1.3 Content of the second envelope

The second envelope contains the completed, dated and signed tender document and annex. In cases where a representative signs in the name of all the members of a consortium, the proxies of each of the co-contractors (authorising the representative to sign in the name of the members of the consortium) must be attached.

## **ARTICLE 8 ANALYSIS OF THE RESPONSES**

### **Admissibility and analysis of the applications**

In order to assess a candidate's professional, technical, and financial capabilities, should the purchaser find, before examining the applications, that documents a candidate claims to have produced are missing or incomplete, he may give all the candidates concerned the same deadline for the completion or identification of their application files.

Applications which clearly lack the professional, technical, and financial capabilities required for the execution of the contract will be eliminated.

### **Project admissibility (competition)**

#### Preparation for the work of the Selection Board:

The Technical Commission verifies the content of the work requested, examines its compliance with the competition rules, and carries out an analysis of the projects with a view to presenting them to the Selection Board.

#### The Selection Board's examination of the work:

Firstly, the selection board verifies that the work complies with the competition rules.

The summary letters of presentation supplied by the projects' authors will be read out to the members of the Selection Board.

The Technical Commission's analysis report on each of the projects is then presented to the members of the Selection Board.

The Selection Board then analyses the work in the light of the evaluation criteria defined in these rules by the contracting authority.

Following a discussion, the Selection Board gives its reasoned opinion on each of the projects, according to the selected evaluation criteria, and ranks the projects.

The Selection Board makes a decision on the amounts and payment of the awards.

Anonymity is then lifted.

#### Potential interviewing of competitors:

In accordance with the provisions of Article R. 2162-18 of the French Public Procurement Code, selection boards that are considering projects or certain projects may enter their questions in the minutes of their judging of the work, and may invite the competitors concerned to provide their responses at a new selection board meeting. Separate dialogue is conducted with each of the participants in the competition, and the selection board's meeting will then be recorded in a new set of minutes, without its being able to reconsider the ranking. The dialogue focuses exclusively on the questions that the selection board will have entered in the minutes of the project evaluation and ranking meeting, and does not mean that additional work may be required.

This session takes place after anonymity has been lifted.

## **Criteria for the analysis of competition projects**

### **Criteria for the evaluation of projects**

Projects will be evaluated in accordance with Article R2162-16 of the French Public Procurement Code, according to the criteria set out below, in descending order of priority:

#### **Criterion A: Architectural, urban development and landscape aspects:**

- Coherence of the project's proposed architectural, urban development and landscape aspects within its environment;
- Environmental performance of the project's proposed architectural, urban development and landscape aspects throughout its life cycle.

#### **Criterion B: Functional and technical aspects**

- Whether it is in line with general functional, technical, ergonomic, performance, environmental and regulatory objectives;
- The proposal's quality, durability and ease of maintenance

#### **Criterion C: Suitability of the methodology behind the organisation of the phases**

- Relevance of the methodology behind the design phases
- Relevance of the provisional schedule of works and the assessment of the site management required whilst the site is occupied (buildings and public spaces)

- **Criterion D: Relevance of the estimated cost (basic programme and conditional programme) to the budget allocated to the work**

## **ARTICLE 9 NOMINATION OF THE WINNER(S), NEGOTIATIONS AND AWARDING OF THE CONTRACT**

### **Negotiations**

The purchaser shall have access to the minutes of the Selection Board; after having read the budget for the competitors' suggested fees, in the light of the selection board's opinion he shall enter into negotiations with the winner(s) of the competition.

Negotiation(s) may then be initiated with the winner(s) selected by the purchaser.

Any over- budget tenders shall be deemed unacceptable.

### **Awarding of the contract**

The purchaser, in the light of the selection board's minutes and opinion, selects the winner(s) of the competition and, in accordance with Article R2162-19 of the French Public Procurement Code, issues a notice showing the results of the competition.

**Any candidate who approaches the contracting authority or the selection board at any point in the process will be disqualified.**

## **ARTICLE 10 COMPENSATION (COMPETITION ONLY)**

In the event of non-compliance with the specifications, candidates may or may not receive partial compensation, according to the Selection Board's suggestions. There will be no compensation for candidates who are not eligible to bid.

Successful candidates will receive:

- €2,000 inc. VAT per team for Lot No. 1.
- €1,500 inc. VAT per team for Lot No. 2.
- €3,500 inc. VAT per team for Lot No. 3.

Each of the three teams selected to present a project (artistic, technical and financial studies) will

therefore receive the lump sum indicated above for this assignment.

The consortium selected for each lot will therefore be allocated the remuneration indicated above, which will constitute a down payment on the remuneration provided for their lot.

#### **ARTICLE 11 APPLICATION OF THE RULES IN THE EVENT OF EXQUALIFICATION FROM THE SELECTION PROCESS**

The submission of work by the competing teams implies their unreserved acceptance of the competition rules.

Any breaches of the competition's rules will be identified by its organiser and communicated to the selection board which will suggest that the contracting authority disqualify the competing teams on the grounds of partial or total non-compliance with the competition's rules.

By submitting their work, the competing teams undertake to abide by the contracting authority's decisions, since it alone has jurisdiction in the application of the competition's rules.

#### **ARTICLE 12 PROJECT COPYRIGHT AND ADVERTISING RIGHTS**

The purchaser retains full ownership of a selected team's work, subject to the legislative and regulatory provisions concerning artistic copyright.

By the mere fact of competing, all candidates give their permission for their projects to potentially form the subject of a public exhibition and a publication.

#### **ARTICLE 13 INSURANCE AND POSTAGE**

Competing teams are responsible for the work requested whilst it is in transit and until its receipt by the competition's organiser.

The organiser cannot be held responsible when projects miss the submission deadline. Competing teams are responsible for the cost of transporting their work.

#### **ARTICLE 14 AWARDING OF THE CONTRACT**

##### **Documents to be produced and signed when the contract is awarded**

Only the successful tenderer (the individual capable of engaging the economic operator) is required to sign the contract documents.

The successful candidate will be asked to provide the platform, via its secure messaging service, with a Tender Document (TD) bearing an electronic signature (cf. [ANNEX 2 DETAILS CONCERNING ELECTRONIC SIGNATURES](#)).

If the successful candidate does not possess a signature certificate he will be asked to provide, by registered post or deposit in exchange for a receipt, a Tender Document (TD) bearing an (original) handwritten signature.

Signing this document entails the signing of the attached financial and technical documents.

##### **Verifying the legality of the successful candidate's tax and social security status**

For the purposes of Articles R2144-1-7 of the French Public Procurement Code, the maximum deadline set for the production (by the successful candidate, and his subcontractors where applicable) of the supporting documents is eight calendar days from the successful candidate's receipt of the letter requesting him to present such documents.

If the tenderer has responded by electronic means and is in possession of a SIRET number, the purchaser shall obtain these certificates directly from the services concerned. Should it be impossible to obtain them, the purchaser shall include a request that they be sent in the letter informing him that his tender is likely to be successful.

Therefore, the tenderer is to produce:

- the documents stipulated in Articles R. 1263-12, D. 8222-5 and D. 8222-7 and D. 8254-2-D. 8254-5 of the Labour Code;
- a Kbis extract or equivalent;
- in the event of receivership, a copy of the judge's decision(s) ;
- a valid certificate of insurance (civil and, if applicable, ten-year liability);

The list of taxes, contributions and social charges concerned was established by the Order of 22 March 2019, which established the list of taxes, contributions and social charges that result in the issuing of certificates for the awarding of public procurement contracts (NOR: ECOM1830220A, Annex No. 4 of the French Public Procurement Code).

For the purposes of the provisions of the Labour Code, the successful candidate must provide a certificate of social declarations, **dated less than 6 months earlier** and issued by the organisation responsible for the collection of contributions and social charges.

Bidders established abroad shall produce a certificate drawn up by authorities and organisations in their country of origin. Should this be written in a foreign language, it must be accompanied by a French translation certified by a sworn translator.

In the event that an economic operator cannot supply these documents within the deadline set, his tender shall be eliminated and the contract shall be awarded to the following tender in the order of ranking.

#### **ARTICLE 15 NOTIFICATION OF THE CONTRACT**

Following the purchaser's signing of the Tender Document, the holder shall receive notification of the contract.

In accordance with Article R2182-4 and 5 of the French Public Procurement Code, such notification consists in delivering a copy of the contract to the recipient in exchange for a receipt, or sending a registered letter with receipt by post or via any other means providing proof of the date it was sent.

## **ANNEX 1 APPLICATIONS**

Candidates may respond using an ESPD, which is directly available via the purchaser profile <https://demat-ampa.fr> or the website <https://dume.chorus-pro.gouv.fr/#/operateur-economique>.

Candidates responding to more than one lot may submit a single application file, on condition that their professional, technical and financial capabilities are presented lot by lot.

### **Responding without using an ESPD**

Candidates are not required to provide the above-mentioned documents and information if the contracting authority may obtain these directly via an electronic system for the provision of information administered by an official organisation or digital storage space, provided that all the information required for consulting such a system or space is included in the application file and that it can be accessed free of charge.

Candidates are also exempted from submitting the aforementioned list provided that they have already delivered it to the contracting authority in the course of a previous consultation. The list that has already been submitted must remain valid and candidates must provide the contracting authority with the reference of the consultation for which the document has already been submitted.]

Candidates are to submit via electronic means:

- If they are responding alone: forms DC1 and DC2 or equivalent;
- If they are responding as part of a temporary business consortium (according to the terms and conditions described in the Article entitled "Applying as part of a consortium"):
  - For representatives: a letter of application (or form DC1) listing all the members of the consortium and demonstrating his authority to act as common representative for his co-contractors, unless the final tender has to be signed by all the companies in the consortium;
  - By each co-contractor: all the sworn commitments listed above, unless the DC1 is being used and has been signed by all the members of the consortium. They are to attach the documents relating to the tender that are listed in the Article entitled "Submission of tenders".

They are to submit as follows, via electronic means:

- Recommendations: see instructions in "prepare to respond".
- Procedure:
  - Confirm your identity via your user account on <https://demat-ampa.fr>;
  - Access the consultation, in "submit", click on "respond to the consultation";
  - Attach all the documents in "consultation documents required";
  - after having accepted the conditions of use, click on "validate".

A confirmation email, listing the documents submitted, will be sent.

### **Responding using an ESPD**

This consultation offers a simplified way to submit applications, completed in advance by means of SIRET numbers and the "Just tell us once" programme. **The Consultation Regulations list the "Additional documents or information to be supplied"** in Article [7.1.1](#).

Candidates may respond:

- via the online ESPD application form in accordance with the model established by the [European Commission Regulation setting the standard form](#). A guide can be downloaded via the following link: <https://www.economie.gouv.fr/daj/dume-espdc>

**Once the form is completed, additional documents may be submitted in the tender envelope if the ESPD form does not support them.**

This form may be sent in advance of the other documents required for the consultation, particularly where consortiums are concerned, in order to allow the other candidates in a consortium to validate their forms. Once a form is sent, it may be modified; only the latest submission will be considered.

Signing the ESPD is not mandatory.

If a consortium submits its application in ESPD form, each member of the consortium must provide a separate ESPD.

If a candidate is relying on one or more subcontractors to apply, he is to complete part II-C of the ESPD and provide a separate ESPD form for each of the subcontractors to sign, containing the information in Sections A and B of Part II, in Part III and, where applicable, in Parts IV and V.

If a candidate is not relying on subcontracting to apply but intends to subcontract part of the contract, he is to complete the relevant part of the ESPD and provide the information requested by the purchaser concerning each of the subcontractors.

#### **Pre-award documents**

The successful candidate will be given a deadline to provide all the documents listed in Articles "Documents to be produced when the contract is awarded" and "Verifying the legality of the successful candidate's tax and social security status", according to the same terms and conditions, as well as the documents proving that he has met his tax and social security obligations. These documents are summarised in form NOTI 1: [www.economie.gouv.fr/daj/formulaires-notification](http://www.economie.gouv.fr/daj/formulaires-notification)

Tenderers established abroad are to produce a certificate drawn up by authorities and organisations in their country of origin.

## **ANNEX 2 DETAILS CONCERNING ELECTRONIC SIGNATURES**

Signing the Deed of Commitment at the tendering stage is to be recommended. Solely the successful tenderer will be required to do this, and it may be done electronically or may take the form of a scanned copy of the Deed of Commitment signed manually.

Where electronic signatures are used, these must be personal signatures and conform to XAdES, CAdES or PAdES formats.

In accordance with the Order of 22 March 2019 relating to the electronic signing of public procurement contracts (NOR: ECOM1830224A, codified in [Annex 12](#) of the French Public Procurement Code), signatures must be qualified or enhanced and based on a qualified certificate, as defined by European Regulation No. 910/2014 dated 23 July 2014 concerning electronic identification and trust services for electronic transactions (eIDAS). However, RGS-type signature certificates remain valid until they expire.

Qualified signature certificates are issued by a qualified trusted service provider that meets the requirements of the eIDAS regulation. A list of providers is available on the ANSSI website (<https://www.ssi.gouv.fr/>). They may also be issued by a French or foreign certification authority. Candidates will then have to demonstrate their equivalence to the eIDAS regulation.

Candidates who use a different signature tool to the one on the purchaser profile, or a certificate issued by a different certification authority, must provide free of charge the instructions for its use, to allow the signature's validity to be verified.

In the event that a candidate is unable to sign electronically, he will be informed that the successful electronic tender will be converted into a paper tender so that the parties may sign the Framework Agreement by hand.

Candidates are responsible for the costs of accessing the network and signing electronically.

Documents to be signed must be signed individually. **Signing a zip does not constitute signing the documents it contains.** Where zip files are concerned, each document requiring a signature must be signed separately. A scanned handwritten signature is no different to a copy and cannot replace an electronic signature.

### **ANNEX 3 DETAILS CONCERNING BACKUP COPIES**

According to Article R. 2132-11 of the French Public Procurement Code:

*“Candidates and tenderers who submit their documents electronically may send the purchaser, in paper or physical electronic form, a backup copy of such documents, created in accordance with the procedures established by Order of the Minister of the Economy, which are attached to this Code.”*

For the purposes of this consultation, candidates who send in their submissions electronically at the same time may send a backup copy of their **submission in physical digital form** (USB key, CD-ROM, DVD, etc.) before the deadline for bids.

Such backup copies must be placed in a sealed envelope bearing the following particulars:

- “Backup copy”;
- Title of the consultation;
- Candidate's name or title.

There are only two cases in which these may replace a submitted electronic tender ([Annex No. 6 Order establishing the processes for making consultation documents and backup copies available](#)):

1. When malware is detected in applications or tenders submitted electronically. Evidence of such malicious intent is preserved;
2. When an electronic application or tender arrives incomplete or after the deadline, or could not be opened, provided that the electronic submission of the application or tender began prior to the deadline for the submission of applications and tenders.

Candidates must send envelopes containing backup copies by registered letter, or deliver them by hand in exchange for a receipt, to the following address:

**Communauté d'agglomération du GrandAngoulême**  
**Service commun de la commande publique**  
**25 Boulevard Besson Bey**  
**16023 Angoulême cedex**  
**France**

## **ANNEX 4 BIDDING BANS**

One person may not represent more than one candidate in the same contract.

In addition to the mandatory bidding bans defined in Articles L2141-1–6 of the French Public Procurement Code, pursuant to Articles L2141-7–11 of the aforementioned Code, the purchaser upholds the following discretionary bidding bans:

- individuals who, within the three previous years, have had to pay damages, have had a contract cancelled or have received a comparable penalty for a serious or persistent breach of their contractual obligations in the execution of a prior concession agreement or public contract;
- individuals who have undertaken to unduly influence the purchaser's decision-making process or obtain confidential information liable to give them an unfair advantage in the public contract award process, or who have supplied misleading information that may have a determining influence on decisions regarding disqualification, selection or an award;
- individuals who, through their direct or indirect early involvement in the preparation of the public procurement process, have had access to information liable to distort the competition vis-à-vis other candidates, where this situation cannot be remedied by other means;
- individuals in respect of whom the purchaser possesses sufficient evidence, or a body of serious and consistent evidence, that they have entered into an agreement with other economic operators with the aim of distorting competition;
- individuals who, by applying, create a situation where there is a conflict of interest, where this cannot be remedied by other means. A situation where there is a conflict of interest is any situation in which an individual who is participating in the public procurement process or is liable to influence its outcome has a direct or indirect financial, economic, or any other personal interest that could compromise their impartiality or independence within the context of the public procurement process.

In cases where the tenderer to whom the contract is to be awarded falls into one of these discretionary bidding ban categories, he is requested to use any means to prove that his professionalism and reliability may no longer be called into question and, where applicable, that his participation in the process is not liable to prejudice equality of treatment.

If, in the course of the process, a tenderer finds that he is subject to a mandatory or discretionary bidding ban, he must inform the purchaser forthwith. In the event of a mandatory bidding ban, the tenderer is automatically disqualified from the process.

Where the reason for disqualification from the process concerns a member of a consortium, the purchaser shall demand that he be replaced by an individual who is not subject to disqualification, within ten days of the consortium representative's receipt of such a request. Failing this, the consortium shall be disqualified from the process.

Individuals subject to disqualification cannot be accepted as co-contractors.

In the event that a disqualified co-contractor is presented at the application stage, the purchaser shall demand that he be replaced by an individual who is not subject to disqualification, within ten days of the candidate's – or, in the case of a consortium, the consortium representative's – receipt of such a request. Failing this, the candidate or consortium shall be disqualified from the process.