PUBLIC PROCUREMENT CONTRACT FOR INTELLECTUAL SERVICES

CALL TO TENDER REGULATIONS

Adapted procedure

Contracting authority

Ville de Lyon - 1 Place de la comédie 69205 LYON Cedex 01

Telephone: +33 472103030

City of Lyon website: URL: http://www.marchespublics.lyon.fr

Purchasing department: AE - EVENTS. Contact: Axelle GLAPA

Purchaser profile (AWS Achats) URL:

http://marches2.lyon.fr or http://www.marchespublics.lyon.fr

Subject of the call to tender

Artistic programme of the Festival of Lights 2024

Design, production and technical realization of a scenography

Offer submission deadline

May 13rd, 2023 - Time: **4:00 pm**

Submission of tenders:

Deposit required by dematerialized via the city's purchaser profile

The paper offers will not be opened

Preamble

The City of Lyon acts for the planet and limits its ecological impact, in particular through public procurement. To do this, in 2021 it adopted its new Socially and Ecologically Responsible Purchasing Promotion Scheme for the period 2021-2026 (SPASER) attached to this consultation file and available for consultation on the City of Lyon website.

This plan reinforces the actions carried out within the framework of responsible purchasing and is structured around 4 themes: ecological transition, inclusiveness, health and food and economic development. It sets strong objectives in terms of employment of people in integration, reduction of pollutants, delivery by decarbonized means, fight against discrimination and promotion of equality, access for local SMEs and actors of the social and solidarity economy to public markets.

Through these ambitious objectives, the City of Lyon invites its suppliers to engage in a process of continuous improvement in terms of the environment, social inclusion and economic efficiency. Also each candidate for a public contract of the City of Lyon, is invited to question his own practices and to register (or continue) an ecological transition process. The City of Lyon will pay particular attention to preventing and combating all forms of discrimination.

For information, the Métropole de Lyon has set up a low-emissions zone (ZFE) on part of its territory. The City of Lyon is affected by this choice and candidates must include this in their offers.

Exchanges with bidders

Exchanges with the bidders will only take place in electronic form, through the bidder's email address used for submission (AWS usage rules apply).
To that end, **bidders are strongly encouraged to submit their documents from an account linked to <u>a generic e-mail address</u> which matches the address listed in the tender document.**

Language and currency

As a matter of principle, the language used is French.
However, bid-related documents and correspondence may be written in English. In this case, a translation is not required. In this case, translation is not obligatory.
Bidders also have the option of writing only the technical and artistic project portions of their offer and the breakdown of the total package price in English. In this case, a translation is not required. In this case, translation is not obligatory.
In all other cases (for languages other than English), translations will be required.
The currency used is the euro.

IMPORTANT

By taking part in the tender procedure, the bidder undertakes to perform the contract under the terms and conditions of his offer, whether or not it is signed, and to sign the said contract if he is selected at the end of the process, with no right of refusal.

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1. Purpose of the contract :

Artistic programme of the Festival of Lights 2024

Design, production and technical realization of a light scenography

1.1 Place of execution

Lyon

1.2 Breakdown into works sections place of execution

The works sections covered by the call to tender are

Works section no.	Works section title: **Design and production of a scenography**
1	Quai de Saone
2	Cathedral Saint-Jean

They will not be split.

1.3 Contract term – Contractual deadlines

The duration of each contract, the terms of renewal and the execution deadlines appear in the contract documents.

As an indication, it is expected that services will begin upon notification.

2. Organisation of the call to tender

2.1 Award procedure

The present call to tender is issued open adapted procedure with the option of negotiations, freely defined by the contracting authority.

2.2 Distribution procedure: separate contracts

The call to tender is divided into 2 works section, each one covered by a separate contract entrusted to a single business or group of businesses.

Bidders may present an offer for: o**ne or more works sections**

2.3 Provisions on groups

No particular form of group is required.

If the contract is awarded to a joint group, the agent will be responsible for each of the members of the group.

Candidates are prohibited from submitting multiple offers while acting both as individual candidates and as members of a group.

Participation in several groups is prohibited.

2.4 Variations

Variations proposed by the bidders

Proposals for variations are not permitted.

Variations defined by the purchaser

No variations defined by the purchaser are planned.

2.5 Minor changes to the tender file

The contracting authority reserves the right to make minor changes to the bidding documents, no later than 4 days before the deadline set for the receipt of offers. Bidders shall then respond on the basis of the modified bidding documents, with no right to object to these modifications.

If, during the examination of the documents by the bidders, the above deadline is postponed, the provision above applies to this new deadline.

IMPORTANT: Bidders who downloaded the bidding documents anonymously or obtained the file from anywhere other than the City of Lyon may not be notified of any changes to the documents. They are responsible checking the City of Lyon's purchaser profile to determine whether the documents have been modified.

2.6 Offer validity period

Offers are valid for 5 months from the deadline for submission of the final offer.

In the event of negotiations, this period will be counted from the submission of the final offer.

3. Contents of the bidding documents

These call to tender regulations supplement the notice of the public call to tender. In the event of any contradiction, the wording of the notice of the public call to tender takes precedence over the present document.

The bidding documents are the following:

- The notice of the public call to tender
- The present call to tender regulations
- A framework tender document (in French / in English)
- A framework power of attorney to the agent
- A framework subcontracting agreement
- The Bill of Common Particular Administrative Clauses (CCAP) (in French / in English)
- The Bill of Common Particular Technical Clauses (CCTPC) (in French / in English)
- The supporting memory framework for offers common to all lots (MJO) (in English and French)
- The framework Breakdown of the Total Package Price (DPGF) (in French / in English) for each works section
- The Bill of Specific Particular Technical Clauses for each works section (in French / in English)

- Drawings and photos, including technical information, for each works section
- The buying charter of the City of Lyon
- A brochure on electronic responses
- The business guide on the shared platform of the public contract of the Metropole de Lyon

4. Downloading the bidding documents

The Contractor Bidding Documents (DCE) can be consulted and downloaded free of charge from the City of Lyon's purchaser profile.

To be able to extract and read the documents provided by the contracting authority, the economic operators must have software able to read the following formats:

- Compressed *.zip files (can be read with Winzip, Quickzip)

- Adobe® Acrobat® *.pdf (can be read with Adobe Reader software)

- *.doc or *.xls version 2013 (can be read with Microsoft Office or OpenOffice)

- Rich Text Format *.rtf

- If applicable, DWF format (can be read with Autocad software or viewers such as Autodesk DWF viewer. etc.).

When downloading the bidding documents, the bidder is advised to create an account on the purchaser profile where he can fill in information such as the name of the tendering organisation, and an e-mail address in order to be informed of any changes made during a procedure (addition of a document to the DCE, distribution of a list of answers to questions received, etc. . .).

Bidders are asked to register with a generic e-mail address to guarantee that any information is received in their absence.

The bidder is advised that the copy of the bidding documents held by the contracting authority alone prevails.

5. Presentation of bids and offers

Candidates must produce the documents defined below, written in French.

However, application documents and correspondence may be written in English. In this case, the translation is not obligatory.

Candidates also have the possibility of writing as part of their offer, only their technical project and their artistic project as well as the breakdown of the overall and fixed price in English. In this case, the translation is not obligatory.

In all other cases (for languages other than English), if the documents provided by a candidate are not written in French, they must be accompanied by a French translation.

5.1 Elements required for the selection of bids:

Each bidder or each economic operator (co-contractor, subcontractor, etc.) proposed in the bid shall produce the following documents:

5.1.1 Legal situation

* A solemn declaration (DC1 or equivalent) stating that the bidder does not fall under any of the obligatory cases of prohibition to tender provided in the Public purchase Code.

5.1.2 Capacity

Batch	Document to be provided	Minimum capacity threshold
All	A statement specifying the last known total turnover (form DC2 or equivalent).	no minimum requirement
All	All documents, references, certificates, certificates of good performance or other of which the candidate can avail himself.	no minimum requirement

If, for a justified reason, the economic operator is unable to produce the information and documents required, he is permitted to prove his economic and financial capacity by any other means deemed appropriate by the contracting authority. The bidders are reminded that, in accordance with in the Public purchase Code, they are not required to provide any supporting documents and evidence that the purchaser can obtain directly via an electronic system for the provision of information administered by an official body or a digital storage space, **on the condition that the bid file contains all the information necessary for the use of this system or space and that access to it is free of charge.**

Bidders are invited to use the electronic safe available free of charge through their account on the City of Lyon's purchaser profile.

This consultation is eligible for the E_DUME system. Thus, by submitting an offer through this system, candidates have the possibility of providing information on the administrative aspects of the application on the basis of their SIRET number alone. They will have access to an E_DUME application form to complete.

Applicants may submit their application in the form of a Single European Procurement Document (SEPD) drawn up in accordance with the model set by European Commission Implementing Regulation 2016/7 of 5 January 2016 establishing the standard form for the single document of the European market instead of all the documents and information justifying their capacities. In this case, it is specified that the buyer does not authorize the candidates to limit themselves to indicating in the single European contract document that they have the required aptitude and capacities without providing specific information on them.

The SEPD must be written in French.

Attention, candidates must attach their technical and commercial offer as well as the elements of the application which are not included in the SEPD.

5.2 Elements required for an offer to be selected

To enable their offer to be examined, bidders must produce the following documents for each of the works section they bid:

* One **tender document** (AE) (Cf. outline to complete, attached to the DCE) and its appendices (**special subcontracting document** for subcontractors listed in the offer, where relevant).

The bidder will also stipulate the nature and amount of the contract services he plans to subcontract and also provide a list of the subcontractors he proposes to present for approval and acceptance by the contracting authority.

* The supporting memorandum of the offer (MJO) duly completed (Cf. framework attached)

* The **breakdown of the total package price (DPGF)** duly completed

The CCAP and the documents provided by the contracting authority, with the exception of those listed above and their appendices, are not to be submitted with the offer. Only the documents held by the contracting authority are authentic.

The bidders are reminded that signing the tender document implies acceptance of all contractual documents. If the signature is not included in the offer, it will be required before the signature of the contract by the person responsible for the contract.

6. Assessment of the bids and offers and award of contract

6.1 Assessment of bids

The bids will be analysed in accordance with the provisions of the Public purchase Code based on only the elements provided by the bidders.

The bidders are reminded that in application of this article, the contracting authority has the option of not requesting absent or incomplete from the bid file and rejecting it as it stands; there is no systematic supplementation of bids.

The Public Entity may verify the quality of the references presented.

Only submissions arriving by the deadline date and time will be taken into account; any others will not be examined.

6.2 Assessment of offers

The bidders are reminded that in application of the public contracting regulations, the contracting authority has the option of not asking the bidder to provide additional details or correct their offer and thus may reject the offer as it stands.

6.2.1 Assessment criteria

The contracting authority will reject unsuitable tenders and, after analysing them in accordance with the article "Procedures for analysing tenders" below, will choose the most economically advantageous tender.

The criteria use to assessing the offers are weighted as follows:

Price Definition and assessment of the criterion: Based on of the amount indicated in the "Price" section of the Contract Agreement	**20**
Technical project quality Definition and assessment of the criterion: Based on the of the supporting memorandum of the offer	**30**
Environmental performance Definition and assessment of the criterion: Based on of the supporting memorandum of the offer	**15**
Artistic project quality Definition and assessment of the criterion: Based on of the supporting memorandum of the offer	**35**

The title of the work is optional and is not a criterion of choice.

6.2.2 Details when analysing the offer Negotiations

The purchaser reserves the right to ask tenderers to provide clarifications concerning their offer when analysing it, in the event of ambiguities or inconsistencies.

This request for clarification may not lead tenderers to provide substantial additional information or to amend their tender.

6.2.3 Negociations

The negotiation will be able to take place in successive phases, at the end of which, on the basis of the selection criteria defined above, the client will select the candidates with whom it will continue to negotiate. The following provisions apply to each phase.

The contracting authority will analyze the bids in accordance with the article "bid analysis procedures" below. In the light of this analysis, negotiations will be initiated with the 3 highest-ranking tenderers.

However, the contract may be awarded without negotiation to the candidate with the highest ranked offer.

In the event of negotiation, if the number of ranked candidates is less than or equal to 2, negotiations will be initiated with all tenderers whose applications are admissible, with the exception of those who have submitted an unsuitable tender.

The tenderers admitted to negotiate will submit a final offer which will be analysed in accordance with the article "methods of analysis of offers" below and the most economically advantageous offer will be selected.

Failure to respond during the negotiations or at the end of the negotiations will be considered as a withdrawal of the candidate from the procedure.

6.2.4 Rectification of offers:

The following provisions apply for the analysis of offers before and after negotiations.

If any errors in multiplication, addition or carry-overs are observed in the breakdown of the total price in a bidder's offer, the price will not be corrected for assessment of the offers.

If the bidder in question is about to be selected, he will be asked to correct the breakdown to bring it into line with the total price; if he refuses to do so, his offer will be eliminated.

An offer will be declared non-compliant if it does not comply with the requirements stated in the call to tender documents, in particular because it is incomplete, or where it disregards the applicable legislation, particularly with regard to social and environmental matters.

NOTE: The lack of response to all the relevant questions for the same criterion will result in the irregularity of the offer.

6.2.5 Offer analysis methods

Offers will be analysed as follows:

After eliminating inappropriate, non-compliant, unacceptable or abnormally low offers, each criterion will be given a score from 0 to the maximal mark based on the information provided in the bidders' files. Based on the weighting, an overall score rounded to 1/100th will be determined for each offer, and the offer with the highest score will be ranked first.

If two or more bidders achieve the same overall score, the following procedure will be followed to decide between them:

- the offer with the best score on the highest weighting criterion will be given priority in the

rankings.
- if scores are equal for this criterion, the offer with the best score on the next highest weighted criterion will be given priority in the rankings.
- and so on until all the criteria defined in this call to tender have been exhausted.

In the event of a further tie despite the use of this method, the tie will be broken on the basis of the response to the question on equality and non-discrimination in public procurement set out in these rules.
If a tie cannot be broken on this question, the lowest bid will be selected.

Analysis of the price criterion

The score for the price criterion is based on a comparison with the lowest offer after elimination of abnormally low, inappropriate, non-compliant and unacceptable offers.

The price score will be obtained by applying the formula:

N= [2 - (offer)/ (lowest offer)] x weighting

This score will be rounded to the nearest tenth.

If the offer is above 2 x lowest offer, N will be equal to 0.

Analysis of criteria other than price

The assessment will be based on an analysis of the documents expressly requested.

The supporting memorandum for the offer, included in the consultation file, lists all the questions on which the City of Lyon wishes to have clarification in order to understand and judge the applicant's offer.

Each question will be marked from 0 to the maximum mark indicated in the explanatory memorandum of the offer.

The overall score for this criterion will be obtained as follows :

N= (Sum of the candidate's marks for each question / Sum of the maximum marks)x weighting

This score will be rounded to the nearest tenth.

6.3 Award of contract

The candidate to whom it is intended to award the contract must provide the documents justifying that he does not fall within the cases of prohibition to tender provided for in articles L.2141-1 to L.2141-14 of the code of the public order.

Failing to produce these documents within the time limit, the tender of the winning candidate will be rejected and he will be eliminated.

The next candidate will then be asked to produce the necessary certificates and attestations before the contract is awarded to him.

N.B.:

If the bidder’s submission already contains certificates which are still valid, the contract will be immediately awarded to that bidder.

Given the time needed to obtain these documents and thus avoid losing a contract due to late

submission of documents, bidders are advised to anticipate these steps. To do this, bidders may:

- Use the City of Lyon's purchaser profile; it features a space where bidders can submit their certifications and certificates, which they would then no longer need to produce for each contract if they are kept up to date,

- Use the E_Dume system if this is permitted for the call to tender,

- Include the certificates and certifications in their offers.

The bidders are that the City of Lyon reserves the option to discontinue the procedure at any time.

In the event of a disagreement between the total package price entered in the tender document and the breakdown of this price, only the amount in the tender document is contractual and will be used in analysis of the offers.
If his offer is on the point of being selected, the bidder concerned will be invited to bring the breakdown of the total inclusive price into line with his tender document; in the event of refusal, his offer will be eliminated.

7. Conditions for sending and submitting bids and offers

Deposit required by dematerialized via the city's purchaser profile.

Any paper envelope submitted will be considered as a backup offer and may only be opened under the regulatory conditions (Annex 6 of the Public Order Code setting out the procedures for making consultation documents and the backup copy available).

7.1 Electronic tender submission

Electronic document submission is done only via the City of Lyon's purchaser profile, the address of which appears on the cover page of this document.

Tenders are submitted in accordance with the general conditions of use of the purchaser profile available in the call to tender file.

If bidders encounter difficulties in submitting a tender, they should immediately contact the purchaser profile's HOTLINE. The contact information is provided in the general terms and conditions.

Tel.: 04 80 04 12 60

The reference time zone will be GMT+01:00 (Paris, Brussels, Copenhagen, Madrid).

Every submission will have a certain date of receipt and receive an electronic acknowledgement of receipt.

Bidders are invited to prepare to submit their tenders by performing a test on purchaser profile's practice site or by using the demonstration call to tender available on the purchaser profile. This will allow the bidder to check the that his workstation and internet network meet the technical requirements.

Bidders need to plan ahead for tender submission, since the deadline for tender submission is assessed based on the end of transmission of the last file.

File formats accepted:

For responses sent electronically, the documents provided shall be in one of the following

formats, or the offer will be deemed inadmissible:

- Microsoft Office suite proprietary formats, compatible with version 2013 (.doc, .xls and .ppt),
- Universal text format (.rtf),
- PDF format (.pdf),
- Image formats (.gif, .jpg et .png),
- Drawing formats (.dxf and .dwg).

Rules on submissions:

To facilitate management of electronic submissions, bidders should:

- Use short document names,
- Not use accents or special characters
- Avoid using ZIP files with internal sub-folders
- Avoid large files
- **Avoid document scans**

Candidates will ensure that they transmit documents whose unit computer weight is as low as possible and in any case less than 25 MB.

Any document containing a computer virus will be subject to security archiving and will be deemed not to have been received. The bidder concerned will be informed of this. Bidders are therefore advised to scan their documents with an anti-virus program before sending them.

Bidders are hereby informed that, after award of contract, the successful bidder may be asked to sign a paper copy of the contract for the re-materialized paper contract or a digital signature in PADES format, depending on the city's digital signature equipment.

In view of the new dematerialization requirements, candidates must also submit documents that are compatible with legal control and public accounting tools, i.e. mainly native pdf documents of low computer weight.

Backup copy:

Bidders may also, within the allotted periods for tender submission, submit a backup copy on a physical electronic support (CD-ROM, DVD-ROM, USB flashdrive) or as a hard copy. This copy will be sent to the address provided below, in a sealed envelope and must bear the wording: “backup copy” as well as the identification of the procedure concerned and the business’ contact information.

This backup copy will only be opened if the IT system should fail or if a virus is detected in the electronic document submitted by the bidder.

7.2 Addresses for the submission of backup copies

Backup copies shall be sent by registered post with acknowledgement of receipt or by any means allowing the date and time of receipt to be determined in a certain manner or submitted in return for a receipt to the address below. Tenders will bear the following wording:

In-person submission (direct or by courier)	**Postal submissions**
DO NOT OPEN **Backup copy** (if applicable) Ville de Lyon CP - COMMANDE PUBLIQUE	**DO NOT OPEN** **Backup copy** (if applicable) Ville de Lyon CP - COMMANDE PUBLIQUE

10 quai Jean Moulin 69001 LYON Open Monday through Friday from 9 am to 12 pm and 2 to 4 pm **Offer for: 4AE10732** Artistic programme of the Festival of Lights 2024 Design, production and technical realization of a scenography **Worksection n°** **Bidder's name:**	69205 Lyon CEDEX 01 **Offer for: 4AE10732** Artistic programme of the Festival of Lights 2024 Design, production and technical realization of a scenography **Worksection N°** **Bidder's name:**

8. Additional information

Bidders should use the City of Lyon's purchaser profile to obtain any additional information needed for their preparatory work.

Bidders shall submit a written request to the contracting authority no later than 10 days before the deadline for receipt of tenders.

Any changes to the bidding documents will be made pursuant to the provisions of the article "Minor changes to the bidding documents" in the present document.

If, during the examination of the file by the bidders, the deadline for receipt of tenders is postponed, the previous provisions shall apply with regard to this new deadline.

At the end of the procedure, candidates will be informed of the result via the city's buyer profile. If they wish to contact the city for more information, they can use the email address mentioned on the cover page of this document or contact 04 72 10 30 30.

PLEASE NOTE, all exchanges during the procedure must be made via the buyer profile.

9. Appeal procedures

This decision may be appealed to the competent administrative court.

The means and time limits for appeals available to the candidate are

- Pre-contractual referral provided for in Articles L. 551-1 to L. 551-12 and R.551-1 to R.551-6 of the Code of Administrative Justice (CJA), which may be exercised before the contract is signed.

- Referral of contractual disputes provided for in articles L.551-13 to L.551-23 and R.551-7 to 551-10 of the CJA, which may be exercised within the time limits provided for in article R. 551-7 of the CJA, after the contract has been signed.

- Full legal recourse to contest the validity of the contract, open to third parties within 2 months of the completion of the appropriate publicity measures.

Body in charge of appeal procedures:

Administrative Court of Lyon

184 rue Duguesclin

69433 Lyon Cedex 03

Tél : 04 78 14 10 10 - Fax : 04 78 14 10 65

greffe.ta-lyon@juradm.fr
http://lyon.tribunal-administratif.fr/