



**PROCUREMENT DIVISION**  
**Section PMT HQ NATO**

**Construction contract**  
**for the new permanent NATO Headquarters in Brussels**

**ANNEX A ter**

**1. Contract description**

**LOCATION:** :

Former "Roi Albert 1er" military site, address: 70, rue de la Fusée, Brussels (Haren).

**DESCRIPTION :**

Contract for the construction of the new NATO Headquarters in Brussels by a general contractor. The total gross floor area of all of the buildings is approximately 250,000 square meters.

The main structures and infrastructure concerned are:

- a) The main building comprising:
  - offices in 8 large wings and 4 small wings arranged on either side of a covered atrium;
  - a modern conference centre;
  - a common infrastructure section which, in particular, includes dining rooms, a cafeteria, a visitors' area and a press centre;
- b) A sports and recreation centre for staff, comprising in particular, a large brasserie-style restaurant and café, holiday day facilities for children, premises for language and other courses, and a wide range of sports facilities including a swimming pool;
- c) A technical services building, comprising in particular the energy generation plant, garage spaces, storage areas and workshops;
- d) Roads and parking lots;
- e) 2 guardhouses

The contract also includes the landscaping of the entire surrounding site.

Modern construction techniques will be used throughout under this contract. The utility systems shall include slab cooling through the ceilings, geothermal energy installation, combined heat and power production and passive ICT components.

**ESTIMATED PRICE**

€ 640,000,000.

**ESTIMATED PERIOD REQUIRED**

50 months.

NATO REFERENCE AND COMMITMENT AUTHORIZATION

C-M (2007)0076-AS1 dated July 31st ,2007.

**2. DEADLINE FOR SUBMISSION OF APPLICATION TO PARTICIPATE**

18th November, 2008 at 4 pm.

**3. ESTIMATED DATE FOR PROVISION OF CONTRACT SPECIFICATIONS TO POTENTIAL BIDDERS**

March 2009.

**4. ESTIMATED DEADLINE FOR SUBMISSION OF BIDS**

August 2009.

**5. ESTIMATED BID EXPIRY DATE**

February 2010.

The procedure to be followed after this date will be laid down in the contract specifications.

**6. SECURITY CLEARANCE**

*Only companies which hold NATO SECRET facility security clearance are eligible for selection as potential bidders.*

Consequently, when they submit their applications candidates must demonstrate that they do hold the required security clearance. If, when a candidate applies, the remaining period of validity of his security clearance is shorter than the time necessary for its renewal, that candidate must prove that he has submitted an application for renewal in good time.

The possession of a security clearance is also part of the procedure to obtain the declaration of eligibility prescribed by the NATO procedure AC/4-D/2261 (edition 1996). It should be noted that this declaration of eligibility (including the security clearance) can be either annexed to the application or sent directly to the responsible office (see address in item 7) by the authority entitled to issue it.

If the candidate is an association of companies, proof that each company of the association has security clearance must be provided.

It should be noted that such a security clearance is issued by the National Security Authority of the company in question.

**7. ADDRESS AND PROCEDURE FOR THE SUBMISSION OF APPLICATIONS**

Any correspondence relating to this procedure must be sent to the office responsible:

PMT HQ NATO  
NATO HQ, Block A12  
Boulevard Leopold III  
1110 Brussels

The complete dossier comprising the application to participate in the contract must be sent to the processing office by 4 PM on 18 November 2008:

- either by registered post at the above address,
- or by messenger, against receipt, to be handed in at the guardhouse, Block A2, rue de la Fusée 70, Brussels (opposite the present NATO main entrance).

For further information please contact Mr Bertrand Duprez by e-mail at: [bertrand.duprez@mil.be](mailto:bertrand.duprez@mil.be) or Mrs Dana DE GROOT by e-mail at : [dan.degroot@mil.be](mailto:dan.degroot@mil.be)

**8. REFERENCE**

The reference number of this contract is 7PA003.

This must be mentioned in any correspondence.

## **9. PROCEDURE**

This contract will be governed by NATO's International Competitive Bidding (ICB) procedure (awarding of the contract to the lowest bidder whose bid complies with the contract specifications) as described in document AC/4-D/2261 (1996 Edition). Information on this procedure can be obtained by the candidate at the NATO Delegation of his country (addresses available on the website [www.nato.int](http://www.nato.int) > Organization > Member States > National Delegations).

For Belgian candidates all the information on this AC/4-D/2261 procedure can be obtained at the following address

Federal Public Service "Economy, SME, Middle Class & Energy"  
 General Direction of the Economic Potential,  
 Aeronautics Direction-Defence- ICT  
 City Atrium C  
 Rue du Progrès, 50  
 1210 Brussels  
 tel: + 32 2 277 68 57 (Fr): + 32 2 277 53 07 (Du)

## **10 ADDITIONAL INFORMATION**

Additional information can be obtained from the official Belgian Defence website [www.mil.be](http://www.mil.be) under the heading NATO HQ – QG OTAN.

## **11 QUESTIONNAIRE**

Companies or associations of companies (hereinafter referred to as "candidates") will be authorized to take part in this contract if they (that is to say all the companies forming any association) are established (i.e. have their registered head offices) in a NATO member state (state the names of the companies that constitute the candidate association using the form in appendix 1) and meet all the following conditions:

- 11.1.a) They have fulfilled all obligations regarding the payment of taxes and duties according to the laws of the country where they are registered.

To prove that they have met these obligations, candidates must provide a certificate issued by the responsible authority in the country concerned. If such a document is not issued in that country, it can be replaced by a statement under oath or by a formal statement made by the person concerned before a legal or administrative authority, a notary or a registered professional body of the country concerned.

If the candidate is an association of companies, such proof must be provided for each member company of the association.

- b) They have fulfilled all obligations regarding the payment of social security contributions according to the laws of the country where they are registered.

Proof that candidates have met these obligations must be provided as follows:

- Candidates who employ staff subject to Belgian social security regulations need not enclose a certificate from the Belgian National Social Security Office (ONSS) with their applications. Their status will be verified directly by the awarding authority. They must comply with Article 17 bis, 1<sup>st</sup> section, of the Royal Decree of 8<sup>th</sup> January 1996 regarding public contracts for works and the provision of goods and services and franchises for public works.
- Foreign candidates who do not employ staff subject to Belgian social security regulations must enclose with their applications a certificate issued by the responsible authority stating that, at the latest as of the day before the deadline for receipt of applications to participate, they have met their obligations in accordance with the regulations of the country where they are registered. If such a document is not issued in that country, it can be replaced by a statement under oath or by a formal statement made by the person concerned before a legal or administrative authority, a notary or a registered professional body of the country concerned.

If the candidate is an association of companies, certificates must be provided for each member company of the association.

Information concerning item 11.1 a) and b) will also be given on the form in appendix 2 to annex A ter.

11.2 They have an average annual turnover over the last five years (2003-2007) of at least € 750,000,000 for works, of which at least € 500,000,000 was achieved by the candidate.

For this purpose the only amounts taken into consideration will be:

- the turnover achieved by the candidate (minimum € 500,000,000);
- the turnover achieved by other entities (maximum € 250,000,000), whatever the legal relationship between the candidate and these entities, provided it can be shown that the candidate will have the necessary means put at his disposal by these entities to carry out the contract. This must be shown by a specific and exclusive undertaking by all entities concerned that they will put such means at the candidate's disposal in order to carry out the contract. A specific undertaking means an undertaking with a description of the contract concerned. An exclusive undertaking means that one entity can only support one candidate. The undertaking shall be provided by each of the entities concerned using the form found in appendix 3 to Annex A ter;
- the turnover achieved by candidates or other entities registered (with their head offices) in a NATO member state.

Consequently :

- a candidate who applies alone must be able to demonstrate an average annual turnover of at least € 750,000,000;
- a candidate who is supported by one or more other entities must likewise be able to demonstrate an average annual turnover of at least € 750,000,000, of which at least € 500,000,000 has been achieved by himself; the balance may have been achieved by the other entity or entities.

It should be noted that:

- a) if the candidate is an association of companies, the average annual turnover will be the total of the average annual turnovers of the different members of the association;
- b) the data must be supported by official documents (for instance, extracts from balance sheets, extracts from annual reports, minutes of general meetings etc);
- c) the turnover will be expressed in the currency used in the supporting documents. If necessary, the euro equivalent will be calculated by the candidate and checked by the awarding authority on the basis of the exchange rate established by the National Bank of Belgium for the month in which the official supporting documents mentioned above under b) were approved. Exchange rates can be consulted on the website [www.nbb.be/belgosta](http://www.nbb.be/belgosta);
- d) the data are to be assembled on the form(s) found at appendix 4 to Annex A ter For each figure indicated the form must give the precise reference of the relevant supporting documents. The documents must be attached to the form.

11.3. A certificate is to be provided, from a financial institution having a class A Standard & Poor's, Moody's or Fitch rating, by which the institution irrevocably undertakes to guarantee the creation of the bank security (amounting to 5% of the approved bid price) if the candidate in question wins the contract. At the application stage, the financial institution's commitment shall be at least € 32,000,000 (which is 5% of the contract cost estimate). By a class A rating, a "long term" rating starting by the letter "A" has to be considered.

11.4. They can demonstrate the completion of building construction works for a total amount of at least € 600,000,000 over the last five (5) years (2003-2007), of which € 400,000,000 must have been executed by the candidate himself.

The amount of € 600,000,000 will be for a maximum of 60 class A or B works contracts – see definitions under h) and i) below.

Among these 60 reference projects:

- at least one shall be of class A or B, for an amount of more than € 50,000,000 and carried out by the candidate;

- at least one shall be of class B, for an amount of more than € 20,000,000 and carried out by the candidate.

It should be noted that:

- a) one class B project for an amount of more than € 50,000,000 fulfils both conditions;
- b) the value of work carried out by subcontracting for the candidate shall be included in the amount for the reference projects;
- c) for this purpose the only projects taken into consideration will be:
  - those carried out by the candidate (for a minimum amount of € 400,000,000);
  - those carried out by other entities (for a maximum of € 200,000,000), whatever the legal relationship between the candidate and these entities, provided it can be shown that the candidate will have the necessary means put at his disposal by these entities to carry out the contract. This must be shown by a specific and exclusive undertaking by all entities concerned that they will put such means at the candidate's disposal in order to carry out the contract. A specific undertaking means an undertaking with a description of the contract concerned. An exclusive undertaking means that one entity can only support one candidate. The undertaking shall be provided by each of the entities concerned using the form found in appendix 5 to Annex A ter;
  - those carried out by candidates or other entities registered (with their head offices) in a NATO member state.
- d) in the case of work carried out by an association of companies, the candidate may only count his true share in the execution of the contract. The amount actually carried out is to be indicated in a statement on the candidate's honour;
- e) if the candidate is an association of companies, the reference projects may include work done by all the different partner companies;
- f) the construction work referred to must have been completed during the last five years (2003-2007). Partially-finished work may also be taken as a reference, provided it has been accepted for payment during this period;
- g) a contract for which the candidate was the leading firm may be included for an amount not exceeding twice the value of the work actually done by the candidate;
 

This means a contract in which a company named leading firm carries out part of the contract itself or by subcontracting and manages or leads the remaining work carried out by one or more other companies;
- h) a class A contract is for non-industrial building work of medium complexity, that is to say excluding simple buildings made up of repeated elements such as halls, sheds, warehouses, covered markets or simple rustic buildings;
- i) a class B contract is for a building or buildings of a high degree of complexity at least equivalent to that of the main buildings under the present contract as described in item 1 a), b) and c) of this annex ter;
- j) the candidate must show that the relevant reference projects fall into class A and/or B in a note of not more than 10 lines for each project;
- k) the reference projects must be attested to:
  - either by certificates issued by the awarding authority if they were carried out for public authorities;
  - or by certificates issued by the recipient or beneficiary or failing that by the candidate himself if they were carried out for private persons;
- l) for each reference project the candidate must give the following information:
  - name of the recipient or beneficiary of the work done;
  - designation of the work under the contract
  - nature of work carried out;
  - total value of the work (net of VAT) ;
  - starting date of the contract;
  - completion date of the work (or part of the work) cited as reference;
  - value (net of VAT) of the part of the work carried out by the candidate ;
  - whether the work falls into class A or class B.

This information is to be assembled on the form(s) found at appendix 6 to Annex A ter. For each reference the form must indicate the precise annexes supporting the information. The annexes must be attached to the form in the same order as the reference projects;

- m) the value of the reference projects will be expressed in the currency used for the contract concerned. If necessary, the euro equivalent will be calculated by the candidate and checked by the awarding authority on the basis of the exchange rate established by the National Bank of Belgium for the month of acceptance of the work concerned. Exchange rates can be consulted on the website [www.nbb.be/belgosta](http://www.nbb.be/belgosta);

- 11.5. They can demonstrate that they are included in the appropriate professional or trade register in accordance with the laws of the country where they are established. In the case of an association of companies, proof of such registration shall be provided by each company in the association.
- 11.6. It is requested that the candidate's company statutes or charter be provided, together with a translation into the language used in the application file of any documents which are not in one of the authorized languages, to be done by a sworn translator, a translator under oath, or the equivalent.

**A candidate who does not answer the questionnaire will automatically be eliminated, and a failure to answer a question or to give sufficient information may likewise lead to elimination.**

### **Particular remarks**

- 1) Besides the application submitted as a member of the association, no member of an association of companies is allowed to submit another application alone or as a member of another association of companies. Such an approach would lead to the elimination of all the applications submitted ignoring this rule.
- 2) The use of the name and the NATO logo is forbidden especially within the context of the corporate name, the designation or the name of the candidate company or the candidate association.
- 3) The language of the construction contract for the new NATO Headquarters will be French or Dutch, according to the choice of the bidder to whom the contract is awarded.
- 4) The application must be written in French or in Dutch. If the documents required in the application file are not in French, Dutch or English, they must be accompanied by a translation into one of these languages.
- 5) Any translations into French, Dutch or English must be made by a sworn translator, a translator under oath or the equivalent.
- 6) All the monetary amounts mentioned in this questionnaire are net of value added tax (net of VAT).
- 7) Any false statements intended to make a candidate appear eligible with respect to the requirements given in this document will lead to the candidate's exclusion from participation in this contract at any stage of the procedure.
- 8) The security clearance requirements stated in item 6, of annex A ter will also apply to the candidates selected as bidders when they submit their bids.
- 9) Subcontractors must also hold security clearance of a level depending on the nature of the services they are to provide and the place where these services will be performed. In most cases NATO SECRET security clearance will be required.
- 10) A part of the Contract Specifications will be classified "NATO RESTRICTED". The reminds of the Contract Specifications will be classified "NATO UNCLASSIFIED".
- 11) The bids submitted by the selected bidders will be classified "NATO UNCLASSIFIED".

12) The Contract Specifications which will be sent to the selected candidates will include specific and restrictive clauses regarding:

- a) the company management structure of the potential bidder. In order to carry out the works contract, the potential bidder shall undertake to set up a company management and decision-making structure suited to the size of the project and in accordance with the requirements laid down in the Contract Specifications;
- b) the provision of the latest documents showing that the potential bidder has complied with all obligations as to the payment of social security contributions and taxes and duties in accordance with the legal rules of the country where he is established;
- c) the provision of the potential bidder's latest company statutes or charters, together with a translation into the language used in the bid of any documents which are not in one of the authorized languages, to be done by a sworn translator, a translator under oath or the equivalent;
- d) the obligation for each company belonging to the association to commit itself jointly and severally as regards the bid submitted.