



EUROPEAN MEDICINES AGENCY  
SCIENCE MEDICINES HEALTH

18 October 2019  
EMA/567476/2019  
European Medicines Agency  
Legal Department

## Ex ante publicity of a negotiated procedure

### EMA/2019/32/LD – Legal advice in relation to Dutch law on real estate and building maintenance

The European Medicines Agency (hereinafter referred to as “the Agency” or “EMA”) intends to procure services pertaining to legal advice in relation to Dutch law on real estate and building maintenance.

The scope of this contract shall be:

- provision of legal advice and support to the Agency as tenant relating to the existing and future leases in respect of the landlord's (the Dutch Government's) obligations, the Agency's duties and rights, performance of the contract, service charges, sinking funds, capital contributions, alterations, and any other issues that might arise from the landlord/tenant relationship.
- provision of legal advice and support following completion of the project (new premises for the Agency in the Zuidas area of Amsterdam) related to a delivery report of the building to confirm practical completion and compliance with the prepared and agreed requirements, and supporting the Agency as tenant in the decision to accepting the premises.
- provision of legal advice related to Dutch fire safety regulations and occupational Health & Safety legislation to the Agency, as well as in connection with the preparation of new requirements connected to the development of the Agency's premises, including security, fire safety, furniture, car parking and building maintenance.
- provision of legal advice on building management matters, including property advice and support to building management and maintenance, including the review of maintenance contracts, maintenance planning, etc.
- provision of legal advice related to service contracts and service level agreements, facility service plan, etc.
- provision of legal advice following completion of the building, advice on and performance of acceptance-testing of the EMA final premises in the Zuidas area of Amsterdam, including management of latent defects and support during the guarantee period.
- provision of legal advice on (real estate) property related matters related to fitting outs or similar property related projects, as well as surveys and assessments.
- legal assistance and advice in property related matters addressed with the municipality of Amsterdam and any other (public) bodies or authorities, including preparation of the Agency's position.

---

**Official address** Domenico Scarlattilaan 6 • 1083 HS Amsterdam • The Netherlands

**Address for visits and deliveries** Refer to [www.ema.europa.eu/how-to-find-us](http://www.ema.europa.eu/how-to-find-us)

**Send us a question** Go to [www.ema.europa.eu/contact](http://www.ema.europa.eu/contact) **Telephone** +31 (0)88 781 6000

An agency of the European Union



- provision of specific legal advice and specific expertise to cover the above mentioned services and any other property law consultancy matters and ancillary services, including the appointment of a third party, if necessary.
- preparation and provision of evidence, as well as representation before authorities, courts and in arbitration in relation to the subject matters listed above.

In light of the foregoing, the Agency seeks to establish a framework contract in order to facilitate recourse to legal advice from a law firm, which holds particular knowledge in Dutch real estate (commercial property) law including matters relating to building maintenance. The Agency wishes to appoint up to a maximum of two service providers in priority order for an initial period of one year, with three possible renewals, each of twelve months.

A negotiated tender with a maximum indicative budget of €143,500 is planned to be launched in November 2019, and the contract awarded will be for an initial duration of one year, and is renewable 3 times with a period of 1 year each time (1+1+1+1).

Interested economic operators meeting the minimum technical requirements and the criteria below may express their interest by sending an e-mail indicating the reference number and subject of the procurement to [AF-LD-TENDERS@ema.europa.eu](mailto:AF-LD-TENDERS@ema.europa.eu) together with the name, address and business details before **1 November 2019, 12:00 (noon) CET**.

The following minimum technical requirements shall apply to this framework contract:

- compliance with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU;
- the proposed attorneys at law, and his/her alternates, should not have any conflict of interest. Please note that the Landlord is the Dutch Government;
- the working language of the Agency is English and the contractor must confirm that it will be able to communicate with the Agency in English for seamless implementation and execution of all the services covered within the scope of the contract, including responsibilities resulting from regulatory requirements such as fire safety, occupational Health & Safety and Data Protection, as well as for the efficient and timely response in respect to contract management;
- processing of personal data in connection with this service must comply with EU data protection legislation, in particular, Regulation (EU) 2016/679 (General Data Protection Regulation).

Interested economic operators should comply, at least, with the following criteria:

- all tenderers must have authorisation to perform the contract under national law;
- the average annual turnover of the tenderer must be a minimum value of €71,000 for each of the last two financial years;
- the attorneys at law as well as his/her alternates to be assigned to EMA should each have experience of providing client representation services of at least 8 years in Dutch real estate - commercial property law and relevant qualifications as attorneys at law;
- relevant experience and knowledge in handling matters related to non-residential commercial property law market in the region of Amsterdam or an equivalent city in the Netherlands in the last 5 years, citing at least 3 clients.

- the attorneys at law as well as his/her alternates to be assigned to EMA shall not have a conflict of interest, which could affect the performance of the services of the contract. It follows that the tenderer shall not be in any situation that could compromise the impartial and objective performance of the contract with regard to the rendition of legal advice. Compliance with the specific rules of conflict of interest regulating the legal profession, including professional ethics rules shall be observed.

This publication does not constitute any obligation on the part of the Agency to invite any economic operator having expressed its interest to tender. Only the candidates invited to tender by the Agency will be admissible. Registering interest to receive an invitation to tender in a negotiated procedure of this type does not create any legal right or legitimate expectation on the part of any economic operator.