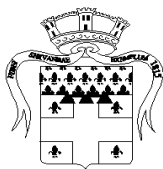


FRENCH REPUBLIC

DEPARTEMENT
OF ALPES-MARITIMES

ARRONDISSEMENT
OF GRASSE

MUNICIPALITY OF ANTIBES



NOTICE OF A PUBLIC COMPETITIVE TENDER PUBLIC SERVICE DELEGATION

PUBLIC SERVICE DELEGATION FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE VAUBAN MARINA

SECTION I: DELEGATING AUTHORITY

I.1) Name and address:

Ville d'Antibes Juan-les-Pins – Hôtel de Ville – Cours Masséna – BP 2205 – 06606 Antibes cedex.

Contact point:

DGA Ressource et perspectives – Direction de la Commande publique – Service Activités déléguées
– 12, place du Général de Gaulle – 06600 Antibes-Juan les Pins – Tel.: +33 (0)4 92 90 52 76 – Fax:
+33 (0)4 92 90 54 55 – Electronic mail (e-mail): commandepub-act.deleguees@ville-antibes.fr.

for the attention of M. Guillaume BLAIS

Web site address:

Address of delegating authority's web site: <http://www.antibes-juanlespins.com/>.

Address from which additional information may be obtained:

DGA Ressources et Prospectives – Direction de la Commande Publique – Service Activités
Déléguées – 12, place du Général de Gaulle – 06600 Antibes-Juan les Pins.

I.2) Type of delegating authority

Municipality.

SECTION II: PURPOSE OF PUBLIC SERVICE DELEGATION

II.1) Title of public service delegation

Operation, maintenance and management of the Vauban marina, including execution and financing of works, the main aspects of which are described in the document defining the service quantities and qualities.

II.2) Text in application of which the agreement is concluded:

The hereby public service delegation procedure is governed by articles L.1411-1 and subsequent articles, and article R.1411-1 and subsequent articles of the general territorial authority code (CGCT).

The chosen tendering procedure is an open procedure, i.e. the Municipality will send the document defining the characteristics of the services to all applicants making known their intention to submit a bid in accordance with jurisprudence of the Council of the State (CE, 15 December 2006, no. 298618, "Corsica Ferries").

The bid submitted no later than the deadline for receipt of tenders specified in section IV.4 "Deadline" is an initial bid.

This bid will then be freely negotiated according to the proceedings stipulated in articles L 1411-1 and subsequent articles of the CGCT.

II.3) Purpose of the delegation:

The purpose of the hereby public service delegation is to assign operation, maintenance and management of the Port Vauban marina public service to a delegatee, including execution of works and their financing.

At present, the 1,642 berths at PORT VAUBAN, over an area of 460,000 m² (320,000 m² of water surface and 140,000 m² of earth platforms and quays), are allocated as follows:

- 749 leased berths, of which 19 are for very large yachts and were built in the framework of an establishment concession by IYCA and 104 berths built in the framework of an establishment concession with SAPA;
- 337 public berths;
- 556 berths assigned to general interest missions related to the sea.

At present the 19 berths for very large yachts are operated within the framework of an agreement by the IYCA company. This agreement will terminate when the public service delegation concluded upon completion of the procedure takes effect, and the berths will therefore be operated by the future delegatee.

The ambition asserted through the launch of this public service delegation procedure is to make Port Vauban the worldwide leader in terms of marinas.

Port Vauban will be the coastline for the SOPHIA ANTIPOLIS science and technology park and its natural outlet onto the Mediterranean Sea. It will also incorporate a sustainable development aspect, bearing in mind Port Vauban has already been awarded the "Clean Port" label.

It will therefore combine a very high level of service capable of contributing to running and developing the marina, with new information technologies and state-of-the-art ecological and environmental standards.

For this purpose applicants are expected to propose their vision of a marina for the 3rd millennium, and particularly the new marina services and facilities making it possible to improve operation of the marina, with respect to the level of requirement defined by the Municipality (therefore concerning architecture, urbanism, functionality, ecology, the latest technologies in particular NICTs, and a high level of service for users).

As a minimum they will therefore propose:

- renewal of the careening zone;
- creation of a yacht club;
- strengthening of the ramparts;
- updating of the parking facilities;
- overhaul of the current IT architecture and interconnections.

Consequently, it will be the applicant's responsibility to propose engineering structures, buildings and facilities relating to operation of the marina, or capable of contributing to running and developing the marina, according to the geographical perimeter of the future public service delegation, at least one of which will be the minimum perimeter (at least one bid must be presented for this perimeter). The applicants shall be given the possibility (not obligatory) to propose extended perimeters.

In addition this project will also include consideration of the launch of a costed analysis for extension of the infrastructures for very large yachts in the context of decision support provided to the delegating authority for the future prospects of the marina's development.

If the feasibility study demonstrates it is possible to carry out such an extension, and provided the administrative authorisations are obtained and that the Municipality decides to carry it out, an amendment allowing construction of the said extension may be agreed upon.

This project shall not generate an increase of more than 10% in the number of berths in the marina, and the duration of public delegation shall not exceed the maximum period indicated in article R5314-30 of the Transport Code.

Duration:

The delegation's duration is between 20 and 25 years, as from the date the agreement comes into effect, corresponding to an envisaged date of 1st January 2017.

Financial terms and conditions:

Article L. 1411-1 of the CGCT stipulates that the delegatee's remuneration is substantially linked to the results of operation of the assigned public service, according to the principle of operation being at the risks and perils of the delegatee. Details of the delegatee's remuneration are specified in the document defining the service characteristics.

Since an important asset belonging to the Municipality of ANTIBES JUAN-LES-PINS and the inhabitants of Antibes is at stake, the Municipality intends to enhance the value of this asset to the maximum extent with regard to the advantages of all and any types benefiting the future operator who will occupy the public port domain, by requiring the payment of fees, in particular those stipulated in article L 2125-3 of the General Code for Public Entity Ownership.

These fees will originate from the bids made by the applicants. The applicants must include all the revenues resulting in particular from the occupation fees collected by the delegatee, from the income derived by virtue of transfers of ownership authorised in application of applicable legislation, and on the turnover from contractual operations in any form whatsoever.

The operator will also pay entry fees for purchase of the management concession between the Municipality and SAEM, and early termination of the establishment concession between the Municipality and the IYCA company, as well as all the non amortized investments concerning the delegated perimeter.

These modalities are specified in the document defining the service quantities and qualities.

It is specified in the present operating conditions that the turnover emerging exclusively from the SAEM income statement for Port Vauban is € 7,374,405 in 2014 and for that of the IYCA company this figure is € 2,294,277.

It should be specified that if the conditions are fulfilled, the applicant may offer use guarantees, while specifying in its bid whether in this case it intends to limit the duration of these use guarantees to that of the public service delegation, and the modalities for implementation of these guarantees.

Main site of implementation:

06600 Antibes.

NUTS code:

FR823.

II.4) Other characteristics and information about the type and purpose of the agreement:

II.5) CPV classification:

63721000-9 "Services to operate ports and navigable waterways, and related services".

SECTION III: PARTICIPATION REQUIREMENTS

The list of applicants, whose bids will be examined, shall be drawn up following analysis of their business and financial guarantees, their compliance with the obligation to employ disabled personnel stipulated in articles L.5212-1 to L.5212-4 of the Labour Code, and their capacity to ensure continuity of public service and equal treatment of users of the public service.

For this purpose, the applicants must present the application documents indicated in sections III.1, III.2, III.3 and III.4 or the equivalent documents.

If foreign applicants not established in France are not given a certificate by the administrations and organisations of the relevant country upon payment of taxes, duties and social security contributions, they must produce an affidavit performed before a judicial or administrative authority of the said country.

III.1) Specific situation of economic operators, including requirements with regard to registration on the trade or business registry :

- A letter of application (applicants must indicate their name and company name, the address of their head office, the company history).
- A DC1 form, duly completed and signed.
- A DC2 form, duly completed.
- Power of attorney for the person or persons authorised to act in the name of the company or group.
- An "extrait Kbis" or equivalent document dated less than 3 months previously for physical persons or legal entities that started their business less than a year ago, a receipt from a business creation centre for registration of a business.
- A declaration by the individual applicant or member of the group completed in all its sections obligatorily providing all the information concerning the judicial situation of the business. If the business is in receivership, a copy of the rulings pronounced to this effect.

III.2) Economic and financial capacity :

- For economic operators for whom it is obligatory to draw up balance sheets: the balance sheets, income statements and certified appendices (CERFA no. 2050 to 2059-G) or equivalent documents, from the last three financial periods (or solely the terminated financial periods if the business was created less than three years ago). If the applicant is a subsidiary company, the financial information (balance sheets and income statements) must also be provided by the parent company.
- For economic operators for whom it is not obligatory to draw up balance sheets: any document making it possible to establish the financial and economic capacities.

- The insurance certificates in particular as far as concerns insurance covering civil and professional liability (specifying the amount of cover in euros), that the applicant or each member of the group benefits from.

III.3) Technical and professional capacities :

- A sworn statement concerning the applicant's workforce and the number of supervisory personnel for each of the last three years, or since the date the business was created if the business was created less than three years ago, as well as the material means and technical equipment at the applicant's disposal to perform services of the same type.
- A memorandum (written document) presenting the applicant's technical capacities including its references acquired in the domain concerned by the delegation or in a comparable domain and/or any and all other references or information capable of demonstrating its capacity to accept the public service delegation concerned by the hereby notice (comprising the list of the main services performed over the last 3 years or since the date on which the business was created, indicating the amount, date and the private or public sector recipient), to provide continuity of the public service, equal treatment of users of the public service, reception of the public during the operation period, as well as preservation of the domain.

III.4) Combat against illegal employment

In addition, in order to comply with the provisions of article 8 of decree no.97-638 of 31 May 1997 in application of law no.97-210 of 11 March 1997 relating to strengthening of the combat against illegal employment, the applicants must also present:

- A duly completed NOT12 form.

Businesses in the process of being incorporated or newly created can submit a tender in the same way as existing companies. However, although a company in the process of being incorporated is permitted to be an applicant, the business creation project must be sufficiently well advanced to make it possible to establish the characteristics of the future company, as well as its professional and financial guarantees. It must therefore provide its signed articles of association. It is also required to provide the required fiscal and social security certificates. The attestations to be provided by all shareholders of the company in the process of incorporation must be provided by all shareholders of the future company, whether they are legal entities or physical persons. In the latter case, the fiscal attestation to provide relates to income tax. Finally, notwithstanding communication of the fiscal and social security attestations (if necessary also the income tax attestation), the company in the process of incorporation must communicate the information relating to the financial guarantees and capacities that it will be endowed with for performance of the contract.

Group candidacies are permitted. The group proxy and its co-contractors must be joint and several. A single business cannot simultaneously present an individual application and one or more group candidacies. Groups must remain intangible throughout the duration of the consultation. In the event of a response in the form of a group, all of the above-mentioned documents must be provided for each business in the group. The letter of application will specify the identity of the group's proxy. The powers of attorney given to the proxy to represent its co-contractors will be attached to it.

Businesses who wish to present their application in the form of a group of economic operators must each take responsibility for completing and signing the DC1. The other required documents will be supplied by each member of the group. Businesses that have decided to constitute a group of candidacies must choose one of the companies in the group, designated in the DC1 as the proxy, to represent them before the delegating authority and also to coordinate the services performed by group members. The imposed form, after the award, will be the solidarity group. Provided it is authorised to do so by its co-contractors in the DC1, the proxy can sign the public service delegation agreement in the name of all the grouped businesses. According to competition law, the group of businesses must not violate the rules for transparency and free competition. This requirement prohibits the concerned businesses from presenting bids in several guises, acting both as individual applicants and members of one or more groups.

To provide proof of the professional, technical and financial capacities of other economic operators on which it is relying to present its application, the applicant presents the same documents relating to this economic operator as those it is required to produce by the awarding authority. In addition, to prove that the capacities of this economic operator are at its disposal to perform the services, the applicant must provide a written undertaking from the economic operator.

Any additional document can be sent at the applicant's discretion, enabling the municipality to better appreciate the applicant's professional and technical capacities.

Before proceeding with analysis of the candidacies, if the municipality observes that documents the presentation of which is required are missing or incomplete, it may require all the relevant applicants to complete their application within an identical period for all. It may require applicants that have not given proof of their legal capacity enabling them to submit their application to regularise their application in the same conditions. It will then inform the other applicants of this requirement, who will be entitled to complete their application within the same period.

SECTION IV: PROCEDURE

IV.1) Not applicable

IV.2) Obtaining the invitation to tender:

The invitation to tender is available free of charge on the buyer profile of the Municipality at the following electronic address, as from 24th February 2016: <https://www.e-marches06.fr>.

The invitation to tender specifies the modalities for presenting applications and bids, which since this is an open tender, will be submitted simultaneously according to the conditions stipulated in article IV.3.

The invitation to tender can be obtained up until the deadline for submitting applications and bids.

IV.3) Location for submission of applications and bids

The folders containing the the application and the bid respectively will be sent in a single envelope. This envelope will be sent by registered mail with postal acknowledgement of receipt or delivered in return for a receipt, from Monday to Friday from 8.30 am to 12 noon and from 1.30 to 5 pm excluding public holidays, **to the following address :**

**Monsieur le Maire
Direction de la Commande Publique
12, Place du Général de Gaulle (2^e étage)
BP 2205
06606 ANTIBES CEDEX**

The outer envelope will show the address above, and the following text in the top left-hand corner:

<p>VILLE D'ANTIBES</p> <p>DELEGATION DE SERVICE PUBLIC</p> <p>Délégation de service public pour l'exploitation, l'entretien et la gestion du port de plaisance Vauban</p> <p>NE PAS OUVRIR</p>
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The inner envelope containing the application documents will show only **the applicant's name**, together with the words "Pièces de la candidature".

The inner envelope containing the bid documents will show only **the applicant's name**, together with the words "Pièces de l'offre".

IV.4) Deadline:

Deadline for reception of tenders:

Thursday 1st September 2016, at 12 noon.

IV.5) Languages that can be used for applications:

French.

IV.6) Bid selection criteria

Bids will be assessed according to the following criteria, which may if necessary be clarified in the tender regulations, in no particular order of priority:

- Quality of the Service rendered and resources mobilised to this effect (assessed in particular with regard to the quality of services associated with new technologies; commitment in favour of sustainable development; attractiveness and management of the marina; absolute compliance with labour legislation, particularly with regard to crews);
- Quality of the proposed amenities and works in functional and architectural terms, with all of the resulting investments (assessed in particular with regard to how the new future marina is integrated into the existing landscape and environment, especially relating to the old town);
- Financial balance of the delegation (assessed in particular with regard to the forecast operating budgets and their credibility, and the proposed prices), and proposed amount of return payments to the municipality;
- Quality of consideration devoted to the launch of a costed analysis for limited extension of the infrastructures for very large yachts, in the context of decision support provided to the delegating authority for prospective marina enhancements.

SECTION V: ADDITIONAL INFORMATION

V.1) The agreement is part of a project or programme financed by community funds

No.

V.2) Other information

Obtaining the forms:

Forms DC1, DC2, and NOTI2 are available for free download at <http://www.economie.gouv.fr>.

Monetary unit:

The euro.

Visits:

Four visits will be organised in April, May, June and July 2016, in order to allow applicants to fully grasp the requirements of the delegation (the dates will be specified in the invitation to tender (DCE - Dossier de Consultation des Entreprises)).

V.3) Redress procedure

Body responsible for redress procedures and service from which information can be obtained concerning the redress procedure:

Tribunal administratif de Nice — 33, boulevard Franck Pilatte — BP 4179 — F-06359 Nice — E-mail: greffe.ta-nice@juradm.fr — Tel.: +33 (0)4 92 04 13 13 — Fax: +33 (0)4 93 55 78 31 — Web site: <http://nice.tribunal-administratif.fr/>.

V.4) Date of communication of the hereby notice:

15 février 2016.