



IARRATAS AR FHÓGRAÍ SPÉISE

i dtaca le

CONRADH DEARTHA

i gcomhair

OIFIG AN STIÚRTHÓRA

UM

FHORFHEIDHMIÚ CORPORÁIDEACH

Tabhair faoi deara le bhur dtoil go foilsíodh gach eaola faoin iarratas seo, cáipéis, soiléiriú agus athruithe san áireamh, ar suíomh idirlín etenders (www.etenders.gov.ie) amháin. Tá clárú saor in aisce agus níl aon táille ar na doiciméad. Ní ghlacann an OSFC le freagracht ag éirí as eolas leaschraolaithe (nó gan bheith leaschraolaithe) trí aon triú páirtí. Má tá an iarratas athruitheadh nó curtha in eagair in aon slí, measfar go neamh-inghlachta an tairiscint dá éis.



REQUEST FOR EXPRESSIONS OF INTEREST

relating to a

DESIGN CONTRACT

for

THE OFFICE OF THE DIRECTOR

OF

CORPORATE ENFORCEMENT

Please note that all information relating to this request, including clarifications and changes, will be published on the etenders website (www.etenders.gov.ie). Registration is free of charge and there is no charge for documents. ODCE will not accept responsibility for information relayed (or not relayed) via third parties. If the document is in any way altered or edited, the subsequent expression of interest may be deemed inadmissible.

February 2009

1. FÓGRA DO CUIDEACHTAÍ A CIUREANN IARRATAS ISTEACH

- 1.1 Iarrann Oifig an An Stiúrthóra Um Fhorfheidhmiú Corporáideach (OSFC) (tagartha tar éis seo mar an Oifig) iarratais ar fhógraí spéise ó páirtithe leasmhar is mian leo tairiscint a chur a aghaidh i dtaca le dearadh foilseacháin agus tuairisci an Oifig. Is le riachtanais deartha an Oifig ar feadh bliain go trí bhliain (faoi rogha an Oifig) atá an próiseas tairisceana seo. Is í/é an tairgeoir rathúil a mbeidh ina d(h)earthóir roghnaithe an Oifig le linn an tréimhse sin.
- 1.2 Forchoimeádann an Oifig an ceart chun aon fhaisnéis sa doiciméad seo a thabhairt suas chun dáta nó a athrú aon uair ar bith. Sa chás go meastar go bhfuil rudaí breise nó leasuithe don Iarratas ar Fhógraí Spéise, mar a leagtar amach sa doiciméad seo, riachtanach roimh an spriocdháta do ghlacadh le tograí, eiseofar iad do na hiarrthóirí i bhfoirm doiciméad forlíontach agus beidh siad mar chuid den Iarratas ar Fhógraí Spéise.
- 1.3 Ní bheidh an Oifig faoi dhliteanas maidir le haon chostas ar bith a chaitheann tairgeoirí agus iad ag ullmhú na dtairiscintí mar fhreagra ar an Iarratas seo ar Fhógraí Spéise.

1.4 ÍOCTAÍOCTA FAOIN CONRADH SEO

Beidh sé mar choinníoll do bhronnadh an chonartha go mbeadh an tairgeoir rathúil in ann Deimhniú Imréitigh Cánach a sholáthar go baileach. Sa chás go n-éiríonn le tairgeoir neamh-chónaitheora an conradh a fháil, beidh Dearbhú Oiriúnachta ó na Coimisinéirí Ioncaim ag teastáil. Sa chás go n-éagann an Deimhniú Imréitigh Cánach le linn an chonartha, forchoimeádann an Oifig an ceart chun deimhniú athnuaithe a lorg. Beidh na híocaíochtaí go léir faoin gconradh ar choinníoll go bhfuil deimhniú bailí i seilbh an chonraitheora i gcónai. Beifear íoctaíochtaí as seirbhí faoin conradh seo trí shonraisc cuí, bunaithe ar insoláthartha comhaontaithe. Beidh socruthe sonrascadh aontaithe leis an tairgeoir rathúil, tar éis bronnadh an conradh. Beidh conradh faoin Iarratas seo ar Fhógraí Spéise agus aon Cuireadh chun Tairisceana dá éis faoin tAcht um Íoc Pras Cuntas 1997.

1.5 CÁIN SHIARCHOINNEÁLACH AR SEIRBHÍSÍ GAIRMIÚLA

Faoi Acht Airgeadais 1987, caitear cáin shiarchoinneálach a asbhaint ó íoctaíochtaí are seirbhísí gairmiúla. Bainfear an cáin seo, ar ráta 20%, ó íoctaíochtaí do na saincomhairleoirí ar son obair déanta agus cuirfear ar údarás cáin Eireannach. Tá an cáin seo inaisíoca trí iarratas ar na Coimisinéirí Ioncaim, Brainse na nÉileamh, Caisleán Átha Cliath, Baile Átha Cliath 2.

- 1.6 Pléfear mar ceangail conartha eolas a soláthraoíann tarigeoirí. Áfach, forchoimeádann an Oifig ceart soiléiriú nó fiorú aon eolais sin.
- 1.7 Cuirfidh an conradh ar neamhní aon sárú den tairgeoir rathúil bheith i gcomhlíonadh le gach dualgas faoi Dlí Fostaíochta agus/nó Dlí Cuideachtaí.

1. NOTICE TO COMPANIES APPLYING

- 1.1 The Office of the Director of Corporate Enforcement (ODCE) (hereinafter referred to as the Office) requests expressions of interest from interested parties who wish to put forward tenders relating to the design of the Office's publications and reports. This tender process is to meet the Office's design requirements for a period of one to three years at the discretion of the Office. The successful bidder will be the Office's preferred designer for that period.
- 1.2 The Office reserves the right to update or alter any information contained in this document at any time. In the event that any additions or amendments to the Request for Expressions of Interest, as set out in this document, be deemed necessary prior to the closing date for receipt of proposals, these will be issued to applicants in the form of supplementary documents and will form part of the Request for Expressions of Interest.
- 1.3 The Office will not be liable in respect of any costs incurred by applicants in the preparation of a response to this Request For Expressions of Interest.

1.4 PAYMENTS UNDER THIS CONTRACT

It will be a condition for the award of the contract that the successful bidder must be able to promptly produce a Tax Clearance Certificate. In the case of a successful non-resident bidder, a Statement of Suitability from the Revenue Commissioners will be required. Where a Tax Clearance Certificate expires within the course of the contract, the Office reserves the right to seek a renewed certificate. All payments under the contract will be conditional on the contractor being in possession of a valid certificate at all times. Payment for services covered by this contract will be on foot of appropriate invoices, which will be based on agreed deliverables. Invoicing arrangements will be agreed with the successful service provider, following the award of contract. A contract entered into on foot of this Request for Expressions of Interest and any subsequent Invitation to Tender is subject to the Prompt Payments of Accounts Act 1997.

1.5 PROFESSIONAL SERVICES WITHHOLDING TAX

Under the Finance Act, 1987, a withholding tax must be deducted from payments for professional services. This tax, which is at a rate of 20%, will be deducted from payments made to the consultants in respect of work carried out and will be remitted to the Irish tax authorities. This tax is refundable on application to the Revenue Commissioners, Claims Branch, Dublin Castle, Dublin 2.

- 1.6 Information supplied by bidders will be treated as contractually binding. However, the Office reserves the right to seek clarification or verification of any such information.
- 1.7 Failure of the successful contractor to comply with obligations under Employment Law and/or Company Law will render the contract void.

- 1.8 Béifear feasach gach tairgeoir go mbaineann dlí náisiúnta in ábhair eile mar Rún Oifigiúla, Cosaint Sonraí agus Sláinte agus Sábháilteachta.
- 1.9 Ní chuireann an Oifig í fhéin faoi cuireadh chun tairsceana mar gheall ar an Iarratas seo ar Fhógraí Spéise. Forchoimeádann sí an ceart diúltiú le haon iarratas, le haon chuid de hiarratas nó leis na hiarratais go léir a glacadh, agus go háirithe, na seirbhísí deartha riachtanacha a aimsiú ó níos mó ná haon Soláthróir amháin, más mian léi.
- 1.10 Is í an Oifig a mbeidh ina úinéar aonair de gach táirge deiridh m.s. léaráid, dearadh, coincheap, mír nó doiciméid, is cuma go foirceann sí and conradh roimh dáta éaga.
- 1.11 Forchoimeádann an Oifig an ceart íocaíocht na dtáillí a choimeád siar sa chás go dteipeann ar an tairgeoir a/a d(h)ualgais chonartha maidir le soláthar na seirbhísí go leibhéal inghlactha caighdeán.
- 1.12 Sa chás go bhfuil grúpa ag cur tairisceana inghlactha isteach le chéile, bronntaigh an Oifig an conradh ar aon chonraitheoir amháin a ghníomhaíonn mar an bpríomhchonraitheoir comhaontaithe. Tá an príomhchonraitheoir freagrach as soláthar na seirbhísí go léir a foráladh faoi théarmaí an chonartha agus glacfaidh sé leis na dualgais, na freaghrachaí agus na costais a ghabhann leo.
- 1.13 Forchoimeádann an Oifig an ceart iarraidh ar thairiscintí arís nó deireadh a chur leis an gconradh ar aon chéim ar bith, agus íoc as costas réasúnta agus comhaontaithe a caitheadh go dáta foirceanta.
- 1.14 Measfar faoi rún gach obair. Ní féidir aon fhaisnéis a scaoileadh amach do pháirtithe eile faoi thosca ar bith gan cead sainráite ón Oifig. B’fhéidir go mbeadh ar an tairgeoir rathúil socrú foirmeálta faoi rúin / neamh-nochtaithe a shíneadh.
- 1.15 **AN TACHT UM SHAORÁIL FAISNÉISE**
Tiomnaíonn an Oifig go ndéanfaidh sí na hiarrachtaí is fearr chun aon fhaisnéis a sholathraíonn tú mar fhreagra ar an iaraidh seo a choimeád faoi rúin, faoi réir ag oibleagáidí na hOifige faoi dhlí, an tAcht um Shaoráil Faisnéise san áireamh, a tháinig i bhfeidhm ar 21 Aibreán, 1998. Má chreideann tú nach ceart aon fhaisnéis a sholáthraigh tú a scaoileadh amach mar thoradh dá híogair, ba cheart duit an fhaisnéis seo a aithint agus cúiseanna dá híogair a lua. Rachaidh an Oifig i gcomhairle leat faoin bhfaisnéis iogair seo roimh cinneadh a dhéanamh ar aon iaraidh a glacadh ar Shaoráil Faisnéise. Fanann an cinneadh deireannach ar nochtadh faisnéise le hOifig an Choimisinéara Faisnéise.
- TOSCA EITICIÚLA**
- 1.16 Caithfear go noctfar aon choinbhleacht leasa a bhaineann leis an t-iarrthóir don Oifig, go háirithe nuair atá coinbhleacht leasa maidir le haon mholadh ná le tograí curtha chun tosaigh ag an t-iarrthóir.

- 1.8 Bidders should be aware that national legislation applies in other matters such as Official Secrets, Data Protection and Health and Safety.
 - 1.9 The Office does not bind itself to invite tenders on foot of this Request for Expressions of Interest. It reserves the right to reject in whole or in part any or all applications received, and in particular, to source the design requirements with more than one Service Provider should they so wish.
 - 1.10 The Office will remain the sole owner of all end-products e.g. illustrations, designs, concepts, items or documents, irrespective of whether or not the contract is terminated prior to expiry date.
 - 1.11 The Office retains the right to withhold payment of fees where a contractor has failed to meet his/her contractual obligations in relation to the delivery of services to an acceptable level of quality.
 - 1.12 In the event of a group jointly submitting an acceptable offer, the contract will be awarded by the Office to one contractor who acts as the agreed prime contractor. The prime contractor is responsible for the delivery of all services provided for under the terms of the contract and shall assume all the duties, responsibilities and costs associated with the position of prime contractor.
 - 1.13 The Office reserves the right to go to tender again or to terminate the contract at any stage on payment of reasonable and agreed costs accrued to the date of termination.
 - 1.14 All work shall be deemed confidential. Under no circumstances may information be disclosed to other parties without the express permission of the Office. The successful bidder may be required to sign a formal confidentiality/non-disclosure agreement.
 - 1.15 **FREEDOM OF INFORMATION ACT**
The Office undertakes to use its best endeavours to hold confidential any information provided by you in response to this invitation, subject to the Office's obligations under law, including the Freedom of Information Act, which came into force on 21 April, 1998. If you believe that any of the information supplied by you should not be disclosed because of its sensitivity, you should identify this information and state the reasons for its sensitivity. The Office will consult with you about this sensitive information before making a decision on any Freedom of Information request received. The final decision on disclosures rests with the Office of the Information Commissioner.
- ETHICAL CONSIDERATIONS**
- 1.16 Any conflicts of interest involving the Applicant must be fully disclosed to the Office, particularly where there is a conflict of interest in relation to any recommendation or proposals put forward by the Applicant.

1.17 Caithfear go nochtar aon leas incláraithe a bhaineann leis an t-iarrthóir agus leis an Aire Fiontar, Trádála agus Fostaíochta, le baill an Rialtais, le baill an Oireachtas nó le fostaithe in Oifig an Stiúrthóra um Fhorfheidhmiú Corporáideach nó lena ngaolta, i bhfreagra ar an Iarratas ar Fhógraí Spéise seo nó ba cheart é a chur in iúl don Oifig ar an bpointe chomh luath agus atá a fhios ag an gcomhlacht, nó sa chás go dtagann an fhaisnéis seo chun solais i ndiaidh na tairisceana a chur isteach agus roimh bhronnadh an chonartha. Mínítear na téarmaí ‘leas incláraithe’ agus ‘gaol’ de réir Ailt 2 den Acht um Eitic in Oifig Phoiblí, 1994.

1.18 Measfar go ndéanfar in Éirinn obair an comhairleoir deartha agus sé Dlí na Éirinn a rialoidh é.

1.19 **FREAGAIRT AR AN IARRATAS AR FHÓGRAÍ SPÉISE SEO**

Is coir go seolfar an Iarratas ar Fhógraí Spéise i gclúdach séalaithe agus marcálte "(DESIGN CONTRACT)" mar aon le aimn agus seoladh an cuideachta do:

Ms. Angela Nolan
Corporate Services
Office of the Director of Corporate Enforcement
16 Parnell Square
Dublin 1.

roimh nón ar an Luain 16ú Márta 2009.

Más é do thoil é, tabhair faoi deara gur féidir go n-osclófar tairiscintí nach bhfuil mairceáilte le "**DESIGN CONTRACT**" gan chuimhneamh roimh na huaire le haghaidh doiciméid a oscailt, agus dá bhrí sin **beidh siad neamh-incháilithe** le cur san áireamh sa phróiseas roghnóireachta.

1.20 Ba cheart go mbeadh fógraí spéise as Béarla.

1.21 Rinneadh gach iarracht bheith cinnte go gach eolas sa doiciméid seo atá riachtanacht chun fógraí spéise a líonadh. Áfach, ar mhaithe ar leas cothromais, is coir iarratais ar eolas breise, soiléiriú ar atá sa doiciméid agus gach ceist eile (seachas i dtaca ceisteanna fiorasach nó nós imeachta) bheith i scríofa nó trí r-phoist. Cuirfear ar fáil breis-eolais do gach tairgeoir dóchúil a fuair cóip den doiciméid seo trí suíomh idirlín etenders nó ón Oifig go díreach. Cuir ceisteanna trí r-phoist no scríobhnóireacht amháin, roimh nón ar an Aoine 6ú Márta 2009 ar a déanaí ar:

Ms. Angela Nolan,
ODCE,
16 Parnell Square,
Dublin 1.
or angela_nolan@odce.ie

- 1.17 Any registerable interest involving the Applicant and the Minister for Enterprise, Trade and Employment, members of the Government, members of the Oireachtas or employees of the Office of the Director of Corporate Enforcement or Department of Enterprise, Trade and Employment or their relatives must be fully disclosed in response to this RFT, or should be communicated to the Office of the Director of Corporate Enforcement immediately upon such information becoming known to the company, in the event of this information only coming to their notice after the submission of a bid and prior to the award of the contract. The terms 'registerable interest' and 'relative' shall be interpreted as per Section 2 of the Ethics in Public Office Act, 1994.
- 1.18 The work of the design consultant shall be deemed to be carried out in Ireland and shall be governed by the Laws of Ireland.

- 1.19 **RESPONSES TO THIS REQUEST FOR EXPRESSIONS OF INTEREST**

The Expression of Interest in a sealed envelope marked "(DESIGN CONTRACT)" together with the Company's name and address should be delivered to:

Ms. Angela Nolan
Corporate Services
Office of the Director of Corporate Enforcement
16 Parnell Square
Dublin 1.

by noon on Monday 16th March 2009.

Please note that envelopes and packages not marked "**DESIGN CONTRACT**" may be opened inadvertently prior to the time set for opening of documents, and therefore **will be ineligible** to be included in the selection process.

- 1.20 Expressions of Interest should be in English
- 1.21 Every effort has been made to ensure that this documentation contains all the necessary information for completion of expressions of interest. However, in the interests of equity, requests for additional information, clarification on the content of this document and all other queries of substance (other than in relation to purely factual or procedural matters) must be made in writing or by email. Any additional information elicited will be made available to all potential bidders who have obtained a copy of this document via the etenders website or directly from the Office. Any queries should be submitted by email or in writing only, not later than noon on Friday 6th March 2009 addressed to:

Ms. Angela Nolan,
ODCE,
16 Parnell Square,
Dublin 1.
or angela_nolan@odce.ie

- 1.22 Tá an Iarratas ar Fhógraí Spéise seo le fail ar suíomh idirlín:
- www.etenders.gov.ie
 - www.odce.ie
- 1.23 **IS É DÁTA DEIRIDH LE GLACADH LE TAIRISCINTÍ NÁ 12.00**
UAIR A CHLOIG AM ÁTIÚIL AR AN LUAIN 16^U MÁRTA 2009.
Forfheidhmíonn an Oifig spriocdhátaí tairisceana go cruinn agus níl toisc ar bith go nglacfar le hiarratais i ndiaidh nón ar an lá i gceist. Seolfar ar ais gan oscailt aon iarratais a glacadh go déanach agus ní chuirfear tairiscintí neamhionmlána san áireamh.
- 1.24 Ba cheart go dtabharfadhl iarratasóirí faoi deara go mba cheart teagmhálacha **go léir** leis an Oifig a chur ar bun tríd an ionadaí ainmnithe in alt 1.21 thíos **amháin**. Pléifear fiosruithe nó iarrataí ar shoiléiriú tríd an bhfreagra a sheoladh mar ríomhphost chuig na h iarratasóirí go léir ag an am céanna.
- 1.25 Iarratasóirí a bhaineann le haon cheann de na tosca a liostáileadh i Rialúchán 53 d'Ionstraim Reachtúil 329 de 2006, coinneofar iad amach as an gcomórtas seo. Ba cheart an Fógra Spéise a rá go soiléir má tá / nó muna bhfuil aon cheann de na tosca seo i bhfeidhm.

2. CÚLRA

- 2.1 Sé misean Oifig an Stiúrthóir um Fhorfheidhmiú Corparáideach ná feabhas a chur ar an timpeallacht ghéilliúntais do gníomhaíocht corparáideach I ngeilleagar na hÉirinn trí:
- géilliúntas i leith riachtanais Achtanna na gCuideachtaí a spreagadh agus
 - iad a thugann neamháird ar an dlí a thugtar os comhair na cúirte.
- Tá riachtanais dlíthiúl ar an Stiúrthóir Tuarascáil Bhliantúil a bhronnadh ar an t-Aire Fiontar, Trádála agus Fostaíochta roimh 31 Bealtaine gach bliain.
- 2.2 Tá an Aonad Ghéilliúntais freagrach as dearadh, leagan amach agus cur chun dáta leabhrán eolais, bileoga, agus rl. Na hOifige. Tá an Aonad Seirbhísí Corparáideach freagrach as an Tuarascáil Bhliantúil a chomhordú agus foilseacháin ilgnéitheach eile. Freisin curtar fógraí i roghnú foilseacháin ar son na hOifige.

3. CUR SÍOS AR AN OBAIR LE CRÍOCH

- 3.1 Dearadh agus leagan amach Tuarascáil Bhliantúil na hOifige.
- 3.2 Dearadh agus leagan amach aon Leabhráin Eolais nó Treoraidh nua agus, más gá, Fógraí.

4. AG TEASTÁIL Ó IARRATASÓIRÍ

- 4.1 Ba choir bheith na sonrái seo a leanas i ndoiciméid faoi bhráid;
- 4.1.1 Ainm, seoladh, uimhir teileafóin, seolash r-phoist agus uimhir facs an tarigeoir.

- 1.22 This Request for Expressions of Interest Document is available on the Internet at websites:
- www.etenders.gov.ie
 - www.odce.ie
- 1.23 **CLOSING DATE FOR RECEIPT OF EXPRESSIONS OF INTEREST IS 12.00 HOURS LOCAL TIME ON MONDAY 16TH MARCH 2009. The Office strictly enforces application deadlines and in no circumstances will an Expression of Interest be accepted after midday of the day in question. Expressions of Interest received late will be returned unopened and incomplete documentation will be rejected.**
- 1.24 Applicants should note that all contact with the Department should be initiated through the representative named in Section 1.21 above. Queries and requests for clarification will be dealt with by sending the questions and answers to all applicants.
- 1.25 Applicants to whom any of the circumstances listed in Regulation 53 of Statutory Instrument 329 of 2006 apply will be excluded from this competition. The Expression of Interest should state clearly whether any or all of the above circumstances apply / do not apply.

2. BACKGROUND

- 2.1 The Office's mission is to improve the compliance environment for corporate activity in the Irish economy by:
- encouraging adherence to the requirements of the Companies Acts and
 - bringing to account those who disregard the law.
- The Director is required by statute to produce an Annual Report to the Minister for Enterprise, Trade and Employment by 31 May each year.
- 2.2 The Compliance Unit is responsible for the design, layout and up-dating of the Office's information booklets, leaflets, etc. Corporate Services Unit is responsible for co-ordinating the Office's Annual Report and other miscellaneous publications. Advertisements are also placed with a selection of publications on behalf of the Office.

3. DESCRIPTION OF WORK TO BE COMPLETED

- 3.1 Design and layout the Office's Annual Report.
- 3.2 Design and layout for any additional new Information or Guidance Booklets and, where required, Advertisements.

4. REQUIRED FROM APPLICANTS

- 4.1 Documents submitted should include the following;
- 4.1.1 Name, address, telephone number, e-mail address and fax number of bidder.

- 4.1.2 Ainm, seoladh, uimhir teileafóin, seolash r-phoist agus uimhir facs aon tríú pháirtí bainteach leis an tairiscint.
- 4.1.3 Deimhní glactha an tairgeoir agus aon tríú pháirtí lena coinníollacha thairscint curtha síos sa doiciméid seo agus aon cuireadh chun tairisceana dá éis.
- 4.1.4 Sonraí ar chumas eacnamaíoch agus airgeadais an tairgeora an tseirbhís riachtanach a sholáthar. Clúdaíonn an fhaisnéis a lorgaítéar:
- moladh ó Bhaincéara **nó** sonraí ar árachais ábhartha
 - cuntas cothramaíochta nó sleachta díobh siúd do na blianta 2006-2008
 - láimhdeachas iomlán do na blianta 2006-2008
 - láimhdeachas ar ghníomhartha ábhartha do na blianta 2006-2008.
- 4.1.5 Sonraí ar chumas teicniúil an tairgeora an tseirbhís a sholáthar. Clúdaíonn an fhaisnéis a lorgaítéar:
- cén fhad atá an iarratasóir i mbun gnó
 - uimhir iomlán foirne fostaithe
 - uimhir dearthóra agus a réimsí saineolais m.s. léiriú, clóghrafaíocht, agus rl.
 - uimhir stáisiúin oibre agus cineál treallamh m.s. MAC, PC agus rl.
 - sonraí ar aon sheirbhísí atá ar intinn ag an tairgeoir a chur amach ar fho-chonradh
- 4.1.6 Cleachtas Oibre:
- a) Cur in iúl le do thoil cé den a leanas a tugtar ar aird inmheánach nó de tríú pháirtí:
 - Cóipscríbhneoireacht
 - Léiriú
 - Grianghrafadóireacht
 - Riomh-ghrafadóireacht
 - Profa daite
 - Clóghrafaíocht agus leagan amach
 - b) Tabhair breac-chuntas le do thoil ar do mhódh rialú cálíochta m.s. léamh profaí agus rl.
 - c) Cur in iúl le do thoil an duine éigean nó foireann a láimhseáilfeadh tionscadal na hOifige.
- 4.2 Cur in iúl le do thoil deimhní thuiscint riachtanais an conartha deartha.
- 4.3 **Caithfear** go n-áireofar ráiteas sna doiciméid tairisceana, ar stádas an tairgeora maidir le Rialúchán 53 d'Ionstraim Reachtúil 329 de 2006 (féach Aguisín I).

- 4.1.2 Name, address, telephone number and e-mail address of any third parties involved in tender.
- 4.1.3 Confirmation of acceptance by the bidder and any third parties of the conditions of tender described in this document and any subsequent invitation to tender.
- 4.1.4 Details of the economic and financial capacity of the applicant to provide the service required. The information sought includes:
- reference from Bankers **or** details of relevant insurances
 - balance sheets or extracts therefrom for the years 2006-2008
 - overall turnover for the years 2006-2008
 - turnover on relevant activities for the years 2006-2008.
- 4.1.5 Details of the technical capacity of the applicant to provide the service required. The information sought includes:
- how long is the Applicant in business
 - the total number of personnel employed
 - the number of designers employed and their area of expertise i.e. illustration, typography, etc.
 - the number of work stations and type of equipment i.e. MAC, PC etc.
 - details of services, if any, the bidder intends to sub-contract
- 4.1.6 Work Practices:
- a) Please indicate which of the following are produced in-house or by a third party:
- Copywriting
 - Illustration
 - Photography
 - Computer Graphics
 - Colour Proofs
 - Typography and layout
- b) Please outline your method of quality control e.g. proof reading etc.
- b) Please indicate if projects for this Office would be handled by one particular person or by a team.
- 4.3 Please indicate confirmation of understanding of the requirements for the design contract.
- 4.3 The documentation **must** include a statement as to the status of the bidder viz. Regulation 53 of Statutory Instrument 329 of 2006 (see Appendix I).

5. CRITÉIR CÁILÍOCHTA

5.1 Cáileofar Fhógraí Spéise trí thagairt do na critéir cailíochta a leanas:-

- Iomláine na ndoiciméad, seicliosta / ceistneoir comhlánaithe ag Agusín II san áireamh;
- Cumas léirithe an tairgeora chun na riachtanais is lú a sonraíodh in alt 3 den doiciméad seo a chomhlíonadh.

Tá sé mar chuspóir go mbeadh na hiarratasóirí amháin a chomhlíonann na critéir cailíochta a bheadh incháilithe le cur san áireamh sa phróiseas meastóireachta bunaithe ar na critéir in alt 4.

Caithfear go cuireann Iarratasóirí san áireamh seicliosta / ceistneoir comhlánaithe ag Agusín II den doiciméid seo agus é a sheoladh lena ndoiciméidi freagartha i gclúdach séalú marcaithe go soiléir “DESIGN CONTRACT”.

6. FRÁMA AMA

Mairfidh an conradh ar feadh tréimhse bliain go trí bhliain faoi rogha na hOifige.

5. QUALIFICATION CRITERIA

5.1 Expressions of Interest will be qualified by reference to the following qualification criteria:-

- Completeness of documentation (see section 4) and including the completed checklist / questionnaire at Appendix II;
- Stated ability of the applicant to meet all the minimum requirements specified in section 3 of this document.

It is intended that only those documents meeting the above qualifying criteria would be eligible for evaluation based on the criteria at section 4. Following evaluation, a shortlist of Applicants may be invited to formally tender for the contract.

Applicants **must** include the completed checklist/questionnaire at Appendix II of this document and enclose it with their response documents in a sealed envelope clearly marked “DESIGN CONTRACT”.

6. TIMEFRAME

The contract will be for a period of one to three years at the discretion of the Office.

APPENDIX I

AGUISÍN I

(Níl aistriúchán oifigiúil den Ionstraim Reachtúil seo le fáil fós ón Oireachtas)

REGULATION 53 OF S.I. 329 OF 2006

Exclusion of certain persons from being considered for awards of public contracts

1. In considering whether or not to award a public contract, a contracting authority shall exclude from consideration any person who, to the knowledge of the authority, has been convicted of an offence involving—
 - (a) participation in a prescribed criminal organisation, or
 - (b) corruption, or
 - (c) fraud, or
 - (d) money laundering.
- 2.. In order to give effect to paragraph (1), the contracting authority—
 - (a) shall, whenever appropriate, ask a candidate or tenderer to supply the documents referred to in paragraph (6), and
 - (b) may, if it has doubts concerning the personal situation of the candidate or tenderer, also seek information that it considers relevant from an appropriate competent administrative or judicial authority.
3. If the information referred to in paragraph (2)(b) concerns a candidate or tenderer established in another Member State, the contracting authority may request the co-operation of the competent authority of that other State. Such a request may extend to any agent of the person and, in the case of a body (whether incorporated or unincorporated), extend to any person who is concerned in the direction or management of the body.
4. In considering whether to award a public contract, a contracting authority may exclude from consideration any person—
 - (a) who is subject to a bankruptcy or insolvency procedure or process of a kind specified in paragraph (5), or
 - (b) who has been found guilty of professional misconduct by a competent authority that is authorised by law to hear and determine allegations of professional misconduct against persons that include the operator, or
 - (c) who has committed grave professional misconduct provable by means that the authority can demonstrate, or
 - (d) who has not fulfilled an obligation to pay a social security contribution as required by a law of the country or territory—
 - (i) where the person ordinarily resides or carries on business, or
 - (ii) where the authority is established, or
 - (e) who has not fulfilled an obligation to pay a tax or levy imposed by or under a law of the country or territory—
 - (i) where the person ordinarily resides or carries on business, or
 - (ii) where the authority is established, or
 - (f) who has provided a statement or information to the authority or another contracting authority knowing it to be false or misleading, or has failed to provide to the authority or another such authority a statement or information that is reasonably required by the authority for the purpose of awarding the public contract concerned.
5. A person is subject to a bankruptcy or insolvency procedure or process for the purpose of paragraph (4) if—
 - (a) the person is bankrupt or the subject of a bankruptcy petition, or
 - (b) the person, being a body corporate, is being wound up or the subject of proceedings for compulsory winding up, or
 - (c) the person's affairs are being administered by a court, or the person is the subject

of proceedings in which it is sought to have the person's affairs so administered, or
(d) the person has entered into an arrangement with creditors, or
(e) the person has suspended business activities, or
(f) the person is, in the opinion of the contracting authority concerned, in any situation analogous to any of those mentioned in subparagraphs (a) to (e) under a law of the State, another Member State or a third country relating to bankruptcy or insolvency.

6. A contracting authority shall accept as sufficient evidence that a person is not liable to be excluded under paragraph (1) or under subparagraph (a), (b), (d) or (e) of paragraph (4)—

- (a) a copy of the relevant judicial record, or
- (b) in the absence of such a copy, a certificate issued by a competent judicial or administrative authority in the country or territory where the person ordinarily resides or carries on business, or the authority is established, showing that the particular subparagraph does not apply to the person.

7. Without limiting paragraph (6), a contracting authority shall accept as sufficient evidence that a person is not liable to be excluded under subparagraph (d) or (e) of paragraph (4) a certificate issued by the Collector General of the Office of the Irish Revenue Commissioners showing that the relevant subparagraph does not apply to the person.

8. If a question arises as to whether paragraph (1), or subparagraph (a) or (b) of paragraph (4), applies to a person and either—

- (a) the relevant judicial or administrative or competent authority in the country or territory in question does not issue documents of the kind referred to in paragraph (6), or (7), or
- (b) although it issues documents of that kind, they do not cover the case in question, the contracting authority concerned shall accept instead a declaration made by the person on oath or, in the case of a Member State where there is no provision for making a declaration on oath, a solemn declaration made by the person before a person authorised for the purpose under a law of that Member State.

9. The following are authorised authorities for the purposes of paragraph (8):

- (a) a competent judicial or administrative authority of the country or territory where the person ordinarily resides or carries on business or where the contracting authority is established;
- (b) a notary or a competent professional or trade body located in that country or territory.

AGUISÍN II

Lón an seicliosta / ceistneoir le do thoil agus seol é, leis an Fógra Spéise, go:

Ms. Angela Nolan
Corporate Services
Office of the Director of Corporate Enforcement
16 Parnell Square
Dublin 1.

Caithfidh an Fógra Spéise a bheith in áitreabh Oifig an Stiúrthóra um Fhorfheidhmiú Corporáideach i 16 Parnell Square i 16 Cearnóg Pharnell ag 12 nóin ar a dhéanaí ar an Luain 16ú Márta 2009.

- | | | |
|--|-------------------------------|--------------------------------|
| 1. An í teanga na Fógra Spéise Béarla? | Is í <input type="checkbox"/> | Ní hí <input type="checkbox"/> |
| <p>4. Tá faisnéis san áireamh sa tairiscint ar chumas eacnamaíoch agus airgeadais an iarratasóir chun an tseirbhís riachtanach a sholáthar. Más é do thoil é, léirigh an áit i do dhoiciméidí ina bhfuil an fhaisnéis a iarradh le fáil (m.sh. uimhir leathanaigh nó ailt):</p> <p>a. moladh ó Bhaincéara nó sonraí ar árachais ábhartha <input type="checkbox"/></p> <p>b. cuntas cothramaíochta nó sleachta díobh siúd do na blianta 2006-2008 <input type="checkbox"/></p> <p>c. láimhdeachas ionmlán do na blianta 2006-2008 <input type="checkbox"/></p> <p>d. láimhdeachas ar ghníomhartha ábhartha do na blianta 2006-2008 <input type="checkbox"/></p> | | |
| <p>3. Tá faisnéis san áireamh sa tairiscint ar chumas teicniúil an tairgeora chun an tseirbhís riachtanach a sholáthar. Más é do thoil é, léirigh an áit i do thairiscint ina bhfuil an fhaisnéis a iarradh le fáil (m.sh. uimhir leathanaigh nó ailt):</p> <p>a) cén fhad a bhfuil an Iarratasóir i mbun gnó <input type="checkbox"/></p> <p>b) uimhir ionmlán na foirne fostaithe <input type="checkbox"/></p> <p>c) uimhir dearthóra agus a réimsí saineolais m.s. léiriú, clóghrafaíocht, agus rl.. <input type="checkbox"/></p> <p>d) uimhir stáisiúin oibre agus cineál treallamh m.s.. MAC, PC etc. <input type="checkbox"/></p> <p>e) sonraí ar aon sheirbhísí atá ar intinn ag an tairgeoir a chur amach ar fho-chonradh <input type="checkbox"/></p> | | |

APPENDIX II

Please complete this checklist / questionnaire and send it, with the Expression of Interest, to:

Ms. Angela Nolan
Corporate Services
Office of the Director of Corporate Enforcement
16 Parnell Square
Dublin 1.

The Expression of Interest must reach the Office of the Director of Corporate Enforcement at the Office's premises in 16 Parnell Square no later than 12 noon on Monday 16th March 2009.

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is the Expression of Interest in English | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <p>2. Documentation includes information on the economic and financial capacity of the Applicant to provide the service required. Please indicate where in your documentation the information requested may be found (e.g. page or paragraph number):</p> <p>a. reference from Bankers or details of relevant insurances <input type="checkbox"/></p> <p>b. balance sheets or extracts therefrom for the years 2006-2008 <input type="checkbox"/></p> <p>c. overall turnover for the years 2006-2008 <input type="checkbox"/></p> <p>d. turnover on relevant activities for the years 2006-2008 <input type="checkbox"/></p> | | |
| <p>3. Documentation includes information on the technical capacity of the Applicant to provide the service required. Please indicate where in your documentation the information requested may be found (e.g. page or paragraph number).</p> <p>a. how long is the Applicant in business <input type="checkbox"/></p> <p>b. the total number of personnel employed <input type="checkbox"/></p> <p>c. the number of designers employed and their area of expertise i.e. illustration etc. <input type="checkbox"/></p> <p>d. the number of work stations and type of equipment i.e. MAC, PC etc. <input type="checkbox"/></p> <p>e. details of services, if any, the bidder intends to sub-contract <input type="checkbox"/></p> | | |

4. Léiríonn na doiciméidí cé den a leanas a tugtar ar aird inmheánach nó de tríú phairtí. Cur in iúl le do thoil an áit i do dhoiciméidí ina bhfuil an fhaisnéis a iarradh le fáil (m.sh. uimhir leathanáigh nó ailt):

a) Cóipscríbhneoireacht

b) Léiriú

c) Grianghrafadóireacht

d) Ríomh-ghrafadóireacht

e) Profa daite

f) Clóghrafaíocht agus leagan amach

g) Módh rialú cálíochta

h) An duine éigean nó foireann a láimhseáilfeadh tionscadal na hOifige

5. Tá an clúdach litreach ina bhfuil dhoiciméad le seoladh mairceáilte go soiléir le “DESIGN CONTRACT”

Tá

Níl

6. Deimhní thuiscint riachtanais an conartha deartha

7. Tá Deimhniú Imréitigh Cánach nó Dearbhú Oiriúnachta ó na Coimisinéirí Ioncaim le fáil le haghaidh iniúchta ag Oifig an Stiúrthóra um Fhorfheidhmiú Corporáideach

Tá

Níl

8. Má chreideann tú nach ceart aon fhaisnéis ar bith a sholáthraigh tú a nochtadh mar thoradh dá híogair, ba cheart duit an fhaisnéis seo a aithint agus cúiseanna dá híogair a lua. Más é do thoil é, léirigh thíos an fhaisnéis atá íogair, dar leat, agus na leathanach / aigh ar a bhfuil sí le fáil i do dhoiciméad tairisceana:

4. Documentation indicates which of the following are produced in-house or by a third party. Please indicate where in your documentation the information requested may be found (e.g. page or paragraph number).

- a. Copywriting
- b. Illustration
- c. Photography
- d. Computer Graphics
- e. Colour Proofs
- f. Typography and Layout
- g. Method of quality control
- h. Whether projects will be carried out by a team or by one particular person

5. The envelope in which the Expression of Interest is to be delivered is clearly marked "DESIGN CONTRACT" Yes No

6. Confirmation of understanding of the requirements for the design contract

7. A Tax Clearance Certificate or Statement of Suitability from the Revenue Commissioners is available for inspection by the Office Yes No

8. If you believe that any of the information supplied by you should not be disclosed because of its sensitivity, you should identify this information and state the reasons for its sensitivity. Please indicate below the information you consider to be sensitive, and the page(s) on which it is to be found in your tender document:

9. Deimhní maidir le cumas an tairgeora na riachtanais is lú a sonraíodh san Iarraidh ar Thairiscint a chomhlíonadh:

Deimhním go bhfuil _____, atá ag cur tairisceana isteach ar chonradh chun seirbhísí slándála a sholáthar d’Oifig an Stiúrthóra um Fhorfheidhmiú Corporáideach, in ann na seirbhísí luaite a sholáthar go hiomlán de réir sástachta agus sonraiochtaí na hOifige.

Síniú: _____ Dáta: _____

10. Caithfidh an tairgeoir ráiteas a shíneadh ar stádas an tairgeora maidir le European Communities (Award Of Public Authorities’ Contracts) Regulations 2006 (féach ar Aguisín I).

Deimhním nach mbaineann aon cheann de na tosca a leagadh amach in European Communities (Award Of Public Authorities’ Contracts) Regulations 2006 le _____, agus é ina tairgeoir don chonradh chun seirbhísí slándála a sholáthar d’Oifig an Stiúrthóra um Fhorfheidhmiú.

Síniú: _____ Dáta: _____

nó

Deimhním go mbaineann roinnt de na tosca a leagadh amach in European Communities (Award Of Public Authorities’ Contracts) Regulations 2006 le _____, agus é ina tairgeoir don chonradh chun seirbhísí slándála a sholáthar d’Oifig an Stiúrthóra um Fhorfheidhmiú. Is iad na tosca i gceist ná:

Síniú: _____ Dáta: _____

9. Confirmation of the ability of the Applicant to meet all the minimum

requirements specified in the Request for Expressions of Interest:

I confirm that _____, being an applicant for an invitation to tender relating to a contract to supply design services to the Office of the Director of Corporate Enforcement, is fully capable of delivering said services to the satisfaction and specifications of the Office.

Signature: _____ Date: _____

10. The Applicant must sign a statement as to the status of the Applicant viz. Regulation 53 of Statutory Instrument 329 of 2006 (see Appendix I).

I confirm that none of the circumstances outlined in Regulation 53 of Statutory Instrument 329 of 2006 apply to _____, being an applicant for a request for tender relating to a contract to supply design services to the Office of the Director of Corporate Enforcement.

Signature: _____ Date: _____

or

I confirm that some of the circumstances outlined in Regulation 53 of Statutory Instrument 329 of 2006 apply to _____, being an applicant for a request for tender relating to a contract to supply design services to the Office of the Director of Corporate Enforcement. The circumstances arising are:

Signature: _____

Date: _____