

EUROPEAN EXTERNAL ACTION SERVICE



TENDER SPECIFICATIONS

No EEAS-514-DELSGGB-SER-FWC

Security services framework contract

RESTRICTED PROCEDURE

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1. INTRODUCTION

The contracting authority is the European External Action Service (hereinafter referred to as «the EEAS»), represented by the Head of the Delegation of the European Union to the Republic of **SERBIA** or its duly authorized representative.

The EEAS plans to conclude a framework service contract for the provision of security services, in accordance with the specifications set out below and the contract in annex.

The framework contract sets out the main elements of the services but the precise volume (number of units) and timing of the delivery cannot be defined at the time of its signature. It means that the framework contract does not raise direct obligations on the contracting authority. When the need arises, the framework contract is implemented through the signature of specific contracts or order forms. Each specific contract or order form is awarded within the limits of the terms laid down in the framework contract and its annexes and no substantial changes are allowed. The specific contract or order form states the services amongst those foreseen in these tender specifications, their quantities, the corresponding total price and the time of delivery. The specific contract or order form creates a direct obligation on the contracting authority at the time of its signature.

When drawing up their tenders, tenderers will take into account the provisions in these tender specifications; in the letter of invitation to tender as well as in the framework service contract, which specify the rights and obligations of the Contractor, particularly those on payments, performance of the contract, confidentiality, checks and audits.

The model framework contract that will be used for this contract is attached to the letter of invitation to tender in Annex 2. These tender specifications and the tender submitted by the awardee of the contract will be annexed to the contract and therefore be binding on the contracting parties during the implementation of the contract.

A notice for this contract was published in Official Journal of the European Union 2016/S 126-224618 of 02.07.2016.

Additional publicity was carried out on EU Delegation to Serbia web site (www.europa.rs) and Politika daily newspaper edition on 05.07.2016.

2. SUBJECT OF THE CONTRACT

The Contractor must provide the human and material resources necessary to ensure the security of persons and assets under the contracting authority responsibility. The main services to be provided are:

- control visitor access to EU Delegation office building and its annexes (e.g. garage) and the Residence of the Head of Delegation;
- keep afore mentioned buildings and accommodation of expatriate staff under general surveillance so as to prevent any intrusion or attack on persons or property;
- security screening of all bags, incoming mail, deliveries and packages before they are taken into the premises;
- assist persons which are in danger;
- monitoring and follow up of alarms by a Quick Response Team (QRT)
- establish and maintain alarms and/or security equipment in the accommodation of expatriate staff ('panic buttons');
- establish regular links between the surveyed premises (as listed above) through conducting regular radio checks between the central office and these sites.

The place of performance is mainly BELGRADE.

3. DESCRIPTION OF PUBLIC PROCUREMENT PROCEDURE

This tender will be taking place in two stages, as follows:

A. First stage (selection stage):

In order to participate, candidates shall submit a letter presenting the name of the candidate, including all entities in case of a group and the name of the single contact person in relation to this request. An e-mail address and/or a fax number of the candidate shall be provided. It is the responsibility of the candidate to regularly consult the e-mails received.

In an annex to this letter, candidates shall submit ALL the information requested in point **5. "Eligibility of economic operators"** of the tender specifications, namely evidence on the access to public procurement, declaration on honour on exclusion criteria and evidence on selection criteria.

B. Second stage:

Candidates shortlisted at the end of the selection stage (every economic operator complying with the access, exclusion and selection criteria evaluated during the selection stage) shall be invited to submit a tender. The following procurement documents will be sent to them directly:

- the letter of invitation to tender,
- the technical specifications,
- the statement of compliance with the procurement documents.

Only at this second stage the tenderer submits its technical and financial offers.

4. GROUPS OF ECONOMIC OPERATORS AND SUBCONTRACTING

Tenders or requests to participate can be submitted by a single economic operator or jointly by two or more economic operators.

4.1. Joint tender

A joint tender is a situation where a tender is submitted by a group of economic operators. The cover letter to the tender and request to participate must be signed by a duly authorised representative of each member and indicate the leading member with its e-mail address and/or fax number.

In this case, the tender will clearly identify the division of tasks amongst the different operators.

Once the tender has been submitted, any change in the composition of the tenderer is not allowed, unless in the meantime one or more operators within the tenderer has been subject to a merger or a takeover (universal succession), and shall lead to the rejection of the corresponding tender.

The group will not be required to adopt a specific legal form in order to submit a tender.

If the contract is awarded to a group, the contracting authority may require the group to adopt a specific legal form after the award and prior to the signature of the contract. If the group is legally constituted (consortium), the contracting authority will sign the contract with the entity representing the group (consortium). Otherwise, the contract will be signed with all economic operators of the group. In this case, one of its members will be nominated "the leader" and will have full authority to bind the group and each of its members, and will be in charge of the administrative management of the contract (contact point, invoicing, receiving payments, etc.) on behalf of all other entities. The leader will receive power of attorney from the other members of the group to this end.

In any case, each member of the group will assume joint and several liabilities towards the contracting authority for the performance of the contract as a whole.

The already legally constituted consortium must have its own Legal Entity Form which is different from the Legal Entity Form of each individual member of the group.

4.2. Subcontracting

Subcontracting is allowed but the contractor will retain full liability towards the contracting authority for performance of the contract as a whole.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract and are required to identify all subcontractors whose share of the contract is above 10%.

The subcontractors whose share of the contract is above 10% must comply with the same exclusion and selection criteria on: a) economic and financial capacity and b) technical and professional capacity applicable to tenderers and shall present exclusion and selection documents.

During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the contracting authority (see art. II.10 of the framework contract).

5. ELIGIBILITY OF ECONOMIC OPERATORS

5.1. Access to public procurement

Participation in this tender procedure is open on equal terms to all natural and legal persons:

- in one of the European Union Member States;
- in a third country which has a special agreement with the European Union in the field of public procurement¹ on the conditions laid down in the agreement;
- exceptionally in Bosnia & Herzegovina.

Economic operators, including each member of a joint tender, must confirm that they have their headquarters or domicile in one of the abovementioned States and present the supporting evidence normally acceptable under their own law.

5.2. Non-exclusion of economic operators

Economic operators who have access to public procurement are evaluated on the basis of the information provided in their tenders for exclusion criteria.

Tenderers shall provide a declaration on exclusion criteria attached to the tender specifications dully filled in, signed and dated by the legally authorised representative.

The declaration on exclusion criteria shall be provided by each member of the group in case of joint tenders and by subcontractors whose share of the contract is above 10%.

Whenever requested by the contracting authority, the candidate or tenderer, as well as the entity on whose capacity the candidate or tenderer intends to rely shall provide the supporting documents confirming the declaration.

The successful tenderer, including each member of the group in case of joint tender, to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in paragraph "Evidence upon request", confirming the declaration.

The contracting authority may waive the obligation for a candidate or tenderer to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year earlier and are still valid at the date of their request by the contracting authority. In such cases, the candidate or tenderer must declare on its honour that the documentary evidence has

¹ **FYROM, Albania, Montenegro and Serbia** (under the Stabilisation and Association Agreement), **Iceland, Norway and Liechtenstein** (under the EEA Agreement economic operators from these countries have full access to tendering procedures of the Union institutions, agencies and bodies), **Mexico, Chile, Colombia and Peru, Iraq, Korea** and Central American countries of **Honduras, Nicaragua and Panama**.

already been provided in a previous procurement procedure and confirm that there has been no change in the situation.

The contracting authority may also waive the obligation for a candidate or tenderer to submit the documentary evidence if it can access it on a national database free of charge.

5.3. Selection of economic operators

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to perform the services subject to this call for tender by meeting the selection criteria and minimum requirements listed in points 5.3.1, 5.3.2 and 5.3.3 hereafter.

Each candidate shall submit the evidence on selection criteria in their request to participate (first stage, see also point 3 of the tender specifications), respecting the requirements of the summary table here below.

If a tenderer is relying on the capacities of other entities (e.g. parent company, other company in the same group, or third party) in order to achieve the required level of economic, financial, technical and professional capacity, its tender must contain a signed and dated statement by the concerned entity declaring firmly that the relevant resources shall be made at the disposal of the tenderer for the performance of this contract. The contracting authority will verify whether the entities on whose the tenderer intends to rely fulfil the relevant selection criteria. The tenderer may only rely on the technical and professional capacities of other entities where the latter will perform the services or works for which these capacities are required.

If an entity provides the whole or a very large part of the financial capacity to the tenderer, the contracting authority may demand that the said entity be jointly liable for the performance of the contract. It may require that it signs the contract or that it provides a joint and several first-demand guarantee(s), should that tenderer be awarded the contract. If this entity is required to sign the contract, it has to have access to public procurement and shall not be in an exclusion situation as indicated in point 5.1 and 5.2 of the tender specifications.

5.3.1. Legal and regulatory capacity criteria and evidence

The economic operators are required to have the following:

| Evidence on selection criteria: | Each economic operator involved in the tender separately | At least one economic operator involved in the tender (it shall be the one who will be responsible for the relevant part of the contract during its performance) | Cumulative for a tenderer as a whole | Subcontractors whose share of the contract is above 10% |
|--|--|---|--------------------------------------|---|
| 5.3.1. Legal and regulatory capacity | | | | |
| 5.3.1 a) a statement from the relevant authority of the country in which the candidate has its domicile or headquarters proving that the candidate is allowed to provide security services described | | X | | X |

| | | | | |
|--------------------------------|--|--|--|--|
| under point 2 in that country. | | | | |
|--------------------------------|--|--|--|--|

According to the Private Security Guards Act of the Republic of Serbia (Official Journal of the Republic of Serbia no. 104/13 and 42/2015), the awardee of the contract will have to register as a security company in the Republic of Serbia at the latest before the contract is signed.

5.3.2. Economic and financial capacity criteria and evidence

Tenderers must prove the financial and economic capacity to perform this contract by meeting the following criteria:

| Evidence on selection criteria: | Each economic operator involved in the tender separately | At least one economic operator involved in the tender (it shall be the one who will be responsible for the relevant part of the contract during its | Cumulative for a tenderer as a whole | Subcontractors whose share of the contract is above 10% |
|---|--|--|--------------------------------------|---|
| 5.3.2. Economic and financial capacity | | | | |
| 5.3.2 a) financial statements or their extracts for the last three financial years for which accounts have been closed | X | | | X |
| Minimum capacity level required: The financial statements shall contain a balance sheet and a statement of income. If the extracts are provided, the information in them shall correspond to the information usually provided in a balance sheet and a statement of income. | X | | | X |
| 5.3.2 b) a declaration of the annual overall turnover of each of the last three financial years for which accounts have been closed | X | | | |
| Minimum capacity level required: The amounts declared for the overall turnover, at least, must be verifiable with the amounts in the financial statements submitted under point a) above | X | | | |
| 5.3.2 c) a declaration of the annual turnover concerning the security services subject to this tender (see the list under point 2) of each of the last three financial years for which accounts have been closed concerning the same legal entity as under points a) and b) above. | X | | X | X |
| Minimum capacity level required: The average annual turnover concerning the security services subject to this tender (see the list under point 2) for the last three financial years for which accounts have been closed must be at least EUR 500,000.00 The exchange rate used to convert the turnover into euros will be the rate of December of the year of the financial statement as published at http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm . | | | X | |

In case the candidate is a group of economic operators, a consolidated assessment of the minimum capacity levels of all the members together will be made.

The declarations b) and c) may have a form of the following table:

| | Year 201X | Year 201X | Year 201X | Average for these three years |
|--|-----------|-----------|-----------|-------------------------------|
| Annual overall turnover | | | | |
| Annual turnover concerning the services subject to this tender | | | | |

5.3.3. Technical and professional capacity criteria and evidence

Tenderers must prove the technical and professional capacity to perform this contract by meeting the following criteria:

| Evidence on selection criteria: 5.3.3. Technical and professional capacity | Each economic operator involved in the tender separately | At least one economic operator involved in the tender (it shall be the one who will be responsible for the relevant part of the contract during its performance) | Cumulative for a tenderer as a whole | Subcontractors whose share of the contract is above 10% |
|---|--|--|--------------------------------------|---|
| <p>5.3.3 a) a list of the services contracts of the candidate/tenderer relevant to the services indicated under point 2, concerning at least one of the past three financial years for which financial statements have been submitted (see point 5.3.2 a)), with the annual contract value, the duration (start and end date) and the client</p> <p>Minimum capacity level required: The candidates/tenderers must provide at least two clients' reference letters in the fields related to the services contracts as described in point 2 during the last three financial years specifying whether the services have been carried out in a professional manner in compliance with the contractual terms. These proofs letters must relate to any of the services included in the list under point a).</p> | | X | | X |
| <p>5.3.3 b) a declaration on the average annual manpower employed by the candidate in each of the last three financial years for which financial statements have been submitted (see point 5.3.2 a)):</p> <ul style="list-style-type: none"> - in total, - in the fields related to services as described under point 2, - the number of managerial staff. <p>The declaration shall be accompanied by a proof of number of registered employees in the fields related to security services as described under point 2 issued by the relevant local authority (for example: Pension and Invalidity Fund of Serbia).</p> <p>Minimum capacity level required: The average annual number of staff in the fields related to services as described under point 2 over the last three financial years for which financial statements have been submitted (see point 5.3.2 a)) must be at least 24.</p> | | X | | X |
| | | | X | |

| | | | | |
|--|--|---|---|--|
| <p>5.3.3 c) Curriculum vitae (CV) with the educational and professional qualifications, skills, experience and expertise:</p> <ul style="list-style-type: none"> - of the managerial staff, - and of the staff in the field of security services as described in point 2, <p>who would be responsible for performance of this contract.</p> | | X | | |
| <p>Minimum capacity level required:</p> <p>At least one of the managerial staff who would be responsible for performance of this contract must have a minimum experience of five years in the field related to services as described under point 2 and at least level B2 in English as defined in the standards available at http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr.</p> | | | X | |
| <p>At least two persons who would be responsible for performance of this contract must have minimum experience of three years in the field related to services as described under point 2 and at least level A2 in English as defined in the standards available at http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr.</p> | | | X | |

The requirements specified in this point must be met at least by the member(s) responsible for the relevant part of the contract during its performance.

In case the candidate/tenderer is a group of economic operators, a consolidated assessment of the minimum capacity levels of all the members together will be made.

The declaration b) may have a form of the following table:

| | Year 201X | Year 201X | Year 201X | Average for these three years |
|--|-----------|-----------|-----------|-------------------------------|
| Average annual manpower in total | | | | |
| Average annual manpower in the fields related to services as described under point 2 | | | | |
| Average number of managerial staff | | | | |

6. TECHNICAL SPECIFICATIONS

In order to protect the confidential nature of information contained in the tender specifications, the contracting authority will disclose the content of the technical specifications only to the candidates shortlisted at the end of the selection stage (every economic operator complying with the access, exclusion and selection criteria evaluated during the selection stage). **Only the economic operators receiving the invitation to tender and the technical specifications at the second stage will submit their technical and financial offers.**

7. EVALUATION OF TENDERS ON THE BASIS OF THE AWARD CRITERIA

The tenderers shall provide the “Statement of compliance with the tender documents” at Annex 1 duly dated and signed in order to be considered technically compliant.

The technically compliant tenders are evaluated in order to award the contract to the tender offering the best price-quality ratio. For this purpose, the tender will be evaluated technically and financially.

7.1. Technical tender

Tenders must cover all the requirements in the technical specifications and include all the information tenderers consider appropriate for evaluation by the contracting authority.

The technical quality of the tenders will be evaluated on the basis of documents provided by the tenderers in the technical tender with regard to the award criteria. Each criterion is assigned a mark by the contracting authority on the basis of the scale in the table here below.

Technical award criteria

| No | Description | Max. number points | Criteria |
|----|--|-----------------------------------|--|
| 1 | <p><u>Organisation of services</u></p> <p>This criterion will enable the assessment of the organisation of the services by the tenderer, including the different members of a consortium and the resort to subcontractors. Tenderers will develop in detail the organisation they propose and in particular provide detailed information for each of the questions.</p> | 35 points – minimum threshold 50% | <ul style="list-style-type: none"> • How does the tenderer commit to organise the posts and the other services including the allocation of tasks amongst different members of a joint tender or subcontractors? • How does the proposed rotation/shift system fit with the service requirements? • What are the advantages of the organisation proposed compared with other alternatives? • What are the measures to ensure service continuity in the event of unplanned absence by one or more security guards? |
| 2 | <p><u>Organisation of services in case of a serious incident</u></p> <p>This criterion will enable the assessment of the organisation of the services by the tenderer in case of a serious incident, including the different members of a consortium and the resort to subcontractors. Tenderers will develop in detail the organisation they propose and in particular provide detailed information for each of the questions.</p> | 20 points– minimum threshold 50% | <ul style="list-style-type: none"> • What measures will be deployed to deal with a serious incident or major crisis? • What human and material resources would be deployed to intervene in the shortest time limit and how would they be deployed? • What is the maximum intervention time? |
| 3 | <p><u>Quality monitoring and evaluation of services</u></p> <p>This criterion will enable the assessment of the control measures applied to guarantee the quality of the services to be performed under this contract.</p> | 15 points – minimum threshold 50% | <ul style="list-style-type: none"> • How are the services monitored and evaluated in order to guarantee the quality of the services provided? Example criteria are indicated in point 6.5. |
| 4 | <p><u>Tenderer's staff loyalty programme</u></p> <p>This criterion will enable the assessment of the tenderer's staff loyalty programme in order to ensure staff loyalty and motivation. Tenderers will describe any incentives granted to the security guards who would be</p> | 20 points – minimum threshold 50% | <ul style="list-style-type: none"> • What measures will be implemented to motivate the guards to be deployed? • What incentives are foreseen for the guards to be deployed? |

| | | | |
|---|--|-----------------------------------|--|
| | deployed under this contract such as financial bonuses, allowances, promotion, training, medical coverage and any other initiatives designed to motivate the guards and encourage their loyalty to the tenderer. | | |
| 5 | <u>Alarm systems</u> This criterion will enable the assessment of the alarms and services proposed. | 10 points – minimum threshold 50% | <ul style="list-style-type: none"> • What is the quality of the alarms and the services offered compared with the requirements as indicated in point 6.4? |
| | TOTAL | 100 | |

Any tender not scoring the minimum quality threshold of 50% of the points for the criteria where indicated and 60 points for all the criteria combined will be eliminated.

7.2. **Financial tender**

The prices for the tender must be tendered:

- in EUR
- free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under the Vienna Convention on Diplomatic Relations and on the basis of Article 24 Para.5 and Article 25 Para.3 of the Law on Value Added Tax (VAT) ("Official Gazette of the Republic of Serbia" no. 84/04 and 86/04);
- all inclusive. This means that, unless otherwise mentioned in these tender specifications, prices tendered for shall include all the costs to be incurred by the tenderers in order to provide the services;
- using the unit price schedule and the price scenario tables in annex (Annex A) and the price scenario tables in annex (Annex B). Any change in the table(s) as annexed to these tender specifications will lead to the rejection of the tender. As stated above, the contracting authority will disclose the content of annex A and B only to the candidates shortlisted at the end of the selection stage.

During the validity of the tender and the implementation of the contract, unit prices cannot be revised. During the implementation of the contracts, they can however be indexed in conformity with art. I.5.2 of the framework contract.

The unit price schedule is binding during implementation of the contract. The price "scenario" is an estimation by the contracting authority of the quantities of the services over the duration of the contract made in order to compare the financial tenders.

When completing the "scenario", tenderers will specify the same unit prices tendered for in the unit price schedule, will multiply them by the quantities indicated by the contracting authority for each item and will calculate the total price.

The financial tenders will be opened only for those tenderers who have obtained an overall technical score of 60 points or more and scored the minimum quality threshold of 50% of the points for the award criteria where indicated.

They will then be checked for arithmetical accuracy. Where arithmetical errors are found, tenderers will be requested to correct them.

7.3. Calculation of the overall score

The tender chosen will be that which offers the best price-quality ratio among the technically compliant tenders, namely the tender obtaining the best overall score P_i calculated as follows where the weighting is 60% for the quality and 40% for the price:

$$P_i = T_i * 0.60 + F_i * 0.40$$

T_i = (technical quality score for the tender under consideration / score for the best technical quality tender) * 100

F_i = (cheapest total price for the scenario / price for the scenario of the tender under consideration) * 100

8. CONTENT OF THE REQUEST TO PARTICIPATE

Candidates shall submit all the requested documents listed here for the first stage (selection stage).

The tender will contain:

1. a cover letter presenting the name of the tenderer, including all entities in case of joint tender, and identified subcontractors whose share of the contract is above 10 %, and the name of the single contact person in relation to this tender. The cover letter must indicate the proportion of the contract to be subcontracted. In case of a joint tender, the cover letter must be signed by a duly authorised representative for each operator and indicate the leading member with its e-mail address. It is the responsibility of the tenderers to consult regularly the e-mails received;
2. a letter of intent for each subcontractor whose share of the contract is above 10 % stating their willingness to provide the services foreseen in the tender and in line with the present tender specifications;
3. all the documents requested for the access to public procurement (point 5.1);
4. declaration on honour on the exclusion criteria (point 5.2);
5. all the documents requested for the selection criteria (point 5.3).