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**Belgium-Brussels: Security services for the Delegation of  
the European Union to Yemen (EEAS-274-DIVB1-SER-FWC)  
2014/S 048-079571**

**Contract notice**

**Services**

Directive 2004/18/EC

**Section I: Contracting authority**

**I.1) Name, addresses and contact point(s)**

European External Action Service, Division Field Security (EEAS MDR B1)  
rue de la Loi 242  
1046 Brussels  
BELGIUM  
E-mail: [mdr-b1@eeas.europa.eu](mailto:mdr-b1@eeas.europa.eu)

**Internet address(es):**

General address of the contracting authority: <http://eeas.europa.eu>

**Further information can be obtained from:** The above mentioned contact point(s)

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:** The above mentioned contact point(s)

**Tenders or requests to participate must be sent to:** The above mentioned contact point(s)

**I.2) Type of the contracting authority**

European institution/agency or international organisation

**I.3) Main activity**

**I.4) Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: no

**Section II: Object of the contract**

**II.1) Description**

**II.1.1) Title attributed to the contract by the contracting authority:**

Security services for the Delegation of the European Union to Yemen (EEAS-274-DIVB1-SER-FWC).

**II.1.2) Type of contract and location of works, place of delivery or of performance**

Services

Service category No 23: Investigation and security services, except armoured car services

Main site or location of works, place of delivery or of performance: Yemen, mainly San'a.

NUTS code

**II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**

The notice involves the establishment of a framework agreement

**II.1.4) Information on framework agreement**

Framework agreement with a single operator

**Duration of the framework agreement**

Duration in months: 48

**Estimated total value of purchases for the entire duration of the framework agreement**

Estimated value excluding VAT:

Range: between 8 000 000 and 11 000 000 EUR

**II.1.5) Short description of the contract or purchase(s)**

The contract will have as its purpose the provision of integrated security services to ensure the protection of the European Union (EU) Delegation to Yemen, the Head of Delegation and the Delegation's staff, the official residence and the accommodation units of the expatriate staff. Main components will be a security guard force, a close protection team and security equipment including armoured vehicles. Security services will cover the protection of the staff, their families in the country, visitors from the EEAS headquarters or other EU institutions, the premises and the goods of the EU Delegation to Yemen. The framework contract will be implemented via specific contracts.

**II.1.6) Common procurement vocabulary (CPV)**

79710000

**II.1.7) Information about Government Procurement Agreement (GPA)**

The contract is covered by the Government Procurement Agreement (GPA): no

**II.1.8) Lots**

This contract is divided into lots: no

**II.1.9) Information about variants**

Variants will be accepted: no

**II.2) Quantity or scope of the contract**

**II.2.1) Total quantity or scope:**

The contract shall cover the protection of the EU Delegation and the residence of the Head of Delegation, the accommodation units of the expatriate staff and the staff's professional activities when outside the delegation. The protection is to be guaranteed by means of static guards, mobile patrols and a close protection team.

The services to be provided include the following components: security management, static guarding, close protection, mobile patrol, security equipment and armoured cars. The amount of posts and the equipment may be adapted up or down during the implementation of the framework contract according to the needs.

**II.2.2) Information about options**

Options: no

**II.2.3) Information about renewals**

This contract is subject to renewal: no

**II.3) Duration of the contract or time limit for completion**

**Section III: Legal, economic, financial and technical information**

**III.1) Conditions relating to the contract**

**III.1.1) Deposits and guarantees required:**

**III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:**

Payments will be made every month, after presentation of the invoice with the necessary supporting documents, like progress reports and time sheets.

**III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**

Tenders can be submitted by groupings of service providers who will not be required to adopt a particular legal form prior to the contract being awarded but may be required to do so after the award. However, a grouping of firms must nominate 1 party to be responsible for the receipt and processing of payments for members of

the grouping, administration management, coordination and contact. The documents required and listed in the following paragraph III.2 must be supplied by every member of the grouping. Each member of the grouping assumes a joint and several liability towards the EEAS.

**III.1.4) Other particular conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: — conclusion of an insurance scheme for the contractor's staff covering death, emergency, medical expenses and repatriation, third person liability and disablement, adequate to the risks at the place of employment,

— the awarded company will have to provide, after the notification of the award and before the signature of the contract, proof that it is authorised by the government of Yemen to operate security services in the country.

**III.2) Conditions for participation**

**III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers**

Information and formalities necessary for evaluating if the requirements are met: Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012 (Financial Regulation) and Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 (rules of application).

**1.A) Access to public procurement:**

Participation in this call for tender is open to natural and legal persons with their domicile or headquarters in one of the Member States of the European Union as stated in Article 119 of the Financial Regulation, and exceptionally in the Republic of Yemen.

**1.B) Evidence of access to public procurement:**

Candidates 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.

**2.A) Exclusion criteria:**

Article 106 of the Financial Regulation sets out that:

1. Candidates or tenderers shall be excluded from participation in procurement procedures if:

(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

(b) they or the persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgement of a competent authority of a Member State which has the force of 'res judicata';

(c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the EIB and international organisations;

(d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they or the persons having powers of representation, decision-making or control over them have been the subject of a judgement which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity where such illegal activity is detrimental to the Union's financial interests;

(f) they are subject to an administrative penalty referred to in Article 109(1).

Point (b) and (e) of the first subparagraph shall not apply where the candidates or tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision-making or control over them, who are subject to judgement as referred to in points (b) or (e) of the first subparagraph.

2. Candidates or tenderers shall certify that they are not in one of the situations listed in paragraph 1.

For the purpose of the correct application of paragraph 1, the candidate or tenderer, whenever requested by the contracting authority, shall:

(a) where the candidate or tenderer is a legal entity, provide information on the ownership or on the management, control and power of representation of the legal entity and certify that they are not in one of the situations referred to in paragraph 1;

(b) where subcontracting is envisaged, certify that the subcontractor is not in one of the situations referred to in paragraph 1.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 210 concerning detailed rules on:

a) the exclusion criteria applicable for the participation in calls for tender, including rules on illegal activities giving rise to exclusion;

b) what evidence may be satisfactory to show that an exclusion situation does not exist;

c) the duration of an exclusion. Such exclusion shall not exceed 10 years.

Article 107 of the Financial Regulation sets out that a contract shall not be awarded to candidates or tenderers who, during the procurement procedure for this contract:

(a) are subject to a conflict of interest;

(b) are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;

(c) find themselves in one of the situations of exclusion, referred to in Article 106(1), for the procurement procedure.

2.B) Evidence of non-exclusion:

Article 143 of the rules of application sets out that:

1. Candidates and tenderers shall provide a declaration on their honour, available at: [http://eeas.europa.eu/jobs/docs/declaration-honour\\_en.pdf](http://eeas.europa.eu/jobs/docs/declaration-honour_en.pdf) duly filled, signed and dated, stating that they are not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation.

2. The tenderer 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 3 hereafter, confirming the declaration referred to in paragraph 1.

3. The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 106(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (a) or (d) of Article 106(1) of the Financial Regulation, a recent certificate issued by the competent authority of the States concerned as defined under point A)1.d) above.

Where the document or certificate referred to in the first subparagraph is not issued in the country concerned and for the other cases of exclusion referred to in Article 106 of the Financial Regulation, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision making or control in relation to the candidate or tenderer.

5. Where they have doubts as to whether candidates or tenderers are in one of the situations of exclusion, the contracting authority may apply to the competent authorities referred to in paragraph 3 to obtain any information considered necessary about that situation.

6. The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in paragraph 3 if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed 1 year and that they are still valid. In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

7. The candidate or tenderer shall submit a declaration on honour available at: [http://eeas.europa.eu/jobs/docs/declaration-honour\\_en.pdf](http://eeas.europa.eu/jobs/docs/declaration-honour_en.pdf) duly filled, signed and dated from the intended subcontractor that he is not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation. In case of doubt on this declaration on the honour, the contracting authority shall request the evidence referred to in paragraphs 3 and 4. Paragraph 5 shall apply where appropriate.

### III.2.2) **Economic and financial ability**

Information and formalities necessary for evaluating if the requirements are met: — statements from bank or evidence of professional risk indemnity insurance,

— financial statements for the last 3 years for which accounts have been closed, where publication of the balance sheet is required under the company law or of the country in which the economic operator is established,

— statement of overall turnover and turnover concerning the services covered by the contract during the last 3 financial years available. The amounts declared for the overall turnover, at least, must be verifiable with the amounts in the financial statements.

Minimum level(s) of standards possibly required: The minimum average annual turnover concerning the services covered by the contract for the last 3 years must be 4 000 000 EUR. This amount is a minimum below which no application can be accepted. 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](http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm)

### III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met:

— presentation of a copy of the company's certificate of incorporation or equivalent document issued by the relevant government registry as confirmation of the due incorporation and valid existence of the company,

— presentation of a copy of the licence to operate security services issued by the authority of the country where the company is registered or has its headquarters, if applicable in that country,

— presentation of a copy of an official document issued from the competent Yemeni authority that certifies that the company is authorised to operate security services in Yemen or will receive such an authorisation if the contract is awarded to the company. If necessary, it will be joined with a certified English or French translation,

— presentation of a copy of the company licence to use weapons issued by the authority of the country where the company is registered or has its headquarters, if applicable in that country. Presentation of a list of countries

and dates where the company has obtained and operated weapons licences or weapons export licences and where it has employed armed staff,

— presentation of the candidate's quality plan following ISO 9001 standards or equivalent. If the candidate is ISO 9001 certified, only a copy of the valid certificate should be provided,

— presentation of a list of the main security services provided in the past 3 years to governments, diplomatic missions, international companies or international organisations outside the EU, with an indication of the amounts, countries, dates and recipients,

— presentation of a statement of the average annual manpower (in total and related to the services covered by the contract) and the managerial staff during the last 3 years,

— where applicable, presentation of an indication of the proportion of the contract the candidate intends to subcontract.

Minimum level(s) of standards possibly required:

— the candidate must provide at least 3 proofs of satisfaction of clients (in particular, from governments, international organisations, diplomatic missions or international companies) for services related to the contract delivered during the last 5 years,

— the average number of staff in the fields related to the contract over the last 3 years must be at least 200.

III.2.4) **Information about reserved contracts**

III.3) **Conditions specific to services contracts**

III.3.1) **Information about a particular profession**

Execution of the service is reserved to a particular profession: no

III.3.2) **Staff responsible for the execution of the service**

Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service: yes

**Section IV: Procedure**

IV.1) **Type of procedure**

IV.1.1) **Type of procedure**

Accelerated restricted

Justification for the choice of accelerated procedure: Due to the deterioration of the security situation in Yemen during the last months, an urgent reinforcement of the security services and security equipment is necessary to guarantee the proper operation of the EU Delegation to Yemen and the safety of its staff.

IV.1.2) **Limitations on the number of operators who will be invited to tender or to participate**

IV.1.3) **Reduction of the number of operators during the negotiation or dialogue**

IV.2) **Award criteria**

IV.2.1) **Award criteria**

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

IV.2.2) **Information about electronic auction**

An electronic auction will be used: no

IV.3) **Administrative information**

IV.3.1) **File reference number attributed by the contracting authority:**

EEAS-274-DIVB1-SER-FWC.

IV.3.2) **Previous publication(s) concerning the same contract**

no

**IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document**

Payable documents: no

**IV.3.4) Time limit for receipt of tenders or requests to participate**

18.3.2014

**IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates**

**IV.3.6) Language(s) in which tenders or requests to participate may be drawn up**

Any EU official language

**IV.3.7) Minimum time frame during which the tenderer must maintain the tender**

**IV.3.8) Conditions for opening of tenders**

**Section VI: Complementary information**

**VI.1) Information about recurrence**

This is a recurrent procurement: yes

Estimated timing for further notices to be published: Every 4 years.

**VI.2) Information about European Union funds**

The contract is related to a project and/or programme financed by European Union funds: no

**VI.3) Additional information**

I. Preparation and submission of requests to participate and tenders:

This tender will be taking place in 2 stages, as follows:

**A. First stage (selection stage):**

Candidates submit a request to participate dated and signed which must contain all the information requested in Section III of this contract notice: legal, economic, financial and technical information. If the request to participate is submitted by a grouping of service providers (Section III.1.3 of the contract notice), it will be signed by all its members. The documents specified in Sections III.2.1, III.2.2 and III.2.3 of this contract notice will be submitted by all the members of the grouping.

Requests to participate must be submitted by the deadline as mentioned here below (requests to participate submitted beyond this deadline will be automatically rejected). These requests must be duly signed by the candidate or a legally authorised representative of the candidate and be perfectly legible to avoid any misunderstanding on the text and on the figures. Submission can be made, according to the candidate's choice:

(a) either by post or by private courier, posted no later than 18.3.2014, as evidenced by the postmark or the date on the delivery receipt, to the address stated in Section I.1;

(b) or delivered by hand to European External Action Service, Division MDR B1, Office EEAS CORT 2/515, for the attention of Head of Division, avenue du Bourget 1, 1140 Brussels (Evere), BELGIUM, by 18.3.2014 (16:00) at the latest. Delivery by hand will be confirmed in this case by a dated and stamped receipt signed by the duly authorised agent. The request to participate shall comprise 1 original and 2 copies. Submissions must be made using a double envelope. Both envelopes are to be sealed. If self-seal envelopes are used, they must also be sealed with adhesive tape with the sender's signature written across the tape. The outer envelope must bear both the name of the department which it is addressed to, as above, and the following: 'TENDER No EEAS-274-DELDIVB1-SER-FWC NOT TO BE OPENED'. This will be marked on the inner envelope too.

**B. Second stage:**

Candidates shortlisted at the end of the selection stage shall be invited to submit a tender. The invitation to tender documents (including the letter of invitation to tender, the tender specifications and the model contract to be used for this contract) will be sent to them directly, with no further publication in the 'Official Journal of the European Union'.

'Nota bene': submitting requests to participate or drawing up tenders does not give tenderers the right either to be awarded the contract or to receive any compensation for costs incurred. The contracting authority is under no obligation to award a contract subsequent to this notice.

#### II. Data protection:

If processing your reply to this contract notice involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the institutions and bodies and on the free movement of such data. Unless indicated otherwise, replies to the questions and any personal data requested are required to evaluate your request to participate in accordance with the contract notice and will be processed solely for that purpose by the contracting authority mentioned in heading I.1. Details concerning the processing of your personal data are available on the privacy statement at: <http://eeas.europa.eu/jobs/docs/privacy-statement-jobs-tenders.pdf>

Your personal data may be registered in the early warning system (EWS) only or both in the EWS and central exclusion database (CED) by the Accounting Officer of the EEAS, should you be in one of the situations mentioned in:

— the Commission Decision 2008/969 of 16.12.2008 on the early warning system (for more information see the privacy statement on [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)), or

— the Commission Regulation 1302/2008 of 17.12.2008 on the central exclusion database (for more information see the privacy statement on [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm#BDCE](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE)).

III. Where appropriate, the contracting authority may have recourse to a negotiated procedure on the basis of Article 134(1)(f) of the rules of applications applicable to the Financial Regulation.

#### VI.4) **Procedures for appeal**

##### VI.4.1) **Body responsible for appeal procedures**

General Court  
rue de Fort Niedergrünwald  
2925 Luxembourg  
LUXEMBOURG  
E-mail: [generalcourt.registry@curia.europa.eu](mailto:generalcourt.registry@curia.europa.eu)  
Telephone: +352 4303-1  
Internet address: <http://curia.europa.eu>  
Fax: +352 4303-2100

##### VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: Within 2 months of the petitioner's being notified or, failing this, of the date on which he became aware thereof. Submitting an appeal to the European Ombudsman will neither suspend this deadline, nor cause a new deadline to be set.

##### VI.4.3) **Service from which information about the lodging of appeals may be obtained**

General Court  
rue de Fort Niedergrünwald  
2925 Luxembourg  
LUXEMBOURG  
E-mail: [generalcourt.registry@curia.europa.eu](mailto:generalcourt.registry@curia.europa.eu)  
Telephone: +352 4303-1  
Internet address: <http://curia.europa.eu>



Fax: +352 4303-2100

VI.5) **Date of dispatch of this notice:**  
3.3.2014