

REVISION n°1

TENDER SPECIFICATIONS (Stage 1)
No EEAS-511-DIVIBS2-SER-FWC
Close Protection Security Services
for the Delegation of the European Union to Burundi
Framework contract of Security Services
RESTRICTED PROCEDURE

IMPORTANT INFORMATION!!

Due to its confidential nature the complete technical specifications cannot be disclosed to all candidates but only to the ones successful in the first stage of this procedure.

DO NOT SUBMIT the technical and financial offers at this first stage. Only the candidates receiving a second letter with the invitation to tender and the complete technical specifications at the second stage will be invited to submit its technical and financial offers. For the details, please see point 3 of this document.

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1. INTRODUCTION

The contracting authority is the European External Action Service («the EEAS») (hereinafter referred to as "contracting authority"), represented by the Head of Division, Field Security or its duly authorized representative.

The contracting authority plans to conclude a framework contract for the provision of Security Services for the Delegation of the EU to Burundi, 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 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. Each specific contract 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 states the services amongst those foreseen in these tender specifications, their volume, 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.

2. SUBJECT OF THE CONTRACT

The contractor must provide the human and material resources necessary to ensuring the close protection of the EU staff in Burundi. The main services to be provided are:

- Providing close protection officers for the protection of the Head of Delegation, other Delegation employees and visitors on mission; they are also in charge of driving the armoured vehicles;
- Providing security equipment;

The place of performance of the contract is mainly Bujumbura with the possibility of missions within the country and in neighbouring countries.

3. DESCRIPTION OF PUBLIC PROCUREMENT PROCEDURE

This tender will take 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 declaration on technical conformity with the tender documents.

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

The contracting authority may have recourse to a negotiated procedure with the contractor of this contract for new services consisting in the repetition of similar services, provided that these services are in conformity with these tender specifications.

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; in other words, by several legal entities (natural or legal persons) regardless of the link they may have between them.

Each legal entity of the group shall assume joint and several liabilities with all its resources towards the contracting authority for the fulfilment of the terms and conditions of the contract.

The group shall nominate one legal entity ('the leader') who will have full authority to bind the group and each of its members, and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other entities.

The cover letter to the request to participate and tender must be signed by the legal representative of each legal entity of the group and will identify the leader with its name, e-mail address and/or fax number.

The tender will clearly identify the division of tasks amongst the different members.

Any change in the composition of the group during the procurement procedure may lead to the rejection of the tender. Any change in the composition of the group after the signature of the contract may lead to the termination of the contract.

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

The contract shall be signed by all legal entities or by the leader duly authorised to bind the group and each of its members. A power of attorney in favour of the leader is to be attached to the contract.

4.2. Subcontracting

Subcontracting is allowed but the contractor will retain full liability towards the contracting authority for implementation of the contract.

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 legal and regulatory capacity applicable to tenderers and shall present the documentary evidence.

Any change in subcontracting during the procurement procedure may lead to the rejection of the tender. Any change in subcontracting after the signature of the contract may lead to the termination of the contract. 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 Burundi.

Participation is also open to international organisations.

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.

Economic operators shall provide a declaration on honour on exclusion criteria and selection criteria attached to the tender specifications, duly filled in, signed and dated by the legally authorised representative.

¹ **FYROM, Albania, Montenegro, Serbia and Bosnia and Herzegovina** (under the Stabilisation and Association Agreement), **Iceland, Norway and Liechtenstein** (under the EEA Agreement); **Mexico, Chile, Colombia, Peru, Ecuador, Iraq**, and Central American countries of **Honduras, Nicaragua, Panama, Costa Rica, El Salvador and Guatemala**.

The declaration on exclusion criteria shall be provided by each member of the group in case of joint tenders and by an entity on whose capacity it intends to rely and by all identified subcontractors whose share of the contract is above 10%.

Whenever requested by the contracting authority, the candidate or tenderer, as well as all entities which provided the abovementioned declaration on honour, shall provide the supporting documents confirming the declaration on honour.

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 on honour.

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 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 tables 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 economic and 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, 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:

5.3.1. Legal and regulatory capacity	<p>The criterion must be met by the following <i>economic operator(s)</i></p> <p><i>"Economic operator"</i> is an entity which submits a tender or a request to participate, including members of a joint tender or subcontractor(s) (if required under point 4.2 Subcontracting).</p>
5.3.1 a) Statement from the relevant authority of the country in which the economic operator has its domicile or headquarters proving that it is allowed to provide services described under point 2 in that country.	At least one economic operator involved in the request to participate or in the tender (it shall be the one who will be performing a specific task or part of the contract)

According to law applicable in Burundi, the awardee of the contract will have to register as Security Company in Burundi 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:

5.3.2. Economic and financial capacity	<p>The criterion must be met by the following <i>economic operator(s)</i></p> <p><i>"Economic operator"</i> is an entity which submits a tender or a request to participate, including members of a joint tender or subcontractor(s) (if required under point 4.2 Subcontracting).</p>
5.3.2 a) Financial statements or their extracts for the last three financial years for which accounts have been closed	At least one economic operator involved in the request to participate or in the tender
<p>Minimum capacity level required:</p> <p>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.</p>	At least one economic operator involved in the request to participate or in the tender
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	At least one economic operator involved in the request to participate or in the tender
<p>Minimum capacity level required:</p> <p>The amounts declared for the overall turnover, at least, must be verifiable with the amounts in the financial statements submitted under point 5.3.2 a) above</p>	At least one economic operator involved in the request to participate or in the tender

<p>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.</p>	<p>At least one economic operator involved in the request to participate or in the tender</p>
<p>Minimum capacity level required:</p> <p>The average annual turnover concerning the 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 2.500.000 EUR. 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.</p>	<p>Cumulative for all economic operators involved in the request to participate or in the tender</p>

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:

<p>5.3.3. Technical and professional capacity</p>	<p>The criterion must be met by the following economic operator(s)</p> <p>"Economic operator" is an entity which submits a tender or a request to participate, including members of a joint tender or subcontractor(s) (if required under point 4.2 Subcontracting).</p>
<p>5.3.3 a) A list of the contracts of the economic operator in the fields related 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)), specify the annual contract value, the duration (start and end date).</p>	<p>At least one economic operator involved in the request to participate or in the tender</p>
<p>Minimum capacity level required:</p> <p>The economic operator must provide at least two clients' reference letters in the fields related to the security services indicated in point 2 during at least one of the last three financial years specifying</p>	<p>At least one economic operator involved in the request to participate or in the tender</p>

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>5.3.3 b) A declaration on the average annual manpower employed by the economic operator 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 security services as described under point 2. <p>Minimum capacity level required:</p> <p>The average annual number of staff in the fields related to security 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 25.</p> <p>The economic operator must provide at least one clients' reference letters in the fields related to the contracts of installation and monitoring of alarm systems during at least one of 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>	<p>At least one economic operator involved in the request to participate or in the tender</p>
	<p>At least one economic operator involved in the request to participate or in the tender</p>

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 the services as described under point 2				

6. TECHNICAL SPECIFICATIONS

In order to protect the confidential nature of information contained in the tender specifications, the contracting authority will disclose the complete 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 tenderers receiving the invitation to tender and the technical specifications at the second stage will submit its 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 procurement 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

The technical quality of the tenders will be evaluated on the basis of the documents provided by the tenderers in the technical tender with regard to the award criteria. Each criterion will be awarded a mark by the contracting authority according to the schedule described in the table below.

Technical award criteria

No	Description	Max. number points	Information to be provided (non-exhaustive list)
1	<u>Organisation of the services</u> This criterion will enable to assess the general organization of services	(40 points – minimum threshold 50%)	<ul style="list-style-type: none">• <i>How does the tenderer foresee the organization of posts and other services including the distribution of tasks between the different members of a joint tender or subcontractor(s)?</i>• <i>How does the proposed rotation/vacation system correspond to the requirements relating to services?</i>• <i>What measures are taken to ensure continuity of service in case of unforeseen absence of one or more security staff members?</i>• <i>How do the tenderer foresee the management, maintenance and use of equipment</i>• <i>Description of the management structure, operation and communication procedures.</i>
2	<u>Organisation of the services in case of serious incident or crisis</u> This criterion will enable to assess the organization of the services in case of serious incident.	(20 points – minimum threshold 50%)	<ul style="list-style-type: none">• <i>What human and material resources would be put in place to intervene in the shortest possible time and how would they be implemented?</i>
3	<u>Measures to ensure la quality of service</u>	(20 points – minimum threshold 50 %)	<ul style="list-style-type: none">• <i>How does the tender foresee the organisation of control and follow-up of the quality of services as well as induction and refresher training?</i>
4	<u>Measures to ensure the stability of the team</u> This criterion will enable to assess the employee retention	(20 points – minimum threshold 50 %)	<ul style="list-style-type: none">• <i>What measures will be implemented to motivate staff?</i>• <i>What advantages are foreseen for the agents who will be mobilized? Such as financial bonus, compensation allowances , promotion,</i>

	program implemented by the tenderer to ensure the loyalty and motivation of its staff		<i>training, medical insurance and any other initiative to motivate agents and encourage loyalty to the tenderer</i>
	TOTAL	100	

Any tender not scoring the minimum quality threshold of 50 % of the points for each criterion 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 Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union;
- 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 (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.

During the validity of the tender and the implementation of the contract, prices cannot be revised, in conformity with art. I.5.2 of the framework contract.

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

The total amount of the scenario of the best offer will be taken in consideration in order to establish the maximum ceiling of the framework contract. The maximum ceiling of the framework contract cannot be higher of the initial estimation published in the contract notice at point II.2.6

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.

Only the financial tenders submitted by those tenderers who have obtained an overall technical score of 60 points or more and at least 50 % of the maximum score allocated for each individual criterion will be opened.

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

Pursuant to Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union; pursuant to the Headquarters Agreements applicable to the

Delegations of the European Union, the Vienna Convention of 18 April 1961 on diplomatic relations, the EEAS is exempted from all taxes and duties, including the value added tax on payments related to the present contract.

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 of the tender under consideration / score of the best technical quality tender) * 100

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

8. CONTENT OF THE REQUEST TO PARTICIPATE

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

The request to participate will contain:

1. a cover letter presenting the name of the candidate, 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 joint tender, the cover letter to the request to participate must be signed by the legal representative of each legal entity of the group and will identify the leader with its name, e-mail address and/or fax number. 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. a declaration on honour on the exclusion and selection criteria (point 5.2);
5. all the documents requested for the selection criteria (point 5.3).