

**TENDER SPECIFICATIONS**

**No EEAS-560-DELJPNT-SER -FWC**

**Security services for the EU Delegation to Japan**

**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 Union (hereinafter referred to as "contracting authority"), represented by the Head of the Delegation of the European Union to Japan or its duly authorized representative.

The contracting authority plans to conclude a framework service contract for the provision of security services, in accordance with the specifications set out in the procurement documents.

## 2. SUBJECT OF THE CONTRACT

The contractor must provide the human and material resources necessary to provide the service in the non-exhaustive list below:

- Control visitors' access to the premises of the Delegation;
- Surveillance of the building to prevent any intrusion or attack on person or their belongings;
- Operation and basic maintenance of communication and security equipment;
- Immediate intervention on the spot in the event of an incident;
- Assistance to persons in particular in case of a crisis and natural disaster;
- Implementation of a monitoring system to ensure quality and the good execution of the tasks and appropriate reporting of the services provided.

The place of performance is Europa House, 4-6-28 Minami-Azabu, Minato-ku, Tokyo.

## 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 complementary technical specifications.

**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; 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 30%.

The subcontractors whose share of the contract is above 30% must comply with the same exclusion and selection criteria on legal and regulatory capacity and technical and professional 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 procurement<sup>1</sup> on the conditions laid down in the agreement;
- exceptionally, in Japan.

Participation is open also 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.

The declaration on honour shall be provided by each member of the group in case of joint tenders, by an entity on whose capacity the tenderer or candidate intends to rely and by all identified subcontractors whose share of the contract is above 30%.

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

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<sup>1</sup>Regardless the estimated value of the tender: 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.

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:

#### Evidence on selection criteria: Legal and regulatory capacity

	<p><b>The criterion must be met by the following <i>economic operator(s)</i></b></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) whose share of the contract is above 30%".</p>
<p><b>5.3.1. Legal and regulatory capacity</b></p>	
<p>5.3.1 a) Evidence of authorisation to operate as a security company as required by the Security Services Act of Japan "Keibigyo Ho"</p>	<p>At least one economic operator involved in the request to participate or in the tender (it shall be the one</p>

(Act No. 117 of 1972).	who will be performing a specific task or part of the contract and the leader in case of a joint tender)
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### 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: Economic and financial capacity**

<b>5.3.2. Economic and financial capacity</b>	<b>The criterion must be met by the following <i>economic operator(s)</i></b>  <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) whose share of the contract is above 30%.
5.3.2 a) Financial statements or their extracts for the last three financial years for which accounts have been closed  <b>Requirement:</b> 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.	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  <b>Requirement:</b> 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	At least one economic operator involved in the request to participate or in the tender
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 5.3.2 a) and 5.3.2 b) above.  <b>Minimum capacity level required:</b> The 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 JPY	At least one economic operator involved in the request to participate or in the tender  Cumulative for all economic operators involved in the request to participate or in the tender

110.000.000\_ The exchange rate used to convert the turnover into JPY 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/infoeuro/inforeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/inforeuro_en.cfm)

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

	Year 2014	Year 2015	Year 2016 <sup>3</sup>
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: Technical and professional capacity

<p><b>5.3.3. Technical and professional capacity</b></p>	<p><b>The criterion must be met by the following economic operator(s)</b></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) whose share of the contract is above 30%.</p>
<p>5.3.3 a) A list of the security services contracts of the economic operator in the fields related to the services indicated under point 2, in the past three financial years for which financial statements have been submitted (see point 5.3.2 a)). Each contract from the list must specify the duration (start and end date) and the name of the client.</p>	<p>Each economic operator involved in the request to participate or in the tender separately</p>
<p><b>Minimum capacity level required:</b> The economic operator must provide at least two clients' reference letters specifying whether the services have been carried out in a professional manner in compliance with the contractual terms. These reference letters must relate to any of the contracts in the list under point 5.3.3 a).</p>	<p>Cumulative for all economic operators involved in the request to participate or in the tender</p>

<sup>3</sup> Data for the last three financial years for which accounts have been closed must be provided. Failing the closure of 2016 financial year by the due date for the submission of request to participate, data provided should refer to 2015, 2014 and 2013.

<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"> <li>- in total,</li> <li>- in the fields related to security services as described under point 2.</li> </ul> <p><b>Minimum capacity level required:</b> The 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 <b>30</b>.</p>	<p>Each economic operator involved in the request to participate or in the tender separately</p>
	<p>Cumulative for all economic operators involved in the request to participate or in the tender</p>
<p>5.3.3 c) A description of the technical facilities and programmes available to the economic operator for ensuring professional services and training of the staff.</p> <p><b>Minimum capacity level required:</b> Availability of facilities and training programmes aimed at ensuring professional services</p>	<p>Each economic operator involved in the request to participate or in the tender separately</p>
	<p>Cumulative for all economic operators involved in the request to participate or in the tender</p>

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

	Year 2014	Year 2015	Year 2016 <sup>4</sup>
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

<sup>4</sup> Data for the last three financial years for which accounts have been closed must be provided. Failing the closure of 2016 financial year by the due date for the submission of request to participate, data provided should refer to 2015, 2014 and 2013.

evaluated during the selection stage). **Only the tenderers receiving the invitation to tender and the complementary 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 described in the table below.

Technical award criteria

No	Description	Max. number points	Criteria and subcriteria
1	<p><b><u>Organisation of the services</u></b></p> <p>This criterion will enable to assess the organisation of the services offered by the tender, including the different members of a joint tender and the resort to subcontractors. Tenderers will develop in detail the organisation they offer in particular provide detailed information for each questions.</p> <p>It also assesses the global allocation of time and resources to the contract and to each service, and whether this allocation is adequate for the performance of the services.</p> <p>The tender shall provide details on the allocation of time and resources and the rationale behind the choice of this allocation.</p>	(70 points – minimum threshold 50%)	<p>1. how the roles of the proposed team (in case of joint tenders, including subcontractors if applicable) are distributed for each task;</p> <ul style="list-style-type: none"> <li>❖ Sub-criterion 1.1 (40 points): organisation of the work, including details on shifts, back up, logistics and communications tools.</li> <li>❖ Sub-criterion 1.2 (20 points) organisation of the services in case of a crisis, a natural disaster or a serious incident (in case of joint tenders, including subcontractors if applicable).</li> <li>❖ Sub-criterion 1.3 (10 points): measures to ensure service continuity in the event of unplanned absence by one or more security guards.</li> </ul>
2	<p><b><u>Quality control measures.</u></b></p> <p>This criterion will enable to assess of the quality control system applied to the service foreseen in these tender specifications concerning the</p>	(30 points – minimum threshold 50%)	<p>2. how the tenderer intends to carry out control measures and reporting</p> <ul style="list-style-type: none"> <li>❖ Sub-criterion 2.1 (10 points): quality control and reporting</li> <li>❖ Sub-criterion 2.2 (10 points): training</li> </ul>

	<p>quality of security and continuity of the service in case of absence of the members of the team.</p> <p>The quality system shall be detailed in the tender and specific to the services at hand; a generic quality system will result in a low score.</p>		<p>programmes for the guards</p> <p>❖ Sub-criterion 2.2 (10 points): awareness programmes on local security aspects for the guards</p>
	<b>TOTAL</b>	<b>100</b>	

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 JPY<sup>5</sup>;
- free of all duties, taxes and other charges, including VAT and consumption tax, as the European Union is exempt from such charges under the Vienna Convention;
- 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 table 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. During the implementation of the contract, they can however be indexed in conformity with art. I.5.2 of the framework contract.

The 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.

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 considered for the award.

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

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<sup>5</sup> As the award of the contract is published in EUR, the official exchange rate that will be used for the value of the contract is the Inforeuro rate from the deadline of submission of the tender

The total amount of the successful tender's scenario will be taken into account for setting the maximum ceiling of the FWC. Moreover, the Contracting Authority may add a security margin of 10 % and an estimation of the future price indexation. In any case, the maximum ceiling of the FWC can never be higher than the initial estimation published in point II.2.6 of the contract notice.

### 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 Pi 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 30 %, 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 30 % 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).