

Europe House Joint Management Committee

INVITATION TO PRE-QUALIFICATION EXERCISE FOR RESTRICTED TENDER FOR SECURITY SERVICES

1. Contracting Authority

Europe House Joint Management
EU Common Embassy Complex
Attn: Joint Management Committee Chairman
21 Crescent, off Constitution Avenue
Central Business District, Abuja – Nigeria
Postal Address
P.M.B. 280, Garki, Abuja
E-mail Address
Delegation-nigeria-admintender@eeas.europa.eu

Purpose of the Tender

The Europe House Joint Management Committee of the EU Common Embassy Complex is seeking for a Nigerian Registered Security Company that can provide Security Services for period of (3) three years at the EU Common Embassy Complex, located in Abuja, Nigeria.

A Two Stage Selection Process

First stage (selection stage):

- Candidates must submit a request to participate, dated and signed, which must contain **all the information** requested in point 7 (Eligibility and Selection Criteria) of this *Request to Participate*: legal, economic, financial and technical information.
- *Requests to participate* must be submitted by the deadline as mentioned **under point 4** of this document. (*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 (refer to point 4 of this document).

Second Stage:

- Candidates shortlisted at the end of the selection period 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 website or local newspapers.

2. Attribution Procedure

The attribution of the contract will be made by restricted procedure. ***Only the companies pre-selected among those having answered to this will be invited to submit an offer.***

The Contracting Authority will draw up a list of candidates who meet the criteria set out below. The list resulting from this notice will be used exclusively for public contract for Security Services.

Inclusion on the list entails no obligation on the part of the Contracting Authority concerning the award of the contract, nor in view of the preceding paragraph, concerning an invitation to tender.

The Contracting Authority will send invitations to restricted tenderer, including specifications, to a minimum three and maximum eight best companies pre-selected, provided that a sufficient number of candidates satisfy the selection criteria.

3. Contract

The successful tenderer will be awarded a service contract for the provision of security services the Europe House Joint Management Committee in Abuja, Nigeria.

4. Time Schedule and Procedure

Interest for first stage (selection stage), including the documents indicated in point 7, must be received by the Contracting Authority **on or before 17th January 2017 before 12:00 hours (noon)**, *either*:

- by hand delivery in person or
- by an authorised representative or
- by private courier service,

to the EUD Receptionist at the address mentioned in point 1 above, at 12:00 **hours (noon)**. In this case, the proof of submission of the *Interest for first stage* is established by means of a receipt dated and signed by the EUD Receptionist.

Interest for first stage (selection stage) must be placed inside a sealed envelope and the sealed envelope to be placed inside another envelop sealed and addressed to the Delegation, should be marked:

***“First stage (selection stage) for Restricted Tender No. 2017/001/SEC. for the Security Service Contract
Not to be opened by the internal mail service”***

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender **must sign across** the tape seal.

5. The Content of the Inner Envelope

All necessary information and documents enabling the Contracting Authority to analyse the expression of interest on the basis of eligibility and the selection criteria described in point 6 & 7, must be included in the inner envelope.

6. Documents to be Included in the Interest for *first stage (selection stage)*

Interested companies, which must be able to operate in English – the official language of Nigeria-, have to submit the following documents for the evaluation of the minimum economic and technical standards required.

The documents will be treated as confidential by the services of the JMC:

- **References of the applicant:** name, legal status, address, phone, fax , names and responsibilities of members of the managerial bodies or of the person who is authorised to represent the company;
- **A recent sworn affidavit** stating that the applicant is not bankrupt or being wound up, having their affairs administered by the courts, entered into an arrangement with creditors, suspended business activities, are not the subject of proceedings concerning those matters;
- **Certificates of enrolment in the Trade Register**, in the appropriate professional register or proof of legal constitution of the company as a dealer in Nigeria or in its country of registration;
- **A certificate issued by the competent authority** or solemn declarations attesting that taxes, duties and social security contributions have been paid;
- **Copy of documents showing the tenderer's financial capability:** statement of average annual turnover of **100, 000, 000NGN** minimum over the past three financial years (2013, 2014 and 2015);
- A list of organisation where similar service have been made in the past three years;
- Certificate qualifying company to provide security services.

7. Eligibility and Selection Criteria (Legal, Economic/Financial and Technical Information,

7.1 Legal form:

The tenderer need to provide evidence of registration (TRADE) Security Company.

7.2 Exclusion Criteria

Article 106 of the European Union Financial Regulation sets out that:

A. 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 judgment 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 judgment 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).

Points (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 judgment as referred to in point (b) or (e) of the first subparagraph.

B. Candidates or tenderers shall certify that they are not in one of the situations listed in paragraph **A**.

For the purpose of the correct application of paragraph **A**, 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 **A**;

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

C. 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.

7.3 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://www.eeas.europa.eu/jobs/docs/declaration-honour_en.pdf duly filled in, 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 C hereafter, confirming the declaration referred to in paragraph A.
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.

7.4. Selection Criteria

After the opening of the *first stage (selection stage) interest*, an established committee will check the conformity of the submitted documents as well as the cases of exclusion mentioned above.

The committee will proceed with the selection of the tenderers by checking their economic, technical, professional and financial status:

7.4.1 Economic and Financial Ability

Information and formalities necessary for evaluating if the requirements are met: Proof of economic and financial capacity **must be furnished by the following documents:**

- a) appropriate statements from banks to prove the financial capacity of the candidate or evidence of relevant professional risk indemnity insurance;
- b) financial statements for the last 3 years for which accounts have been closed;
- c) a statement of the annual overall turnover of the last 3 financial years for which accounts have been closed. The amounts declared for the overall turnover, at least, must be verifiable with the amounts in the financial statements;

- d) a statement of the annual turnover concerning the services covered by the contract during the last 3 financial years for which accounts have been closed.

Minimum level(s) of standards possibly required: The average annual turnover concerning the services covered by the contract for the last 3 years for which accounts have been closed must be at **least 100 000 000 NGN**. This amount is a minimum below which no request to participate can be accepted.

7.4.2 Technical Capacity

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

Evidence of the technical and professional capacity of economic operators **must be provided on the basis of the following documents:**

- a) the educational qualifications and professional experiences of the firm's managerial staff and, in particular, those of the person(s) responsible for providing the services;
- b) a list of the principal services in fields related to this contract provided in the past 3 years, with the sums, dates and recipients, public or private;
- c) statement of the average annual manpower (in total and in the fields related to the contract) and the number of managerial staff in the last 3 years;
- d) statement from the relevant authority of the country in which the candidate is established proving that the candidate can act as a security company;
- e) a valid certification issued by an independent body, an industry regulator or a trade association attesting the compliance of the candidate with quality assurance standards, such as ISO; or a detailed description of the quality measures employed by the candidate to ensure the quality of the services;
- f) information on the facilities and resources available to the company to ensure the quality of services (i.e. vehicles, logistics, means of communication, etc).

Minimum level(s) of standards possibly required:

- 1) The candidates must provide at least 3 proofs of satisfaction of clients (public or private, international or foreign companies, diplomatic missions or representations of international organisations) in the fields related to the contract during the last 3 years specifying whether the services have been carried out in a professional manner in compliance with the contractual terms. These proofs relate to any of the services included in the list under point b). The minimum annual value of each of these proofs shall be 40 000 000 NGN. The annual value can be calculated by dividing the total value of the contract by its duration.
- 2) The average number of staff in the fields related to the contract over the last 3 years must be at least 50.

Reference to the relevant law, regulation or administrative provision:

The awardee of the contract will have to register as a security company in Nigeria at the latest before the contract is signed.

'Nota bene': Submitting *first stage (selection stage) request* 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.
