

**Annex I****TENDER SPECIFICATIONS****Framework contract for the provision of security and reception services for the European Environment Agency (EEA)****Open call for tenders EEA/OSE/10/010****Closing date: 03.02.2011**

Prior-information notice reference 2010/S 70 – 104295 of 10 April 2010

1. Purpose and scope of the contract

The European Environment Agency (EEA), Copenhagen, Denmark, intends to establish a framework contract for provision of security and reception services and maintenance of security installations. EEA premises are situated in two buildings on Kongens Nytorv 6 (KN6) and Kongens Nytorv 8 (KN8), DK1050, Copenhagen that are linked together with a short corridor on the first floor. The total area is approximately 8 900 m². Currently, approximately 230 persons are working at the EEA.

2. Type and volume of the contract

The successful company will be offered a framework contract with the EEA for a maximum period of four years from the date of entry into force. The framework contract will be implemented through order forms which alone shall bind the EEA. The order forms will include a detailed descriptions of the services to be purchased and deliverables to be provided. For details, reference is made to the terms and conditions of the draft framework contract and draft order forms forming part of the tender documents (Annex 3).

The estimated value of the framework contract over a maximum period of four years is EUR 1,2 million.

3. Location of work

The work will be carried out at the European Environment Agency in Copenhagen, Kongens Nytorv 6 and part in the building at Kongens Nytorv 8.

4. Subject of the contracts

The EEA has an access control and a burglary/intruder alarm in place, including an attack alarm and a CCTV system. EEA is equipped with an automatic fire alarm central. Annex 4 provides a detailed description of the security systems and equipments.

The list of tasks below covers the main tasks but is not exhaustive. The tasks will be specified in the respective order forms.

4.1 Maintenance of the existing security systems and equipment (Annex 4)

4.2 Stationary security guards with Danish security guard certification and first aid training, located mainly in the EEA's reception area. The guards must be able to communicate both in Danish and English and, be able to undertake reception tasks when needed.

It is foreseen that the reception area is covered from 07:00 am to approximately 18:30 pm, whereupon the guard will stay in the buildings and make a final round before the end of the duty, which normally should happen between 20:00 pm and 24:00 pm. The exact timing will be detailed in the order forms and the number of hours to be covered might change over the period of the framework contract. The stationary security guards will most often be working one at a time, but by separate order forms additional guards will be ordered when needed.

4.3 Patrolling security guards, during nights, weekends and EEA holidays, when the building is not covered by the ordinary security guards.

In the rounds, the patrolling security guards (and the stationary guards in their final round) shall

- ensure that all windows and entrance doors are locked;
- ensure vital doors in-house are closed/locked;
- check the identity of all people present at the premises who are not known to the guard;
- check the temperature in the server rooms and call the security central, if there is something unusual to report;
- check the heating central and call the security central, if there is something unusual to report;
- keep an eye on possible water leaks and call the security central in case of problems;
- switch off printers, copying machines, PCs, coffee machines that are forgotten on and don't have the "work in process –sign";
- play a central role in case of fire by identifying the location of fire and informing the fire brigade;
- switch on the security system in the end of the working day and ensure it is on during the weekends.

4.4 Security reception services, carried out by a security trained receptionist including *inter alia*

- registering visitors
- handing out visitor batches
- calling staff being visited
- answering incoming calls to the EEA's main number (mainly in English)
- administer incoming and outgoing courier deliveries
- mail registration

The security reception services are initially foreseen as a backup to the EEA's own reception services but might during the period of the framework contract become a more prominent part of the framework contract.

If any of the security systems breaks down outside the working hours of the Stationary guards, the service provider must provide, without extra cost, a permanent guard until the security system is repaired.

5. General obligations of the company

The EEA requires a permanent **contact person** on the part of the Contractor in order to address all issues and concerns (day to day management). It is the responsibility of the contracted company to guarantee that an appropriate backup system is in place in case of planned or unplanned absences of stationary and patrolling guards.

The obligations of the contracted company shall include supplying all the operational resources and tools necessary for carrying out the tasks.

The contracted company should inform EEA if at any stage they become aware of any more economically/environmentally efficient security solutions.

The company shall ensure that tasks are carried out without detriment to the general functioning of services in the buildings and shall be responsible for any damage they might cause to the buildings and external areas.

6. Visit to the Agency

A presentation of the EEA premises will take place on 11 January at 16.00. Against signature of declarations of confidentiality, one set of drawings of facilities will be provided as handouts during the tour of the buildings to demonstrate the details of the security systems. The interested bidders are requested to inform Mr Bo Hansgaard at least 24 hours in advance by email to bo.hansgaard@eea.europa.eu.

7. Prices

The prices quoted must be fixed and not subject to revision during the first year of duration of the contract.

From the beginning of the second year of duration of the contract, prices may be revised upwards or downwards each year, where such revision is requested by one of the contracting parties by registered letter no later than three months before the anniversary of the date on which it was signed.

The EEA shall purchase on the basis of the prices in force on the date on which orders are signed. Such prices shall not be subject to revision.

This revision shall be determined by the trend in the harmonised consumer price index published by the European Commission on Eurostat web page (Theme 2 - Economy and Finance; Prices; HICP – Harmonized Indices of Consumer Prices; HMIDX – Monthly data (index); GEO – Eurozone; COICOP cp00).

Revision shall be calculated in accordance with the following formula:

$$Pr = Po (0,2 + 0,8 \times Ir / Io)$$

where:

Pr = revised price;

Po = price in the original tender;

Io = index for the month in which the validity of the tender expires;

Ir = index for the month corresponding to the date of receipt of the letter requesting a revision of prices.

Under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities and the Headquarters Agreement between the EEA and the Government of Denmark of 17 August 1995, the EEA is exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted; the VAT amount must be indicated separately.

The prices tendered must be **all-inclusive** (including in particular all service-related expenses, such as salaries of contracted personnel including social security, holiday and sickness allowances, insurance, tools, equipment, inspection, administration and travel costs)) and expressed in euro. The costs incurred in preparing and submitting tenders are borne by the applicants and cannot be reimbursed.

8. Contractual Terms

In drawing up a bid, the applicant should bear in mind the provisions of the standard framework contract and the order form attached to these tender specifications (see Annex 3).

9. Participation in the tendering procedure

Submission of a tender implies acceptance of the terms and conditions set out in the invitation to tender, in these tender specifications and in the draft framework contract attached to the latter (see Annex 3) and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

9.1. Eligibility:

This call for tenders is open on equal terms to all natural and legal persons from one of the 32 EEA member countries and to all natural and legal persons established in a third country which has a special agreement with the European Union in the field of procurement on the conditions laid down in that agreement.

As proof of eligibility tenderers must indicate in which state they have their headquarters, registered office or residence, and provide the necessary supporting documents in accordance with their national law. If the tenderer is a natural person, he/she must provide a copy of the identity card/passport or driving licence and proof that he/she is covered by a social security scheme as a self-employed person.

9.2. Application:

All eligible natural and legal persons (as per above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally established grouping or a grouping, which has been constituted informally for a specific tender procedure. If awarded the contract, the members of the consortium (i.e. the leader and all the other partners) will have an equal standing towards the EEA in executing the framework service contract and they will be jointly and severally liable to the EEA.

The participation of ineligible natural or legal person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

The EEA will not request consortia to have a given legal form in order to be allowed to submit a tender, but reserves the right to require a consortium to adopt a given legal form before the contract is signed if this change is necessary for proper performance of the contract. This can take the form of an entity with or without legal personality but offering sufficient protection to the EEA contractual interests (depending on the member countries concerned, this may be for instance, incorporation or partnership or a temporary association). Consortia must identify one of their members as coordinator who will interface with the EEA.

Each member of a consortium or group of service providers must fulfil the conditions for participation mentioned in sections 9.1 and 9.2 above and provide the required documents listed in these tender specifications under section 10.2 below. Therefore each member of a consortium or group of service providers shall specify his role, qualifications and experience.

9.3. Sub-contracting:

A contractor may subcontract part of the services.

Tenderers must state what part of the work, if any, they intend to subcontract, and to what extend (for instance % of the total contract value), specifying the names, addresses and legal status of the subcontractors.

Legal persons must provide a document containing a list of the professional qualifications of the subcontractors. If awarded the contract, contractors may not choose subcontractors other than those mentioned in the bids unless they obtain the prior written authorisation of the EEA. The overall responsibility of the work remains with the contractor.

Contractors must ensure that Article II.17 of the draft framework contract (see Annex 3 to these tender specifications) can be applied to subcontractors. Once the contract has been signed, Article II.13 of the above-mentioned draft framework contract shall govern subcontracting.

10. Criteria

10.1. Exclusion Criteria

10.1.1. Tenderers shall be excluded from participation in a procurement procedure 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 have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the EEA can justify;
- (d) they have not fulfilled 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 EEA or those of the country where the contract is to be performed;
- (e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

The cases referred to in paragraph 10.1.1. (e) above shall be the following:

- (a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests established by the Council Act of 26 July 1995 (OJ/C 316 of 27.11.1995, p. 48);
- (b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, established by Council Act of 26 May 1997 (OJ/C 195 of 25.6.1997, p. 1);
- (c) cases of involvement in a criminal organisation, as defined in Article 2(1) of joint Action 98/733/JHA of the Council (OJ/L 315 of 29.12.1998, p. 1);

- (d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC (OJ/L 166 of 28.6.1991, p. 77).

Exclusion from awarding:

In addition, contracts may not be awarded to tenderers who, during the procurement procedure:

- (a) are subject to a conflict of interest;

Tenderers must declare:

- that they do not have any conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest;
- that they will inform the EEA, without delay, of any situation constituting a conflict of interest or which could give rise to a conflict of interest;
- that they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- that they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept, any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the award of the contract.

The EEA reserves the right to verify the above information.

- (b) are guilty of misrepresentation in supplying the information required by the EEA as a condition of participation in the contract procedure or fail to supply this information;
- (c) find themselves in one of the situations of exclusion, referred to in paragraph 10.1.1 above, for this procurement procedure.

10.1.2. Evidence to be provided by the tenderers

When submitting their bids, each tenderer (including subcontractor(s) or any member of a consortium or grouping) must provide a declaration on their honour, duly signed and dated, stating that they are not in any of the situations mentioned under paragraph 10.1.1 above. For that purpose, they shall complete and sign the form attached as annex 1 to these tender specifications.

The tenderer to whom the contract is to be awarded shall provide within 15 calendar days following receipt of the letter informing him of the proposed award of the contract and preceding the signature of the contract, the evidence specified in the last but one paragraph of the form attached as annex 1 to these tender specifications confirming the declaration aforementioned.

10.2. Selection criteria

10.2.1. Legal Capacity

Any tenderer is required to prove that he is authorised to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT

register. To that effect, each service provider (including subcontractor(s) or any member of a consortium or grouping) is required to submit an identification sheet (Annex 2) duly filled out and signed, accompanied by a copy of inscription in trade register and/or a copy of inscription in VAT register, where applicable. However, the subcontractor(s) shall not be required to fill in or provide those documents when the services represent less than 20% of the contract.

10.2.2. Economic and Financial capacity

Proof of economic and financial capacity may be furnished by **(one or more of)** the following documents:

- (a) appropriate statements from banks or evidence of professional risk indemnity insurance;
- (b) the presentation of balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;
- (c) a statement of overall turnover and turnover concerning the supplies or services covered by the contract during the last three financial years.

If, for some exceptional reason, which the EEA considers justified, the tenderer is unable to provide the references requested above, he may prove his economic and financial capacity by any other means which the EEA considers appropriate.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links, which it has with them. It must in that case prove to the EEA that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

10.2.3. Technical and professional capacity

Tenderers should show their degree of technical and professional capacity to carry out the requested tasks by providing information on the criteria described below. If several service providers or subcontractors are involved in the tender, the selection criteria for the technical and professional capacity will be assessed in relation to the combined capacities of the service providers and subcontractors, as a whole, to the extent that service providers or subcontractors put their resources at the disposal of the tenderer for the performance of the contract.

Human resources:

Tenderers must provide the following documents:

- CVs detailing the educational and professional qualifications of the firm's managerial staff as well as the staff designated to provide the services indicating the required professional experience as follows:
 - Managerial staff: Minimum one CV (contract manager and daily leader) documenting a minimum of 5 years' relevant experience
 - Persons responsible for providing the services: Minimum five CVs for security guards, with at least two years experience and statement of language skills

Subcontracting:

- An indication of the proportion of the contract which the service provider may intend to subcontract.
- If subcontracting is envisaged as part of this contract, tenderer shall provide a statement of the service provider's policy on the use of sub-contractors, and of the means of ensuring quality and confidentiality when sub-contractors are used.

NB. Tenderers must acknowledge that the EEA reserves the right to request at a later stage tenderers to provide documentation in relation to exclusion and selection criteria for any proposed subcontractor (see section 9.3 above).

Past contracts:

- List and description of the principal services provided in the past 3 years, indicating the value, date and recipients of the services (public or private).

10.3. Award Criteria

The assessment method which will be used to determine the choice of the bid will be based on the criteria given below, on the basis of the economically most advantageous tender (quality/price ratio):

- Quality of the tender (Technical merit – TM)
- Financial value of the tender (Price – P)

A. Technical merit (TM) (max. 50, min. 35 points)

Tenders will be evaluated following the award criteria and weights outlined below, producing a total potential score of 50 points. Only tenders which obtain the indicated minimum number of points, both for each award criterion and in total, will be considered for the next stage, which involves determining the financial value of the tender (price index) and for the final assessment.

No	Award criteria	Maximum points (50)	Minimum points (35)
1	The quality of the security approach as documented by a detailed description of how the company will ensure the Agency's overall security, including flexibility and service mindedness, for example the ability to respond to demands by short notice, and the company's overall approach to quality management.	40	30
2	The strength of the environmental policy of the company and status of implementing an environmental management system	10	5

B. Price (P) – Max. 50 points)

Tenderers are requested to submit a financial offer for the following services:

Service	Weighting factor (%)
Maintenance of the existing security systems and equipment Fixed yearly rate	20
Security guards at the EEA covering the time period (maximum) from 07:00 am to 24:00. Hourly rate	50
Security guard patrolling during nights, weekends and holidays and weekends. Hourly rate	15
Security trained receptionist. Hourly rate	10
Price for extra visits because of alarms. Price per occasion	5

For each category above, tenders will score points in function of the following formula: $P_s = (P_{s_{min}}/P_{s_0}) \times 50 \times \text{weight percentage}$, where:

P_s = Score for price of service

$P_{s_{min}}$ = the lowest price offered among the received tenders;

P_{s_0} = the price of the tender being considered

Price (P) is the sum of the five P_s

C. Final assessment

A framework contract will be awarded to the tenderer whose tender achieves the highest total score for technical merit and price (TM + P). Should tenders obtain the same final score and tie for first place, the winning tender will be decided on the basis of the highest score achieved for price.

11. Performance

Once a framework contract has been signed the company must be able to offer employees with the required skills and experience to carry out the work in question within 10 days after having been offered a specific contract.

EEA maintains the right to refuse any person if performance is not satisfactory.

Competence in both selection and award criteria must be maintained throughout the period of the contract.

12. General comments

Tenders should preferably be drafted in English (supporting evidence does not need to be translated), in triplicate (one original unbound and two copies) and must comprise:

- A section giving the technical offer and a section giving the all-inclusive financial offer;

- A declaration on exclusion criteria (Annex 1 to these tender specifications) duly filled out and signed;
- An identification sheet (Annex 2 to these tender specifications), duly filled out and signed accompanied by the appropriate supporting evidence;
- Tenders from consortia of firms or groups of service providers must specify the role, qualifications and experience of each of the members of the consortium or of the group and contain a letter of intent to form a consortium from each partner;
- Declaration on exclusion and documents on selection criteria must be supplied by each member of the consortium of firms or group of service providers submitting a single tender;
- If subcontracting is envisaged, tenderer should provide a description of the services to be subcontracted, specifying the role, qualifications and experience of each of the proposed subcontractors and contain a letter of intent on the part of those subcontractors to place their resources at its disposal.

13. Environmental considerations

The EEA runs a certified environmental management system (EMAS) and aims to minimise the environmental impact of all its activities, including those carried out under contract. The future contractor will, therefore, be requested to comply with the EEA environmental management guidelines in the implementation of the contract, in particular, those relating to business travel/electronic means of communication, paper and energy consumption. Further information on the EMAS system can be found on the EEA website: <http://www.eea.europa.eu/documents/emas>.

Moreover, it is strongly recommended that tenders are submitted in an environmentally friendly way, e.g., by choosing a simple and clear structure (list of contents and consecutive page numbering), double-sided printing, limiting attachments to what is required in the technical specifications (no additional material) and avoiding plastic folders or binders.

14. Annexes

Annex 1: Declaration on exclusion criteria

Annex 2: Identification sheet

Annex 3: Draft framework service contract and specific contract

Annex 4: Security installations and equipment at EEA