



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR COMMUNICATION  
Representation and Communication in Member States  
Representation in Finland

## **European Commission**

**Call for tenders COMM/HEL/2022/RP/0623 -**

**Security Guard and Reception/Switchboard services for  
the premises of the EU-House in Helsinki, Finland**

**Restricted procedure – Step 1 – Administrative  
Specifications**

# **TENDER SPECIFICATIONS**

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# 1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

## 1.1. Contracting authority: who is the buyer?

This call for tenders is interinstitutional. The following EU institutions, agencies and bodies (hereafter the *participating entities*) will participate as contracting authorities to the framework contract resulting from this call for tenders:

Participating entities	
EC	European Commission Representation in Finland
EP	European Parliament Liaison Office in Finland

The list of *participating entities* may be extended to include any other institution, agency or body created on the basis of the [Treaties](#) or secondary Union law after the launch of this procedure.

The lead contracting authority is the European Commission Representation in Finland. The European Commission, acting as an agent for the *participating entities* for the purposes of this call for tenders and the resulting framework contract, publishes the call for tenders, organises the evaluation, signs and manages the framework contract (including any amendments thereto) on behalf of all *participating entities*.

Each of the *participating entities* may avail itself of the resulting framework contract autonomously by concluding specific contracts<sup>1</sup> with the contractor.

References to the contracting authority in these tender specifications and their annexes shall be understood, depending on the context, as referring to one of the following:

- the European Commission, acting in its capacity as lead contracting authority;
- all the participating entities, in relation to their collective rights and obligations with the contractor, as one of the parties to the framework contract;
- any of the *participating entities*, acting in its own capacity, in particular for matters related to the conclusion, execution or termination of specific contracts with the contractor.

## 1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is Security Guard and Reception/Switchboard services for the premises of the EU-House in Helsinki, Finland.

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<sup>1</sup> Including order forms as a simplified form of specific contract in case of supplies or supplies and services contracts.

### **1.3. Lots: is this call for tenders divided into lots?**

This call for tenders is not divided into lots.

### **1.4. Description: what do we want to buy through this call for tenders?**

The purchases that are the subject of this call for tenders, including any minimum requirements, are described in general below. More detailed description will be published in the step 2 tender specifications.

Variants (alternatives to the model solution described in the tender specifications) are not allowed. The contracting authority will disregard any variants described in a tender.

The European Commission Representation in Helsinki, Finland (subsequently referred to as "the Contracting Authority"), acting also on behalf of the European Parliament Liaison Office, is looking for Security Guard and Reception/Switchboard services for the EU-House premises in Helsinki, Finland. The objective is the provision of a uniformed and trained, unarmed, security guard service to perform routine protective and access control duties and reception/switchboard services.

This document is designed to help candidates to submit their Request to Participate in response to a restricted call for tenders to establish a Single Framework Contract for Security Guard and Reception/Switchboard services for the premises of the EU-House.

In order to protect the confidential nature of information contained in the technical specifications, the full information will be disclosed only to the candidates selected at the end of the first step (every economic operator complying with the access to the market, exclusion and selection criteria evaluated during the selection phase). **Only the candidates invited to the second step (tender submission phase) shall submit their technical and financial tenders.**

#### **1.4.1. Background and objectives**

The following services are required:

##### **A. Physical Security Services**

Physical Security Services are required on-site five days of the week, with the Helsinki location having an open public space as well as offices.

##### **B. Reception/Switchboard Services**

Reception/Switchboard Services include i.e. acquiring visitors and informing members of staff about the arrival as well as operating the telephone switchboard and transferring calls.

##### **C. Emergency Response Services**

The Contracting Authority wishes to have a remote surveillance and assistance service for cases of emergency. The contractor will be required to be on site within 15 minutes.

#### **D. Surveillance Rounds**

The services ordered shall include two rounds of the periphery of the building by patrol unit, during a 24-hour period. These rounds shall be executed on days when the offices are closed or outside the normal opening hours of the premises during working days.

#### **E. Additional/On Demand Services**

For all services covered by the contract, the Contracting Authority reserves the right to require additional services at any time.

The contracting authority may decide to change the number of hours, days or services referred above. The circumstances that may trigger this could be: changes of premises, opening of new premises or centres, force majeure or in case the contracting authority decides to reduce its services or the activity of the Representation.

The salary paid to the guards providing the physical security and reception/switchboard services must correspond to at least the level IV of the Finnish security industry collective agreement<sup>2</sup>. The contractor must proof the compliance with this requirement upon request before the start and at any moment during the provision of services.

### **1.5. Place of performance: where will the contract be performed?**

The services will be performed at the following locations:

- European Commission Representation in Finland, Malminkatu 16, 00100 Helsinki
- Occasionally in events in different locations in Finland

### **1.6. Nature of the contract: how will the contract be implemented?**

The procedure will result in the conclusion of a single framework.

A framework contract (FWC) establishes a mechanism for future repetitive purchases by the contracting authority to be awarded in the form of specific contracts<sup>3</sup>. The signature of a framework contract does not impose an obligation on the contracting authority to conclude specific contracts with a framework contractor.

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<sup>2</sup> [https://www.pam.fi/media/pdf-tessit/vartiointiala\\_tes\\_2020\\_2022\\_web.pdf](https://www.pam.fi/media/pdf-tessit/vartiointiala_tes_2020_2022_web.pdf)

<sup>3</sup> Any reference to specific contracts applies also to order forms (a simplified form of specific contract).

The single framework contract will be concluded with one contractor. Specific contracts shall be awarded on the basis of the terms laid down in the framework contract, refined or, in duly justified circumstances, supplemented to reflect the particular circumstances of the specific contract. The details are set out in the draft contract.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship to be established between the contracting authority and the successful tenderer. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

👉 Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union \(Financial Regulation\)](#)<sup>4</sup> and the conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment under due the contract.

### **1.7. Volume and value of the contract: how much do we plan to buy?**

An indicative estimate of the volumes to be ordered over the whole duration of the framework contract is given in the financial model in the second step of this restricted competition. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities which the Contracting authority will order through specific contracts. In any case the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract.

The *framework contract ceiling* is indicated in Section II.2.6 of the contract notice.

Within three years following the signature of the framework contract(s) resulting from the current call for tenders, the Contracting Authority may use the negotiated procedure under point 11.1. letter (e) of Annex 1 to [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)<sup>Error! Bookmark not defined.</sup> to procure new services from the contractor(s) up to a maximum of 50 % of the initial framework contract ceiling. These services will consist in the repetition of similar services entrusted to the contractors and will be awarded under the same conditions in case of consumption that would exceed for the maximum foreseen

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<sup>4</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

contract duration the initial contract value, due to unforeseen needs, or in case of unforeseen dramatic increases in inflation rates.

### **1.8. Duration of the contract: how long do we plan to use the contract?**

The framework contract resulting from this call for tenders will be concluded for at most 48 months. The details of the initial contract duration and possible renewals are set out in the draft contract.

### **1.9. Electronic exchange system: can exchanges under the contract be automated?**

For all exchanges with the contractor during the implementation of the framework contract resulting from this call for tenders as well as for future possible subsequent proceedings, including, but not limited to, for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)), the contracting authority may use an electronic exchange system meeting the requirements of Article 148 of the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the contractor at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

### **1.10. Security**

When performing tasks for the contracting authority in execution of the contract, the contractor and its personnel shall comply with the contracting authority's applicable security requirements.

For the Commission, the applicable security requirements include:

- ✓ [Commission Decision \(EU, Euratom\) 2015/443](#) of 13 March 2015 on Security in the Commission.

Specific security rules for the contractor's personnel are set out in Article I.14 of the draft contract.

Any financial burden for complying with the security measures (e.g. security background checks, security clearance etc.) will be entirely at the expense of the contractor and not of the contracting authority.

In exceptional cases, when required for security reasons, the contracting authority may ask the contractor to provide security vetted personnel for the provision of certain services. A positive outcome of the national vetting process leads to the status "security clearance". This will be considered as a specific requirement for a specific project, without influencing the other conditions.



## 2. GENERAL INFORMATION ON TENDERING

### 2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

The contracting authority has chosen to award the contract resulting from this call for tenders through a restricted procedure pursuant to Article 164(1) (b) of the Financial Regulation.

The procedure is organised in two steps: in the first step only the exclusion and selection criteria are assessed and in the second step the award criteria are evaluated. Any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a *request to participate (step 1)* but only the selected candidates are invited to submit a *tender (step 2)*.

An economic operator who has submitted a request to participate is referred to here below as *candidate* whereas a candidate who has submitted a tender is referred to as *tenderer*.

### 2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a request to participate/tender?

Candidates must ensure that no involved entities (see Section 2.4) nor any subcontractors, including those which do not need to be identified in the request to participate (see Section 2.4.2), are subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)<sup>5</sup>, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organisations.

It is also open to all natural and legal persons established in a third country provided that it has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

The Agreement on Government Procurement<sup>6</sup> concluded within the World Trade Organisation does not apply. Therefore, the participation to this call for tenders is not open to natural and legal persons established in the countries that have ratified this Agreement.

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<sup>5</sup> Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

<sup>6</sup> [https://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm).

The rules on access to procurement do not apply to entities on whose capacity candidates rely to fulfil the selection criteria nor to subcontractors. Subcontracting may not be used with the intent or effect to circumvent the rules on access to procurement.

To enable the contracting authority to verify the access, each candidate must indicate its country of establishment (in case of a joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country. The same document(s) could be used to prove the country/-ies of establishment and the delegation(s) of the authorisation to sign, as described in Section 4.3.

### **2.3. Registration in the Participant Register: why register?**

Any economic operator willing to participate in this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons (participants) participating in calls for tenders or proposals of the European Commission and other EU institutions/bodies.

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number), which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other calls for tenders or calls for proposals of the European Commission and other EU institutions/bodies.

**🔔 Each participant needs to ensure that its SME status in the Participant Register is registered and kept up to date.**

At any moment during the procurement procedure, the Research Executive Agency Validation Services (hereafter *the EU Validation Services*) may contact the participant and ask for supporting documents on legal existence and status and financial capacity. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by *the EU Validation Services* are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

**🔔 Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.**

## **2.4. Ways to submit a request to participate/tender: how can economic operators organise themselves to submit a request to participate/tender?**

Economic operators can request to participate and subsequently submit a tender (if selected), either as a sole economic operator (sole candidate/tenderer) or as a group of economic operators (joint request to participate/tender<sup>7</sup>). In either case subcontracting is permitted.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each candidate (in case of a joint request to participate, by each of its members) shall be requested (*Annex 2*).

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole candidate/tenderer and member of another group of economic operators. In such case, all requests to participate/tenders in which that person has participated, either as sole candidate/tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate requests to participate/tenders, provided that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several candidates/tenderers as long as the requests to participate/tenders are drawn and submitted in complete independence and autonomously from each other. However, cross subcontracting among candidates/tenderers is forbidden, more precisely an entity “A” may participate as candidate/tenderer (either as sole candidate/tenderer or as member of a group of economic operators) and as subcontractor to another candidate/tenderer “B” within the same procurement procedure. However, in this case it is forbidden that candidate/tenderer “B” (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for candidate/tenderer “A” (or for the group of economic operators in which “A” participates) within the same procurement procedure. In this case, both requests to participate/tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the candidate can rely on the capacities of subcontractors (see Section 2.4.2) or other entities that are not subcontractors (see Section 2.4.3).

An “**involved entity**” is any economic operator involved in the request to participate/tender. This includes the following four categories of economic operators:

- sole candidate/tenderer,
- group members (including group leader),
- identified subcontractors (see Section 2.4.2), and

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<sup>7</sup> Each economic operator participating in the joint request to participate/tender is referred to as “group member”.

- other entities (that are not subcontractors) on whose capacity the candidate relies to fulfil the selection criteria.

The role of each entity involved in a request to participate must be clearly specified in the eSubmission application: i) sole candidate, ii) group leader (in case of a joint request to participate), iii) group member (in case of a joint request to participate), or iv) subcontractor<sup>8</sup>.

For an entity on whose capacities the candidate relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (*Annex 5.2*)

#### **2.4.1. Joint requests to participate/tenders**

A joint request to participate/tender is a situation where a request to participate/tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a candidate/tenderer<sup>9</sup>.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the request to participate/tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of requests to participate and before contract signature) shall lead to rejection of the request to participate/tender, with the exception of the following case[s]:

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
  - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),

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<sup>8</sup> Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.

<sup>9</sup> References to *candidate/tenderer* or *candidates/tenderers* in this document shall be understood as covering both sole candidates/tenderers and groups of economic operators submitting a joint request to participate/tender.

- all the tasks assigned to the former entity are taken over by the new entity member of the group,
  - the group meets the selection criteria (see Section 3.2),
  - the change must not make the tender non-compliant with the procurement documents,
  - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
  - the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.
- case where a group member is subject to restrictive measures or does not have access to procurement (see Section 2.2) or is in an exclusion situation (see Section 3.1), provided the following cumulative conditions are fulfilled:
    - none of the remaining group members is subject to restrictive measures (see Section 2.2),
    - all the remaining group members have access to procurement (see Section 2.2),
    - the remaining group members meet the selection criteria (see Section 3.2),
    - the change must not make the tender non-compliant with the procurement documents,
    - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
    - the continuation of the participation of the remaining group members in the procurement procedure does not put the other candidates/tenderers in a competitive disadvantage,
    - the remaining group members undertake to implement the contract, in case of an award, without the excluded group member.

The replacement of the group member not having access to procurement or in a situation of exclusion is not allowed.

#### **2.4.2. Subcontracting**

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the](#)

[conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).

- d) Use of staff without employment contract (“self-employed persons working for the contractor”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders (see Section 1.4).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the form available in **Annex 4** (List of identified subcontractors), candidates are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- subcontractors on whose capacities the candidate relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 20 % .

Any such subcontractor must provide the candidate with a commitment letter drawn up in the model attached in **Annex 5.1** and signed by its authorised representative.

☝ Each candidate shall identify such subcontractors and provide the commitment letters with its request to participate. The information must be true and correct at the time of submitting the request to participate. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of requests to participate must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the request to participate (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the deadline for submission of requests to participate and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),

- the candidate/tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a request to participate/tender that was accepted by the contracting authority and resulted in a signed contract, is considered authorised.

#### **2.4.3. Entities (not subcontractors) on whose capacities the candidate relies to fulfil the selection criteria**

In order to fulfil the selection criteria a candidate may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in *Annex 5.2*, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources<sup>10</sup>.

👉 The above rules apply also where the economic operators on whose capacities the candidate relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole candidate or a member of the group submitting the joint request to participate.

#### **2.4.4. Rules common to subcontractors and entities (not subcontractors) on whose capacities the candidate relies to fulfil the selection criteria**

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a candidate may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed in Section 2.4.2 and will then assume the role of entities (not subcontractors) on whose capacities the candidate relies to fulfil the selection criteria.

👉 Relying on the capacities of other entities is only necessary when the capacity of the candidate is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the candidate will be disregarded.

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<sup>10</sup> This does not apply to subcontractors on whose capacity the candidate relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

### **3. EVALUATION AND AWARD**

The evaluation of the requests to participate and tenders that comply with the submission conditions will consist of the following elements:

#### **Step 1 : Evaluation of requests to participate**

- Check if the candidate is not subject to restrictive measures and has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the request to participate is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the candidate);
- Verification of non-exclusion of candidates on the basis of the exclusion criteria;
- Selection of candidates on the basis of selection criteria;

#### **Step 2 : Evaluation of tenders**

- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the tenderer);
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

If the evaluation of one or more elements demonstrates that there are grounds for rejection, the request to participate/tender will be rejected and will not be subjected to further full evaluation. The unsuccessful candidates/tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their requests to participate/tenders. Only tenderer for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract resulting from this call for tenders.

The evaluation will be based on the information and evidence contained in the requests to participate/tenders and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

#### **3.1. Step 1: Exclusion criteria**

The objective of the exclusion criteria is to assess whether the candidate is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

Candidates found to be in an exclusion situation will be rejected.



As evidence of non-exclusion, each candidate<sup>11</sup> needs to submit with its request to participate a Declaration on Honour<sup>12</sup> in the model available in *Annex 2*.<sup>13</sup> The declaration must be signed by an authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the candidate/tenderer at any time during the record-keeping period specified in Section 4.3.

The initial verification of non-exclusion of candidates will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#).

At any time during the procurement procedure<sup>14</sup>, the contracting authority may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence). It may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All candidates/tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer proposed by the evaluation committee for the award of the contract will be requested to provide such evidence.

☞ If the candidate/tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the request to participate/tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

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<sup>11</sup> See Annex 1 which of the involved entities participating in a request to participate need to provide the Declaration on Honour.

<sup>12</sup> The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

<sup>13</sup> Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

<sup>14</sup> The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

*Annex 1* specifies which of the involved entities participating in a request to participate/tender need to provide the Declaration on Honour and, when requested by the contracting authority, the supporting evidence.

**Please note that a request for evidence in no way implies that the candidate/tenderer has been successful.**

### 3.2. Step 1: Selection criteria

The objective of the selection criteria is to assess whether the candidate has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Requests to participate submitted by candidates not meeting the minimum levels of capacity will be rejected.

When submitting its request to participate each candidate shall declare on honour that it fulfils the selection criteria for this call for tenders. The model Declaration on Honour available in *Annex 2* shall be used.

The subsections below specify which selection criteria evidence must be provided with the request to participate or may be requested later, at any time during the procurement procedure, within a deadline given by the contracting authority <sup>15</sup>.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the request to participate, all candidates/tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer proposed by the evaluation committee for the award of the contract will be requested to provide such evidence.

☞ If the candidate/tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the request to participate/tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.

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<sup>15</sup> The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

**Please note that a request for evidence in no way implies that the candidate/tenderer has been successful.**

### **3.2.1. Legal and regulatory capacity**

Candidates can be natural or legal persons. Candidates are not obliged to take a specific legal form in order to submit their requests to participate.

Where candidates submit a request to participate through an entity, which lacks legal personality (e.g. a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the candidates.

Candidates must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

The legal and regulatory capacity shall be proven by the evidence listed below:

- Proof of authorisation that the candidate is authorised to perform the contract in its country of establishment;
- Proof of enrolment in a relevant trade or professional register in the country which has access to procurement (see section 2.2 of this specifications).

In addition, involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the request to participate (see Section 2.4.2), must not be subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)<sup>16</sup> that constitute a legal impediment to perform the contract. This requirement will be assessed by reference to the EU restrictive measures in force. Therefore, the candidate is not required to submit any evidence of not being subject to EU restrictive measures.

**All of the above-specified evidence of legal and regulatory capacity must be provided with the request to participate and it applies to each member of the group in case of a joint tender.**

### **3.2.2. Economic and financial capacity**

Candidates must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

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<sup>16</sup> Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

Criterion F1	
<b>Minimum level of capacity</b>	Average yearly turnover of the last two financial years above EUR 325 000.
<b>Basis for assessment</b>	This criterion applies to the candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
<b>Evidence</b>	Copy of the profit and loss accounts and balance sheets for the last two years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

☞ The evidence of economic and financial capacity does not need to be provided with the request to participate but may be requested by the contracting authority or the *EU Validation Services* at any time during the procedure.

### 3.2.3. Technical and professional capacity

☞ With regard to technical and professional selection criteria, a candidate may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. The entity on whose capacity the candidate relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.4.2.

Candidates must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract:

Criterion T1	
The candidate must prove experience in the field of security and reception services.	
<b>Minimum level of capacity</b>	At least three similar (in scope and complexity) projects completed in the last three years preceding the time-limit for receipt of requests to participate, with a minimum annual value for each of them € 150 000.
<b>Basis for assessment</b>	This criterion applies to the candidate as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference, the contracting authority may request statements issued by the clients and take contact with them.</p>

### Criterion T2

The candidate must prove that it has the necessary workforce and organisation to perform the contract	
<b>Minimum level of capacity</b>	At least 4 Security Guards qualified to perform the subject of the contract who are employed on the basis of a contract of employment or other type of arrangements (e.g. service contract) on a full-time basis.
<b>Basis for assessment</b>	This criterion applies to the candidate as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	<ul style="list-style-type: none"> <li>✓ A list of the workforce with direct involvement in services similar to those requested.</li> <li>✓ Evidence of employment relationship, such as employment contract or extract from the tenderer's human resources management system. Any other evidence that confirms meeting this criterion may be accepted.</li> </ul>

Criterion T3	
The candidate must prove that it has the necessary workforce and organisation to perform the contract	
<b>Minimum level of capacity</b>	<p>a) Contact person/supervisor working for the EU-House shall have:</p> <ul style="list-style-type: none"> <li>✓ at least two years' experience as supervisor in the field of Security Guard services</li> <li>✓ received appropriate professional training related to Security Guard services</li> <li>✓ thorough knowledge of Finnish or Swedish (minimum level C1 of the European Common Reference Levels) and English (minimum level B2 of the European Common Reference Levels)</li> </ul> <p>b) Security Guards and reception service guards <u>at</u> the contracting authority's premises shall have:</p> <ul style="list-style-type: none"> <li>✓ security experience: a minimum of 2 years in a security-relevant position (armed forces, law enforcement services, private security companies), preferably with diplomatic missions or international organisations;</li> <li>✓ excellent health, mental and physical condition, attested by a medical certificate;</li> <li>✓ a certificate/official authorisation, in conformity with national requirements, to work as a Security Guard in Finland;</li> <li>✓ received appropriate professional training related to Security Guard services, i.e. health and safety</li> </ul>

	<p>training and training in first aid;</p> <ul style="list-style-type: none"> <li>✓ basic skills in unarmed control and restraint techniques;</li> <li>✓ thorough knowledge of Finnish (minimum level C1 of the European Common Reference Levels), and knowledge of English and Swedish (minimum level B1 of the European Common Reference Levels);</li> <li>✓ a clean police record <u>certificate</u>;</li> <li>✓ a <u>certificate</u> of authorisation to use the control appliances (baggage scanners, detector gates, mail scanners, ion-based explosives detectors)</li> </ul>
<b>Basis for assessment</b>	This criterion applies to the candidate as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
<b>Evidence</b>	As evidence, tenderers will provide 4 CVs for Security Guards and reception service staff and 2 CVs for contact person/supervisor.

☞ The evidence of technical and professional capacity does not need to be provided with the request to participate but may be requested by the contracting authority at any time during the procedure.

☞ Involved entities (see Section 2.4) must not be subject to professional conflicting interests which may negatively affect the contract performance. Where the contracting authority has established such conflicting interests, it may conclude that the candidate/tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (*Annex 5.1 and Annex 5.2*).

### **3.3. Step 2: Compliance with the conditions for participation and minimum requirements specified in the procurement documents**

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenderers must declare when submitting their tenders in eSubmission whether their tenders comply with the minimum requirements specified in the procurement documents.

**👉 Tenders that are not compliant with the applicable minimum requirements shall be rejected.**

### 3.4. Step 2: Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

1. Price – 30%

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the tender specifications.

2. Quality – 70%

The quality of the tender will be evaluated based on the following criteria:

<b>Quality award criterion</b>	<b>Explanation of the criterion's scope:</b>	<b>Maximum number of points per criterion (weighting)</b>	<b>Minimum points to be obtained  (at least 70 % per criterion and 70 in total)</b>
Award criterion 1	<b>Proposal for Service Delivery</b>  Quality of the proposed methodology to ensure full coverage of all tasks, technical processes and management of all equipment: professional standards, supervision methods, frequency and type of training offered, including how this training is linked to the delivery of these services, etc.	40	28
Award criterion 2	<b>Proposal for Emergency Response</b>  Quality of the proposed action plan for emergency procedures, including the maximum timing required and the alternative plan in case of unforeseen circumstances.	20	14

Award criterion 3	<b>Proposal for Business Continuity</b>  Proposed methodology to ensure availability of staff in case of public transport strike, unforeseen absence of a guard (sickness, accident), holidays, etc.	20	14
Award criterion 4	<b>Proposal for Contract and Quality Management</b>  Proposed methodology for communication channels, both internally and with the Contracting Authority, for the collection of information linked to the day-to-day operations, overall framework management, and mechanism to highlight problems encountered and their resolution	20	14
<b>TOTAL</b>		100	70

### 3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

Score for tender X	=	Total quality score (out of 100) for tender X	x	70%	+	$\frac{\text{Cheapest Price}}{\text{Price of tender X}}$	x	100 x 30%
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Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for quality will be deemed to be the most economically advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed in below until a most economically advantageous tender can be determined:

- Award Criterion 1
- Award Criterion 1 and 2
- Award Criterion 1 and 3
- Award Criterion 2 and 3
- Award Criteria 2, 3 and 4
- Award Criterion 2
- Award Criterion 3.

#### **Detection of abnormally low tenders**

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.



## 4. FORM AND CONTENT OF THE SUBMISSIONS

### 4.1. Form of the submissions: how to submit the request to participate/tender?

Requests to participate and tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the links below:

**Submission of requests to participate:**

[https://wikis.ec.europa.eu/display/FTPPortal/Two+step+procedures+Step 1 EN](https://wikis.ec.europa.eu/display/FTPPortal/Two+step+procedures+Step+1+EN)

**Submission of tenders:**

[https://wikis.ec.europa.eu/display/FTPPortal/Two+step+procedures+Step 2 EN](https://wikis.ec.europa.eu/display/FTPPortal/Two+step+procedures+Step+2+EN)

👉 Make sure you prepare and submit your request to participate/tender in eSubmission early enough to ensure it is received within the deadline indicated under Section IV.2.2 of the contract notice and/or on TED eTendering.

### 4.2. Content of the submissions: what documents to submit with the request to participate/tender?

The documents to be submitted with the request to participate in eSubmission under step 1 are listed in Annex 1A.

The documents to be submitted with the tender in eSubmission under step 2 are listed in Annex 1B.

The following requirements apply to the technical and financial tender to be uploaded in eSubmission:

- *Technical tender.*

The technical tender must provide all the information needed to assess the compliance with Section 1.4 of these specifications, the technical specifications published in step 2 and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

The technical offer must be submitted using a template that will be ***provided in step 2 (Annex 7, technical tender)***.

- *Financial tender.*

A complete financial tender, including the breakdown of the price, needs to be submitted. For this purpose, the Financial tender form in ***Annex 6 (tender specifications, step 2)*** shall be used.

The financial tender shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

☞ The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact its national authorities to clarify the way in which the European Union is exempt from VAT.

### 4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or, preferably, a qualified electronic signature (QES) as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

Candidates/tenderers are strongly encouraged to sign with a QES<sup>17</sup> all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the candidate/tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the candidate/tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, candidates must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the candidate (in case of a joint request to participate – the Declarations on Honour of all group members);
- (in the case of a joint request to participate) the Agreement/Power(s) of attorney drawn up using the model attached in **Annex 3**.

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the

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<sup>17</sup> See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

legislation which applies to signatory requires such publication or a power of attorney). A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

#### **4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?**

Once the contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, bodies and agencies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff, provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision, tenderers whose tenders were received in accordance with the submission modalities, who are not subject to restrictive measures, have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing, will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and its total financial tender amount<sup>18</sup>. The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial tender, technical or trade secrets<sup>19</sup>.
- The contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure<sup>20</sup>, the contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

👉 The contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The

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<sup>18</sup> For a call for tenders resulting in multiple framework contracts this information will be provided for all successful tenderers and tenders.

<sup>19</sup> For the definition of trade secrets please see Article 2 (1) of [Directive \(EU\) 2016/943 on the protection of undisclosed know-how and business information \(trade secrets\) against their unlawful acquisition, use and disclosure](#).

<sup>20</sup> See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).

contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

## **5. CONDITION OF AWARD AND OPERATION OF CONTRACT: INSURANCE**

The Tenderer must hold civil liability insurance policy in respect of its business activities for the duration of the execution of the contract, to a value not lower than 500 000 EUR.

Evidence of the necessary insurances will be requested from the successful tenderer prior to the signature of the contract. If the evidence of insurance is not provided, the contracting authority will be unable to sign the contract with the successful envisaged tenderer. In such cases, the contracting authority may award it to the following best tenderer.

Failure to maintain the necessary insurances throughout the duration of the contract, and provide evidence when requested, may result in the termination of the contract under Section II.18.1(f) of the Contract.

## **APPENDIX: LIST OF REFERENCES**

<b><i>Award criteria</i></b>	See Section 3.4
<b><i>Contracting authority</i></b>	See Section 1.1
<b><i>Entities on whose capacities the candidate relies to fulfil the selection criteria</i></b>	See Section 2.4.3
<b><i>EU Validation services</i></b>	See Section 2.3 <a href="#">EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment</a>
<b><i>Exclusion criteria</i></b>	See Section 3.1
<b><i>Financial Regulation</i></b>	<a href="#">Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union</a>
<b><i>Framework contract</i></b>	See Section 1.6
<b><i>Framework contract ceiling</i></b>	See Section 1.6
<b><i>Group leader</i></b>	See Section 2.4.1
<b><i>Group member</i></b>	See Section 2.4.1
<b><i>Identified subcontractors</i></b>	See Section 2.4.2
<b><i>Involved entities</i></b>	See Section 2.4
<b><i>Joint request to participate/tender</i></b>	See Section 2.4.1
<b><i>Participating entities</i></b>	See Section 1.1
<b><i>Participant Register</i></b>	See Section 2.3 <a href="https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register">https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register</a>
<b><i>Selection criteria</i></b>	See Section 3.2
<b><i>Sole candidate/tenderer</i></b>	See Section 2.4
<b><i>Subcontracting/subcontractor</i></b>	See Section 2.4.2
<b><i>Treaties</i></b>	The EU Treaties: <a href="https://europa.eu/european-union/law/treaties_en">https://europa.eu/european-union/law/treaties_en</a>

# **ANNEXES**

## Annex 1A. List of documents to be submitted with the request to participate or during the procedure (step 1)

Description	Sole candidate	Joint request to participate		Identified Subcontractor	Entity on whose capacity is being relied (that is not subcontractor)	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Member of the group				How to name the file?	Where to upload?
<i>eSubmission view</i>								
<div><div><div></div></div><div>Ways to submit</div></div> <div><div></div></div> <div>Parties</div> <div><div></div></div> <div>Tender data</div> <div><div></div></div> <div>Submission report</div> <div><div></div></div> <div>Submit</div>								
<b>Declaration on Honour on Exclusion and Selection Criteria</b> (see Section 3.1)  <i>model in Annex 2</i>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	With the request to participate in eSubmission  (Step 1)	'Declaration on Honour'	With the concerned entity under 'Parties' → 'Identification of the participant' → 'Attachments' → 'Declaration on Honour'.  For entities on whose capacity is being relied and who are not subcontractors, the document must be uploaded in the section of the sole candidate or group leader:  → 'Identification of the participant' → 'Attachments' → 'Other'



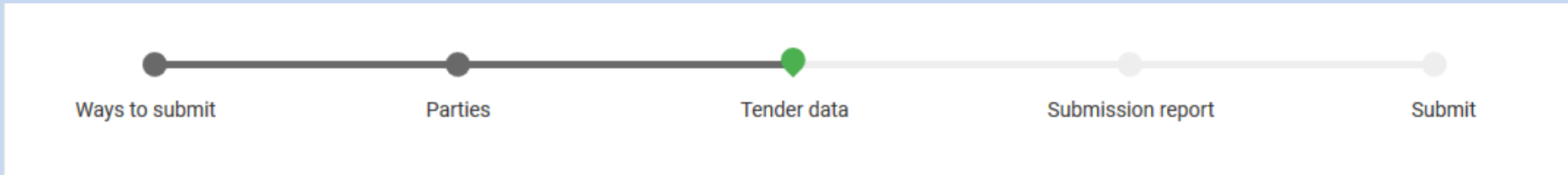
								documents'.
<b>Evidence</b> that the person signing the documents is <b>an authorised representative</b> of the entity <sup>21</sup> (see Section 4.3)	☒	☒	☒			With the request to participate in eSubmission <b>(step 1)</b>	'Authorisation to sign' documents'.	With the concerned entity under 'Parties' → 'Identification of the participant' → 'Attachments' → 'Other documents'.
<b>Agreement/Power of attorney</b> (see Section 2.4.1) <i>model in Annex 3</i>		☒	☒			With the request to participate in eSubmission <b>(step 1)</b>	'Agreement_Power of attorney'	In the group leader's section under 'Parties' → 'Identification of the participant' → 'Attachments' → 'Other documents'.
<b>List of identified subcontractors</b> (see Section 2.4.2) <i>model in Annex 4</i>	☒	☒				With the request to participate in eSubmission <b>(step 1)</b>	"List of identified subcontractors"	In the sole candidate's or the group leader's section under 'Parties' → 'Identification of the participant' → 'Attachments' → 'Other documents'.
<b>Commitment letter</b> (see Section 2.4.2 and 2.4.3)				☒ (model in Annex 5.1)	☒ (model in Annex 5.2)	With the request to participate in eSubmission <b>(step 1)</b>	'Commitment letter'	With the concerned entity under 'Parties' → 'Identification of the participant' → 'Attachments' → 'Other documents'.
<b>Evidence of non-exclusion</b> (see Section 3.1)	☒	☒	☒	☒	☒	Candidates (sole candidates/all group members in case of a joint request to participate)	n.a.	n.a.

<sup>21</sup> A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

						must provide the evidence when requested by the contracting authority and, in any event, if a tenderer is successful, before the award of the contract. Subcontractors and entities on whose capacity a candidate relies to fulfil the selection criteria must provide the evidence only upon request by the contracting authority.		
<b>Evidence of legal existence and status</b> (see Section 2.3)	☒	☒	☒			Only upon request by <i>the EU Validation services</i>  At any time during the procedure  In the Participant Register	n.a.	n.a.
<b>Evidence of legal and regulatory capacity</b> (see Section 3.2.1)	☒	☒	☒			With the request to participate  in eSubmission  <b>(step 1)</b>	n.a.	n.a.
<b>Evidence of economic and financial capacity F1</b> (see Section 3.2.2)	<p style="text-align: center;"><b>The documents must be provided</b></p> <p style="text-align: center;"><b>only by the <i>involved entities</i></b></p> <p style="text-align: center;"><b>who contribute to reaching the minimum capacity level</b></p>					Only upon request by the contracting authority or <i>the EU Validation services</i>  At any time during the procedure  In the Participant Register	n.a.	n.a.

	<b>for criterion F1</b>			
<b>Evidence of technical and professional capacity T1-T3</b> (see Section 3.2.3)	<p><b>The documents must be provided</b></p> <p><b>only by the <i>involved entities</i></b></p> <p><b>who contribute to reaching the minimum capacity level</b></p> <p><b>for criterion T1</b></p>	<p>Only upon request by the contracting authority</p> <p>At any time during the procedure</p>	n.a.	n.a.

## Annex 1B. List of documents to be submitted with the tender (step 2)

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Member of the group				How to name the file?	Where to upload?
Tender data (step 2).								
eSubmission view								
								
Failure to upload the following documents in eSubmission will lead to rejection of the tender.								
Technical tender (see Section 4.2)  Model in Annex 7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission (step 2)	'Technical tender'	Under section 'Tender Data' → 'Technical tender'
Financial tender (see Section 4.2)  Model in Annex 6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission (step 2)	'Financial tender'	Under 'Tender Data' → 'Financial tender'

## **Annex 2. Declaration on Honour on exclusion and selection criteria**

Annex 2 is published as a separate document

### Annex 3. Agreement/Power of attorney

Call for tenders COMM/HEL/2022/RP/0623 -

Security Guard and Reception/Switchboard services for the premises of the EU-House in Helsinki, Finland

#### AGREEMENT/POWER OF ATTORNEY

The undersigned:

***[- Signatory 1 (Name, Function, Legal entity name, Registered address, VAT Number)]***

***- Signatory 2 (Name, Function, Legal entity name, Registered address, VAT Number)***

***- ...***

***- Signatory N (Name, Function, Legal entity name, Registered address, VAT Number)]***

having the legal capacity required to act on behalf of the entities they represent,

HEREBY AGREE TO THE FOLLOWING:

- 1) To submit a joint request to participate/tender (the request to participate/tender) as members of a group of candidates/ tenderers (the group), constituted by ***[Insert names of Legal entity 1, Legal entity 2, ... Legal entity N – the name of the group leader must be included here!]*** (the group members), and led by ***[Insert name of Legal entity 1]*** (the group leader), in accordance with the conditions of the procurement documents and the terms of the request to participate to which this Agreement/Power of attorney is attached.
- 2) If the contracting authority awards a contract resulting from this call for tenders (the contract) to the group on the basis of the request to participate to which this Agreement/Power of attorney is attached, all group members (including the group leader) shall be considered parties to the contract in accordance with the following conditions:
  - (a) All group members (including the group leader) shall be jointly and severally liable towards the contracting authority for the performance of the contract.
  - (b) All group members (including the group leader) shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the contracting authority related to the services and/or supplies subject to the contract shall be made through the bank account of the group leader indicated in the contract.
- 4) The group members grant to the group leader all the necessary powers to act on their behalf in the submission of the request to participate/tender and the conclusion of the contract, including:

- (a) The group leader shall submit the request to participate/tender on its own behalf and on behalf of the other group members and indicate in the "Contact Person" section in eSubmission the name and e-mail address of an individual as a single point of contact authorised to communicate officially with the contracting authority in connection with the submitted request to participate/tender on behalf of all group members, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
- (b) The group leader shall sign any contractual documents — including the contract, [specific contracts] and amendments thereto — and shall warrant the submission of any invoices related to the performance of the contract on behalf of all group members.
- (c) The group leader shall act as a single contact point with the contracting authority in the delivery of the services and/or supplies subject to the contract. It shall coordinate the delivery of the services and/or supplies by the group to the contracting authority, and shall see to a proper administration of the contract.

This Agreement/Power of attorney may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same document.

Any modification to the present Agreement/Power of attorney shall be subject to the contracting authority's express approval. This Agreement/Power of attorney shall expire when all the contractual obligations of the group have ceased to exist. The parties cannot terminate it before that date without the contracting authority's consent.

**Name**  
**Function**  
**Name of the legal entity**

**Name**  
**Function**  
**Name of the legal entity**

**signature[s]:** \_\_\_\_\_

**signature[s]:** \_\_\_\_\_

**Done at ....., on .....**

**Done at ....., on .....**

**Name**  
**Function**  
**Name of the legal entity**

**Name**  
**Function**  
**Name of the legal entity**

**signature[s]:** \_\_\_\_\_

**signature[s]:** \_\_\_\_\_

**Done at ....., on .....**

**Done at ....., on .....**

#### Annex 4. List of identified subcontractors and proportion of subcontracting

Identification details	Roles/tasks during contract execution	Proportion of subcontracting (% of contract volume)
<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]</i>		
<b>Other subcontractors that do not need to be identified under Section 2.4.2<sup>22</sup></b>		
<b>TOTAL % of subcontracting</b>		<b>0,00%</b>

<sup>22</sup> For this category of subcontractors, please provide in a general manner their intended roles/tasks during contract execution, as well as the aggregated % of contract volume for all non-identified subcontractors.



## Annex 5.1. Commitment letter by an identified subcontractor

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref.  
COMM/HEL/2022/RP/0623

Attn:

*[Insert date]*

### **Commitment letter by identified subcontractor**

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of *[insert name of the entity]*, hereby confirm that the latter agrees to participate as subcontractor in the tender of *[insert name of the tenderer]* for the call for tenders COMM/HEL/2022/RP/0623.

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the subcontractor]* commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests, which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

## Annex 5.2. Commitment letter by an entity on whose capacities is being relied

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders

Ref. COMM/HEL/2022/RP/0623

Attn:

*[Insert date]*

### **Commitment letter by an entity on whose capacity is being relied**

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of *[insert name of the entity]*, hereby confirm that the latter **authorises the *[insert name of the tenderer]* to rely on its [financial and economic capacity] [technical and professional capacity] in order to meet the minimum levels** required for the call for tenders **COMM/HEL/2022/RP/0623**.

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the entity]* commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature: