

CORRIGENDUM

TENDER SPECIFICATIONS

No EEAS-613-DELAZEB-SER-FWC

**Security services for the Delegation of the European Union for
Azerbaijan**

COMPETITIVE PROCEDURE WITH NEGOTIATION

IMPORTANT INFORMATION!!

Due to their confidential nature, the technical specifications will be disclosed only to the candidates that are successful at the end of the first stage of this procedure.

DO NOT SUBMIT the technical and financial tenders at this first stage. For the details, please see point 3 of this document.

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1. INTRODUCTION

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

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

2. SUBJECT OF THE CONTRACT

The Contractor must provide the human and material resources necessary to ensure the security of persons and assets under the contracting authority responsibility. The main services to be provided may include, among others, the provision of security guards and alarm systems.

The place of performance is Baku, Azerbaijan.

3. DESCRIPTION OF PUBLIC PROCUREMENT PROCEDURE

This tender procedure will be taking place in two stages, as follows:

A. First stage (selection stage):

Candidates shall submit the "Request to participate form" in Annex to the letter of invitation duly completed and signed, accompanied by all the documents listed in the form. In case of procedure split in lots, one request to participate per lot shall be submitted. At the end of this stage, candidates complying with the access to procurement, exclusion and selection criteria are selected.

B. Second stage (tender stage):

Selected candidates shall be invited to submit a tender. The following procurement documents will be sent to them directly:

- The letter of invitation to tender.
- The technical specifications.

Only at the second stage, the candidate shall submit its technical and financial tenders.

What does negotiation mean?

The contracting authority negotiates the tenders in order to improve their content or to adapt them to the requirements set out in the procurement documents.

The negotiation may not modify the minimum requirements and the criteria specified in the procurement documents, especially the clauses of the contract. A contrario, what is not defined as minimum requirements in the tender specifications may be negotiated.

In practice, the negotiation consists in providing feedback to each tenderer on the evaluation of its initial tender, indicating elements not compliant with the minimum requirements and other aspects which should or could be improved.

The tenderer may of course improve aspects not addressed in the feedback when submitting a revised tender.

During the negotiation the contracting authority must ensure that tenderers are treated equally.

Use of a negotiated procedure without prior publication of a contract notice to increase the ceiling of the framework contract

In compliance with Art. 134(1)(e) of the Rules of Application¹, the contract value may be increased by up to 50% of the initial contract amount via a negotiated procedure without prior publication of a contract notice in the event of a:

- i. Deterioration of the security situation in the country, necessitating the mobilisation of additional security services, security installations and/or posts; or
- ii. Occurrence of a particular event or circumstance that requires the mobilisation of additional security services and/or posts, in order to adequately respond to security threats or risks; or
- iii. Change of the EEAS housing policy or norms, additional space allocated to the premises or moving into different premises, resulting in the necessity of mobilisation of additional security services, security installations and/or types and/or number of posts; or
- iv. Increase in the number of EU Delegation staff, including any other staff using EU Delegation premises, giving rise to the requirement to mobilise additional security services, security installations and/or posts.

4. GROUPS OF ECONOMIC OPERATORS AND SUBCONTRACTING

Tenders or requests to participate can be submitted by a single economic operator or jointly by two or more economic operators.

4.1. Joint tender

A joint tender is a situation where a request to participate or tender is submitted by a group of economic operators; in other words, by several legal entities (natural or legal persons) regardless of the link they may have between them.

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

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

The "Request to participate form" must be signed by the legal representative of each legal entity of the group and will identify the leader.

¹ Commission delegated Regulation (EU) no 1268/2012 of 29/10/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L362 of 31/12/2012), as amended by Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015.

At the second stage (tender stage), the tender will clearly identify the division of tasks amongst the different members of the group.

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

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

The contract shall be signed by all legal entities or, through a power of attorney to be attached to the contract, by the leader duly authorised to bind the group and each of its members.

4.2. Subcontracting

"Subcontractor" means an economic operator that is proposed by a candidate or tenderer or contractor to perform part of the contract.

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

Candidates must give an indication of the tasks that they intend to subcontract and are required to identify all subcontractors.

The subcontractors must comply with the same exclusion criteria applicable to candidates.

If the subcontractors' capacity is necessary to fulfil the selection criteria applicable to candidates, they shall submit the relevant documentary evidence.

Any change in subcontracting during the procurement procedure or after the signature of the contract may lead to the rejection of the tender or to the termination of the contract, respectively. During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the contracting authority (see art.II.10 of the framework contract).

5. ELIGIBILITY OF ECONOMIC OPERATORS

5.1. Access to public procurement

Participation in this tender procedure is open on equal terms to all natural and legal persons whose domicile (natural person) or whose registration of their headquarters (legal persons) is:

- in one of the European Union Member States;
- in a third country which has a special agreement with the European Union in the field of public procurement² on the conditions laid down in the agreement;

² FYROM, Albania, Montenegro, Serbia and Bosnia and Herzegovina (under the Stabilisation and Association Agreement), Iceland, Norway and Liechtenstein (under the EEA Agreement); Mexico, Chile, Colombia, Peru, Ecuador, Iraq and Central American countries of Honduras, Nicaragua, Panama, Costa Rica, El Salvador and Guatemala.

- exceptionally in Azerbaijan.

Participation is also open to international organisations.

Economic operators, including each member of a joint tender, must confirm that the legal entity's headquarters (for legal persons) or domicile (for natural person) is in one of the abovementioned States and present the supporting evidence normally acceptable under their own law (for example, an extract from a trade register or companies' register). The evidence must contain the main registration number of the economic operator.

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force, candidates or tenderers from the UK could be rejected from the procurement procedure.

5.2. Non-exclusion of economic operators

Economic operators who have access to public procurement are evaluated on the basis of the information provided in their tenders for exclusion criteria.

Candidates shall provide a declaration on honour on exclusion criteria and selection criteria (declaration on honour) attached to "the Request to participate form" dully filled in, signed and dated by the legally authorised representative.

The declaration on honour shall be provided by each member of the group in case of joint tenders, by the entities on whose capacity it intends to rely and by all identified subcontractors.

Whenever requested by the contracting authority, the candidate or tenderer, as well as all entities which provided the above mentioned declaration on honour, shall provide within a time limit defined by the contracting authority the evidence referred to in paragraph "Evidence upon request", confirming the declaration on honour. In any case, this evidence will be requested from the successful tenderer, including each member of the group in case of joint tender, to whom the contract is to be awarded prior to the signature of the contract.

The contracting authority may waive the obligation for a candidate or tenderer to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year earlier and are still valid at the date of their request by the contracting authority. In such cases, the candidate or tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that that there has been no change in the situation.

5.3. Selection of economic operators

Candidates must prove their legal, regulatory, economic, financial, technical and professional capacity to perform the services subject to this call for tender by meeting the minimum capacity levels as listed at points 5.3.1, 5.3.2 and 5.3.3 hereafter.

Each candidate shall submit the evidence on selection criteria in their request to participate (first stage, see also point 3 of the tender specifications), respecting the requirements here below.

If a candidate is relying on the capacities of other entities (e.g. parent company, other company in the same group, or third party) in order to achieve the required minimum level of the capacity, its request to participate must contain a signed and dated statement by the concerned entity declaring firmly which relevant resources shall be made at the disposal of the tenderer for the performance of this contract. The contracting authority will verify whether the entities on whose capacity the candidate intends to rely fulfil the relevant selection criteria. The candidate may only rely on the technical and professional capacities of other entities where the latter will perform the services for which these capacities are required.

If an entity provides the whole or a very large part of the financial capacity to the candidate, the contracting authority may demand that the said entity be jointly liable for the performance of the contract in case of award. In order to do so, it may require that it signs the contract or that it provides a joint and several first-demand guarantee, should that tenderer be awarded the contract. If this entity is required to sign the contract, it has to have access to public procurement and shall not be in an exclusion situation as indicated in point 5.1 and 5.2 of these tender specifications.

5.3.1. Legal and regulatory capacity criteria and evidence

Criterion 5.3.1.a) Authorisation to provide security services (as listed under point 2) at the place of performance of the contract

Minimum capacity level:

The candidate must be authorised to provide the services subject to this contract at the place of performance of this contract. The relevant certificate (license) must be valid on the date of the deadline for the submission of requests to participate. Before the signature of the contract, the validity of the certificate will be verified again.

Supporting document(s)/evidence requested:

A copy of the license, issued by the Ministry of Internal Affairs of Azerbaijan, proving that the candidate is authorised to provide (non-state) private security services in Azerbaijan, in respect of the Law of the Azerbaijan Republic of April 10, 2007 No. 266-IIIQ.

The criterion is applied and the evidence pertains to:

The economic operators who will perform the services for which the license is requested.

5.3.2. Economic and financial capacity criteria and evidence

Candidates must prove the financial and economic capacity to perform this contract by meeting the following criterion:

Criterion 5.3.2.a) Turnover.

Minimum capacity level:

The average annual turnover for the last three financial years for which accounts have been closed must be at least EUR 400.000,00.

The exchange rate used to convert the turnover into EUR will be the rate of December of the year of the financial statement as published at http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/infoeuro_en.cfm.

Supporting document(s)/evidence requested:

1. Duly completed table at point 6 of the "Request to participate form".
2. Profit and loss accounts (Income statement) for the last three financial years for which accounts have been closed.

The criterion is applied to:

The candidate; In case of joint tender this selection criterion will be applied to the group as a whole.

The evidence shall pertain to:

At least one economic operator provided that the minimum capacity level is met.

5.3.3. *Technical and professional capacity criteria and evidence*

Candidates must prove the technical and professional capacity to perform this contract by meeting the following criteria:

Criterion 5.3.3.a) Previous contracts.**Minimum capacity level:**

1. At least three service contracts managed by the economic operator relevant to the security services listed under point 2, during the past three calendar years.
2. At least one contract listed under 1. must have a duration longer than one year.
3. The cumulative value during the past three calendar years of the above mentioned listed contracts must be at least EUR 80.000,00.

Supporting document(s)/evidence requested:

1. Duly completed table (list) at point 7 of the "Request to participate form". The candidate may include in the list any contract implemented at any moment during the past three calendar years. The candidate may include any contract started or completed during that period and any contract ongoing through the whole period.
2. For each contract in the table (list), the candidate must present a client's reference letter relevant to security services (as listed under point 2) contracts performed during the past three calendar years specifying whether the

services have been carried out in a professional manner in compliance with the contractual terms.

Contracts without reference letters shall not be included in the list of the contracts as they will not be accepted. The reference letters provided for the contracts which are not in the list will not be accepted either.

The criterion is applied to:

The candidate. In case of joint tender this selection criterion will be applied to the group as a whole.

The evidence pertains to:

At least one of the economic operators who will perform security services as listed under point 2.

Criterion 5.3.3.b) Manpower.

Minimum capacity level:

The candidate must currently employ at least 40 staff in the field of security services as listed under point 2.

The declared manpower in the above-mentioned fields cannot be higher than the total manpower.

Supporting document(s)/evidence requested:

Duly completed table at point 7 of the "Request to participate form".

The criterion is applied to:

The candidate. In case of joint tender this selection criterion will be applied to the group as a whole.

The evidence pertains to:

At least one of the economic operators who will perform security services as listed under point 2.

6. PRELIMINARY INFORMATION ON THE SECOND STAGE (TENDER STAGE)

6.1. Evaluation of tenders on the basis of the compliance and award criteria

At the second stage, the tenderers shall provide a "Statement of compliance with the procurement documents" (that also include the checklists on minimum technical requirements) duly dated and signed in order to be considered technically compliant. The statement to be used for this purpose will be sent together with the letter of invitation to tender and the technical specifications to the successful candidates at the end of the first stage (selection stage).

The technically compliant tenders are then evaluated in order to award the contract to the tender offering the best price/quality ratio. For this purpose, the tender will be evaluated technically and financially.

6.2. Technical tender

The technical quality of the tenders will be evaluated on the basis of documents provided by the tenderers in the technical tender with regard to the award criteria described in the table below.

Technical award criteria

No	Description	Max. number of points
1	<p><u>Contract management and organisation of the operations/services</u></p> <p>This criterion will allow the Contracting Authority to assess the organisation of the tenderer's contract management team, their channels of responsibility and the organisation of the operations/services, including the different members of a consortium and the resort to subcontractors.</p>	(65 points – minimum threshold 50%)
2	<p><u>Organisation of operations/services in case of an incident/accident</u></p> <p>This criterion will allow the Contracting Authority to assess the organisation of the tenderer's services, including the different members of a consortium and the resort to subcontractors in case of a serious incident (e.g. burglary into staff accommodation, home intrusion, violent demonstration outside the Delegation building, aggressive attack against a staff member of the EU Delegation, etc.) or accident (e.g. car accident of a staff member of the EU Delegation, accident of a staff member in the staff accommodation, etc.)</p>	(50 points – minimum threshold 50%)
3	<p><u>Quality assurance, monitoring and evaluation of operations/services</u></p> <p>This criterion will allow the Contracting Authority to assess the control measures applied to guarantee the quality of the services to be performed under this contract.</p>	(75 points – minimum threshold 50%)
4	<p><u>Social and economic conditions for the guards</u></p> <p>This criterion will allow the Contracting Authority to assess the social and economic conditions which the tenderer will provide to his security guards in order to ensure staff loyalty and motivation.</p> <p>Tenderers will describe any benefits and incentives granted to the security guards who will be deployed under this contract, such as financial incentives, bonuses, allowances, promotion, training, medical coverage and any other initiatives designed to motivate the guards and encourage their loyalty to the tenderer.</p>	(70 points – minimum threshold 50%)
5	<p><u>Facilities and resources</u></p> <p>This criterion will allow the Contracting Authority to assess the availability and quality of the equipment and technological tools used in pursuance of the implementation of the contract, notably</p>	(50 points – minimum threshold 50%)

	whether they are appropriate, well maintained and operated by skilled security personnel.	
6	<u>Technical safety and security systems</u> This criterion will allow the Contracting Authority to assess the quality of the residential intruder alarm system (IAS) with integrated smoke detectors, which will be provided and maintained by the tenderer.	(20 points – minimum threshold 50%)
	TOTAL	330 points

In order to protect the confidential nature of information contained in the technical specifications, the sub-criteria will be disclosed only to the selected candidates at the end of the first stage.

Any tender not scoring the minimum quality threshold of 50% of the points for each criterion where indicated and of 60% of the total points will be eliminated.

6.3. Financial tender

The prices for the tender must be tendered:

- in EUR.
- free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under the Vienna Convention of 18 April 1961 on diplomatic relations and the Headquarters Agreement applicable to the European Union Delegation;
- all inclusive. This means that, unless otherwise mentioned in the tender specifications, prices tendered for shall include all the costs to be incurred by the tenderers in order to fully implement the contract;
- using the unit price schedule (Annex A) and the price scenarios table in annex (Annex B) included in the technical specifications during the second phase. Any change in the table(s) as annexed to the technical specifications will lead to the rejection of the tender.

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

The unit price schedule (Annex A) is binding during implementation of the contract.

The price "scenarios" are estimates by the contracting authority of the quantities of the services over the duration of the contract in order to compare the financial tenders.

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

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

6.4. Calculation of the overall score

The tender chosen will be that which offers the best price quality ratio among the technically compliant tenders, namely the tender obtaining the best overall score P_i calculated as follows where the weighting is 60% for the quality and 40% for the price:

$$P_i = T_i * 0.60 + F_i * 0.40$$

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

F_i = (cheapest total price for the scenario 1 / price of the scenario 1 of the tender under consideration) * 80 + (cheapest total price for the scenario 2 / price of the scenario 2 of the tender under consideration) * 20

The total amount of the successful tender's scenario 1 will be taken into account for setting the maximum ceiling of the FWC. Moreover, the Contracting Authority may add a security margin of 10 % and an estimate of the future price indexation, if applicable. In any case, the maximum ceiling of the FWC will not be higher than the initial estimate published in point II.2.6 of the contract notice.

7. CONTENT OF THE REQUEST TO PARTICIPATE

The request to participate shall contain the "Request to participate form" duly filled in and signed, accompanied by all the documents listed in point 8 of the Form.

PART II: TECHNICAL SPECIFICATIONS

In order to protect the confidential nature of information contained in the technical specifications, the contracting authority will disclose them only to the candidates selected at the end of the first stage (every economic operator complying with the access, exclusion and selection criteria evaluated during the selection stage). **Only the candidates invited to the second stage (tender stage) shall submit their technical and financial tenders.**