

INVITATION TO TENDER N° AO/015/18

PHYSICAL SECURITY AND SUPPLY SERVICES

SECURITY

(PHASE 1)

ANNEX I – TENDER SPECIFICATIONS

1 INTRODUCTION

The European Union Intellectual Property Office (EUIPO), “the Office”, which was known as OHIM until 23 March 2016, was created as a decentralised agency of the European Union (EU) to offer intellectual property rights protection to businesses and innovators across the EU and beyond. Since our foundation in 1994 we have been based in Alicante, in Spain, where we manage the registration of the EU trade mark and the registered Community design, unitary intellectual property rights valid throughout the EU-28. In cooperation with national and regional EU IP offices, users of the IP system and other institutional partners, we work to strengthen IP at European and international level. At the EUIPO we also host the European Observatory on Infringements of Intellectual Property Rights which brings public and private stakeholders together in the fight against piracy and counterfeiting.

2 SUBJECT OF THE INVITATION TO TENDER

The Office intends to formalise framework contracts in cascade with companies or consortia capable of providing the highest quality security services and the most advanced high-tech security equipment on the international market, for all buildings and staff of the Office regardless of location, at any geographical point. All aspects of security are covered, ranging from specialist advice to provision, installation and maintenance, and including the updating of security equipment and systems.

3 GENERAL DESCRIPTION OF THE PROJECT

The scope of the contract includes the provision of operational services and additional services related to the protection and security of the Office's staff and facilities.

The operational services are those provided on a regular basis and include:

1. Security services: security surveillance services
2. Supply and installation of new security equipment, such as:
 - a. Access control system or integration of new technologies in buildings AA1, AA2, AA3, AEL178 and other buildings if necessary
 - b. A CCTV system that includes a ring of cameras for perimeter security and for the surveillance of all entrances and exits in buildings AA1, AA2, AA3 and AEL178 plus any future buildings on the perimeter
 - c. Digital video surveillance recording system for outdoor cameras in buildings AA1, AA2 and AA3
 - d. Office keys system in AA1, AA2, AA3 and AEL178
 - e. Security management systems for the security control room in building AA2
 - f. Safety cabinets
 - g. Electronic cabinets for the management and control of security keys
 - h. Scanning devices
 - i. Number plate recognition system
 - j. Intrusion detection systems
 - k. Biometric system
3. Preventive and corrective maintenance in RL223, AA1, AA2, AA3 and AEL178 and other buildings if necessary
 - a. Preventive maintenance
 - b. Corrective maintenance

Additional services are services provided on an ad hoc basis and may consist of any other security-related service not explicitly stated in these specifications, provided it is not covered by another contract of the Office. These additional services could, for example, include:

1. Security consultancy
2. Special services as described in Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on security in the Commission
3. Database queries

4 PURPOSE

Framework contract in cascade with up to three contractors. The initial duration will be 1 year, tacitly renewable up to 3 consecutive times for periods of 1 year each. The total duration of the framework contract may not exceed 4 years.

IMPORTANT NOTE

This invitation to tender AO/015/18 will follow the restricted procedure, which consists of two phases:

Phase 1: REQUESTS TO PARTICIPATE

Interested companies, that is, 'the candidates', must submit by the closing date the requested documentation relating to the exclusion and selection criteria only.

At this phase, candidates are **NOT** required to submit a technical and financial offer.

Should a candidate submit a technical and financial offer in Phase 1 of the procedure, the Office will not open it during this phase. It shall be opened together with all other tenders received under Phase 2 only if the candidate has been admitted to that phase.

An evaluation committee will analyse all requests to participate received and will select the candidates who will go on to Phase 2 of the procedure.

Phase 2: TENDERS

The accepted candidates in Phase 1 will be invited by the Office to submit a technical and financial offer by the deadline indicated in the relevant notification.

5 SUBMISSION OF REQUESTS TO PARTICIPATE (PHASE 1) AND TENDERS (PHASE 2)

DEADLINE FOR SUBMISSION AND PROCEDURES

Please note that references in this document to the following terms may be understood as references to:

- "invitation to tender" or "invitation to participate"
- "economic operator" or "tenderer" or "tendering group" or "candidate"
- "tender" or "candidature"

If you wish to participate in this invitation to tender, please submit your request of participation/tender in one of the official languages of the European Union, in accordance with the following procedure.

For all the documents of this invitation to tender, if there are discrepancies between the different linguistic versions, the Spanish version prevails.

5.1 Deadline and submission

Exclusively on paper:

- by registered post or by courier service, posted no later than 04.01.2019 as evidenced by the postmark or the date of the deposit slip;
- or by hand (in person or by a representative of the economic operator) no later than 04.01.2019. In this case, proof of submission will consist of a receipt dated and signed by an Office's authorized staff to whom the tender was delivered. Tenders may be delivered by hand during the Office's opening hours, namely from 09.30 to 13.00 and from 15.00 to 17.00;

to the following address:

European Union Intellectual Property Office
 Invitation to tender No AO/015/18
 Procurement and Vendor Management Service
 Avenida de Europa 4
 E-03008 Alicante
 Spain

The tender submission deadline (Phase 2) will be communicated exclusively to the candidates accepted in the Phase 2.

5.2 Presentation of requests to participate and tenders

Requests to participate and tenders must be submitted in a sealed envelope, itself enclosed within a second sealed envelope. The two envelopes must be sealed.

The inner envelope should be marked as follows:

Request to participate / Tender (Choose one of them) from:

Invitation to tender N° AO/015/18
 Title: PHYSICAL SECURITY AND SUPPLY SERVICES (SECURITY)
 FOR THE EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE

**THIS ENVELOPE IS NOT TO BE OPENED BY THE INTERNAL MAIL
 SERVICE**

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

The requests to participate and/or tenders must be submitted in duplicate.

The request to participate and/or tender must be signed by the tenderer or its duly authorised representative.

The request to participate and/or tender must be completely legible in order to eliminate any doubt whatsoever as to the terms used and the figures proposed.

Each page of the tender must bear the name of the tenderer and the initials of the person responsible for the tender.

The request to participate and/or tender must be drawn up using the Standard Reply Form (SRF) included in the procurement documents.

The Office concludes contracts and makes payments in EURO. Therefore, all prices must be expressed in EURO.

Since the Office is exempt from all duties and taxes, prices quoted should be NET OF TAX.

An electronic version of the request to participate or tender documents (usb, cd-rom, ...) would be desirable. It should be placed in the inner envelope with the request to participate or tender documents. Any information presented in tabular form should be in a usable format such as a worksheet. In the event of discrepancies between the paper and electronic versions, the paper version will be considered authentic.

It is strongly recommended that requests to participate and tenders are submitted in an environmentally friendly way, limiting attachments to what is required and reducing plastic folders or binders to its minimum.

6 PERIOD OF VALIDITY OF TENDERS

Tenders will remain valid for a period of at least nine months from the date for submission of tenders. Economic operators shall undertake to comply with all the terms and conditions of their tenders during this period.

7 ACCEPTANCE OF CONDITIONS

Submission of a request to participate and tender implies acceptance of the [General Terms and Conditions of the Office](#) and all the terms and conditions set out in the procurement documents and waiver of the economic operator's own general or specific terms and conditions. The submitted tender is binding on the economic operator to whom the Contract is awarded for the duration of the Framework Contract.

8 CONTACTS WITH THE OFFICE

Contacts between the Office and the economic operators, except as stipulated below, are forbidden during the entire procedure. More specifically, economic operators will refrain to request meetings with the staff of the Office.

- Phase 1 - Before the date of receipt of the request to participate indicated in point 5.1
 - Upon request, the Office may provide additional information solely for the purpose of clarifying the procurement documents.

Any requests for additional information must be made in writing only through the e-Tendering website at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=4189> in the “questions and answers” tab, by clicking “create a question”.

Important information: Any additional information and all answers to questions concerning the Phase 1 to this invitation to tender will be made available exclusively on the call for tenders’ page in e-Tendering. It is the responsibility of the candidate to check for updates and modifications during the submission period.

- Phase 2 - Before the date of receipt of the tenders indicated in the notification.
- Upon request, the Office may provide additional information solely for the purpose of clarifying the procurement documents.

Any requests for additional information must be made in writing only through the e-mail address procurement@euipo.europa.eu.

Important information: Any additional information and all answers to questions concerning the Phase 2 to this invitation to tender will be made available exclusively by sending an email to the contact address indicated in the third party file submitted in Phase 1. It is the responsibility of the tenderer to check the emails received to this address with updates and modifications during the submission period.

The Office is not bound to reply to requests for additional information received less than six working days before the date of receipt of requests to participate or tenders.

The Office may, on its own initiative, inform interested parties of any error, inaccuracy, lack of precision, omission or any type of clerical defect in the text of the procurement documents.

- After the opening of the requests to participate or tenders

If obvious clerical defects in the tender need to be corrected or confirmation of a specific or technical element is necessary, the Office will contact the candidate or tenderer provided this does not lead to substantial changes to the terms of the submitted tender. Economic operators should be prepared to reply in writing to such requests for clarification within a very short deadline. Replies received after the deadline indicated in the request for clarification will not be taken into account.

The Office may also ask candidates or tenderers to provide additional material or missing documents, to clarify the documents supporting exclusion and selection criteria or to explain an abnormally low tender, within the time limit it specifies.

Such contacts must not lead to any alteration of the terms of the tender. More particularly:

- Economic operators must not modify their tender or add any new elements to it (other than purely administrative documentation). Their reply must therefore make clear reference to the relevant information already present in the file.
- Where the financial proposal is concerned, economic operators must not add any new prices, but only explain the proposal on the basis of elements already present in the file, which should be explicitly mentioned.

If economic operators fail to observe these restrictions, their reply may be disregarded. If a reply plainly contradicts the original tender, the Office reserves the right to reject the tender.

- Contract award notice
 - By submitting a request to participate, the candidate explicitly accepts to receive the notification of the outcome of the procedure by electronic means only.
 - At the end of the award procedure, all tenderers will be informed of the outcome of their tenders. However, tenderers are reminded that the evaluation process and award procedure may last several weeks or months.
 - A contract award notice will be sent for publication in the Official Journal of the European Union within 30 days after the signature of the Framework Contract.

9 TENDER GUARANTEE

The submission of a tender is not subject to lodging a preliminary tender guarantee.

10 VISIT TO THE PREMISES

The Office will organise a visit to the premises of the tenderers admitted to Phase 2 of the procedure. Attendance is highly recommended.

11 SUBMISSION OF SAMPLES

The submission of a tender is not subject to submitting any samples.

12 PUBLIC OPENING OF TENDERS

Due to the type of procedure, public opening of tenders is not foreseen.

13 EVALUATION AND AWARD

For the exclusion and selection criteria, if the economic operator can provide a free of charge access to a website where the documentary evidences are available, that their issuing date does not exceed one year and that they are still valid, the economic operator shall provide the corresponding website address (cfr. SRF “Declaration on honour”).

If the economic operator already submitted such documentary evidences for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the economic operator shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation (cfr. SRF “Statement on the re-use of documents already provided to the Office”).

Nevertheless, the Office reserves the right to request the tenderers to submit the relevant documentary evidence afresh should the Office deem it necessary, at any stage of the evaluation phase.

13.1 Exclusion criteria – PHASE 1

The exclusion criteria are listed in the Declaration on honour which is attached in the Annex 5 – Standard Reply form of the present invitation to tender.

Economic operators must provide together with their tender a **declaration on honour**, duly signed and dated. If the tenderer is a tendering group, all the members of the group must also sign this declaration.

At the end of the award procedure, the tenderer to whom the Contract is to be awarded must, as an obligation, and to avoid being excluded from the procedure, provide all the evidences that it is not in one of the situations referred to above.

Therefore, it is strongly recommended to have such evidences already prepared at the tender stage as the economic operator(s) to whom the Contract is to be awarded shall have a 15 calendar days’ time limit (which may be extended in exceptional cases) preceding the signature of the Contract for providing the requested documentary evidence hereunder:

- For situations described in points (1) (a), (c), (d) or (f) of the Declaration on honour, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the economic operator showing that those requirements are satisfied.
- For the situation described in points (1) (a) or (b) of the Declaration on honour, production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a solemn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

13.2 Selection criteria – PHASE 1

Candidates will be selected if they can prove that they have sufficient economic and financial capacity, technical and professional capacity and legal and regulatory capacity.

Important instructions

In order to prove that the economic operator has sufficient capacity to perform the Framework Contract:

- a) the candidate must fill in the point (6) of the Declaration on honour (see the SRF);
- b) the candidate must also provide, if requested in the SRF, the evidences in relation with the selection criteria below;
- c) for the evidences that in the SRF are not requested to be presented at the moment of the request to participate, the candidates must be ready to present them upon request under very short deadline.

13.2.1 Economic and financial capacity

In order to prove that the candidate has sufficient economic and financial capacity to perform the Framework Contract, the documentary evidences are:

The tenderer shall be able to prove:	To be evidenced by:
Professional risk indemnity insurance	Proof that civil liability insurance and employer's liability insurance have been taken out with a minimum cover of EUR 10 000 000.
Financial capacity	Certified financial statements or their extracts for a period equal to the past three financial years for which accounts have been closed, or equivalent documentation (e.g. where company law in the country in which the economic operator is established does not require publication of balance sheet) which will be assessed based on the ratios established in the Simplified Financial Statement of the SRF.
Overall turnover	A statement of the economic operator's overall turnover for the past three financial years. A minimum cumulative turnover of 6,000,000€ is required.

13.2.2 Technical and professional capacity

Candidates are required to prove that they have sufficient technical and professional capacity to perform the Framework Contract. To that end, the documentary evidences are:

The tenderer shall be able to prove:	To be evidenced by:
Presentation of the candidate	History Activities
Educational and professional qualifications	The educational and professional qualifications, skills, experience and expertise of the persons responsible for performance, demonstrating their capacity to carry out the tasks in conformity with the technical specifications.
List of major similar contracts	<p>List of major contracts executed in the last three years similar in type, complexity and size to those described in this invitation to tender. This list shall be accompanied by certificates of satisfactory execution, specifying whether they have been carried out in a professional manner and have been fully completed. The certificate, signed by the customer of the contract, must include, at least, the precise object of the Contract performed, its location, contract value and duration.</p> <p>In order to be considered similar in type, complexity and size, these contracts must include services with the same characteristics as those described in the technical specifications and for public and/or private clients with similar characteristics to those of the Office.</p> <p>A minimum cumulative turnover of 2,500,000€ is required.</p>
Statement on provision of CVs	A clear statement certifying that the tenderer can provide at least two people to support each of the profiles set out in the Technical Specifications and its annexes, that meet the minimum requirements specified necessary to support the development for services. The same person(s) cannot be proposed for different profiles.
Quality management certification	Certificate(s) issued by institutions or official services recognised as competent in quality control and/or verification of compliance with standards applicable, certifying in particular that the economic operator possesses quality assurance certification for the type of services covered by this Invitation to Tender (ISO 9001 or equivalent).
Environmental management certification	The economic operator must demonstrate that its company has implemented environmental management procedures. Proof of this implementation may consist either of internal documents, such as on the company's environmental strategies and policies, its projects related to the environment or carbon offsetting, and any environmental statements issued regarding the environment or sustainability matters, or alternatively of certificates awarded by recognised accredited bodies in the relevant areas (EMAS, ISO 14001 or equivalent).
Professional conflicting interests	Statement that the economic operator does not have conflicting interests that may negatively affect its performance and that it possesses the required professional capacity to perform the Contract to an appropriate quality standard.

13.2.3 Legal and regulatory capacity

In order to prove that the candidate has sufficient legal and regulatory capacity to perform the Framework Contract, the documentary evidences are:

The tenderer shall be able to prove:	To be evidenced by:
Professional or trade register	Recent proof of inclusion in a professional or trade register
Particular authorisation	<p>Evidence showing that the economic operator is in possession of an authorisation for the provision of private security services in accordance with the rules of the country in which it is established.</p> <p>The economic operator must ensure that section 5.1 of the technical specifications is complied with if the contract is awarded.</p>
Undertaking of third entities	If the candidate relies on the capacities of other entities, a written undertaking on the part of those entities confirming that they will place the resources necessary for performance of the Contract at the disposal of the tenderer required.

13.3 Technical Evaluation and Award Criteria – PHASE 2

The candidate admitted to the Phase 2, that is, the tenderer must present a technical proposal, in accordance with the Technical Specifications and annexes. Tenderers who are not in a position to comply with all minimum requirements should not submit a tender. Tenders that are not compliant with the applicable minimum requirements will be rejected and will not be evaluated.

The tender with the best technical score will receive a quality indicator of 100 points. The remaining tenders will receive lower quality indicators in proportion to their technical scores. The technical proposal will be evaluated by establishing for each tender an overall technical score taking into account the individual scores of the different award criteria as listed hereafter. Each criterion has a weight in the scoring.

The following formula will apply:

Highest overall technical score = 100 points.

Remaining tender score = $100 \times \text{remaining tender score} / \text{highest technical score}$.

A brief outline of the criteria to be applied for the technical evaluation of tenders is set out below. A more detailed description of the criteria will be included in the Phase 2 documentation.

Criteria		Maximum score
1.	Case study	30 points
2.	Security surveillance services Working methodology	40 points
3.	Extending training for security guards at no additional cost to the Office	10 points
4.	Preventive maintenance for security systems	20 points
	Total score	100 points

13.4 Financial evaluation – PHASE 2

The financial evaluation of the tenders will be carried out on the basis of a financial proposal form, which will be submitted to the tenderers in the second phase of the tender, applying the following criteria:

Criteria		Maximum score
1.	Monthly simulation of services and facilities	90 points
2.	Discount rate for the supply of security equipment	10 points

Tenderers are required to fill in the financial proposal form of the SRF.

The tender found to be the cheapest will receive a price indicator of 100 points. The remaining tenders will receive lower price indicators in proportion to their prices.

The tender which quotes the lowest price will receive the maximum score.

The remaining tenders will be given a proportional score, depending on their price. The following formula will be applied:

Score of the remaining tender = maximum score x total amount of the tender quoting the lowest price / total amount of the remaining tender.

13.5 Award

The Framework Contract(s) shall be awarded on the basis of the following most economically advantageous award method: the best price-quality ratio procedure.

Price will be given a weighting of 40% and quality will be given a weighting of 60%.

The final score will be obtained by using the following formula:

$((\text{Number of quality points} * 60\%) + (\text{Number of price points} * 40\%))$

14 CONTRACTUAL PROCEDURES

14.1 The Office will draw up, in order of merit, having taken account of the award criteria laid out in Point 13.5 above, a list of at least two, and no more than three Contractors, with which a Framework Contract will be separately concluded.

14.2 In case of a cascade mechanism, full or partial, should the first Contractor prove unable to supply the services required at the appropriate level of quality, the Office reserves the right to turn to the second on the list. Similarly, where the latter cannot supply the services either, the Office reserves the right to turn to the third on the list.

14.3 Each Framework Contract, a draft of which is attached as Annex 3 to the procurement documents, will be concluded for an initial period of one (1) year, renewable by tacit agreement for no more than three times, each time for a period of one (1) year and under the same conditions, save where one of the parties informs the other of its intention not to renew the Framework Contract, by a registered letter sent at least three months before the due expiry date. The total duration of the Framework Contract may under no circumstances exceed four (4) years.

- 14.4 The conclusion of a Framework Contract does not grant the Contractor any exclusive rights in relation to the services referred to in this Invitation to tender.
- 14.5 Economic operators should be aware that by awarding this Framework Contract, the Office is not bound to order all or part of the Contractor's services.
- 14.6 This invitation to tender shall in no way bind the Office. The Framework Contract will only enter into effect on the date of signing of the Framework Contract of the last Contracting Party.
- 14.7 Until the Framework Contract has been signed by both parties, the Office may abandon the invitation to tender or cancel the award procedure, and tenderers shall have no entitlement to claim any compensation. In this case, reason(s) shall be given for such a decision, and all tenderers informed thereof.
- 14.8 Terms of application for Liquidated Damages are defined in Article 17 of the General Terms and Conditions.

15 GUARANTEES

The current Contract is not subject to the submission of a bank guarantee.

16 VOLUME OF THE FRAMEWORK CONTRACT

The total volume of the Framework Contract, for four (4) years, is estimated at 9.000.000.00€.

Year 1: 2.250.000 EUR

Year 2: 2.250.000 EUR

Year 3: 2.250.000 EUR

Year 4: 2.250.000 EUR

TOTAL: 9.000.000 EUR

Please note that the volume indicated is an estimation only and that the value of the Contract depends on the quantities the Office will order. However, the Office cannot commit itself to exact quantities to be ordered. The Office may exercise the option to increase the estimated market amount at a later stage via negotiated procedure with the successful economic operator(s) in accordance with Article 134 (1) (e) of Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015 amending Delegated Regulation (EU) No 1268/2012 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.

17 PERSONAL DATA

Personal data gathered for the purpose of the present procedure shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies and on the free movement of such data.

Said data will be processed only for the purpose of evaluating the tenders on the basis of the specifications of the invitation to tender. The economic operator may, upon request, obtain the communication of his personal data and rectify any inaccurate or incomplete data. Any request to that effect shall be addressed to Data Controller responsible for the Call for tenders (Procurement.DataProtectionController@euipo.europa.eu). The economic operator also has a right of recourse at any time to the European Data Protection Supervisor pursuant to Regulation (EC) No 45/2001.