

**ANNEX 1 TO THE INVITATION TO SUBMIT A REQUEST TO  
PARTICIPATE**

**EXPLANATORY NOTE FOR CANDIDATES**

**Restricted call for tenders - Phase I**

**Security Guard and Reception services for the premises of the EU-  
House in Valletta, Malta**

PR/2018-19-SEC/LAV

## **I. Background**

This document is designed to help candidates to submit their request to participate in response to a restricted call for tenders for a direct contract for Security Guard and Reception/Switchboard services for the premises of the EU-House in Valletta, Malta

This call for tenders is published by the European Commission Representation in Malta (subsequently referred to as "the Contracting Authority"), acting also on behalf of the European Parliament Liaison Office.

## **II. Procurement procedure**

### **II.1 Restricted procedure (two phases)**

The call for tenders follows the restricted procedure referred to in Article 104.1 (b) of the Financial Regulation (FR) applicable to the general budget of the European Union<sup>1</sup>.

The restricted procedure is conducted in two phases:

<b>Phase 1 – Application Phase</b>
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In this first phase, any economic operator can submit a request to participate (see Section II.2 for information regarding exclusion and selection criteria).

The application must be accompanied by:

- a cover letter signed by the candidate or its duly authorised representative;
- the declaration on honour on exclusion criteria and selection criteria duly completed, dated and signed (Annex 2 of the letter of invitation to submit a request to participate)
- the request to participate duly completed (Annex 3 of the letter of invitation to submit a request to participate)

The text and format of Annexes 2 and 3 must not be changed.

Applications must be submitted by the means and by the deadline indicated in the invitation letter.

The candidates will be informed whether they have been selected to participate to the Tender phase or not.

<b>Phase 2 - Tender Phase</b>
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In the second phase, all selected candidates will simultaneously be granted access to the procurement documents on e-Tendering and will be invited to submit a tender.

Information related to staff employed under the current contract will be made available to candidates at the Tender Phase.

<sup>1</sup> OJ L 298, 26.10.2012, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:en:PDF> and O.J.L 286 of 30/10/2015, see <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2015:286:FULL&from=FR>

In view of implementing the requirements of the **Council Directive 2001/23/EC of 12 March 2001<sup>2</sup>** and of the national legislation deriving from it, the contracting authority will provide to all selected candidates, in Annex V to the tender specifications, the following information for each employee:

- Type of post
- Category / grade
- Type of contract
- Hourly rate
- Number of standard working hours per week
- Fringe benefits
- Seniority in the company
- Seniority at his/her actual post

The tenders will be evaluated against the award criteria specified in the procurement documents.

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio, after checking compliance with the exclusion and the selection on the basis of the evidence provided.

## **II.2 Phase 1 – Application phase**

### **II.2.1 Exclusion criteria**

Bids from tenderers who do not meet the exclusion criteria referred to in Articles 106 and 107 of the Financial Regulation<sup>3</sup> will not be considered for the award of the contract.

All candidates must provide a declaration of honour on exclusion and selection criteria (Annex 2 of the invitation letter to submit a request to participate) duly completed, dated and signed by an authorised representative, stating that they are not in any of the situations of exclusion listed in the declaration.

In the case of joint tenders, all economic operators involved in the tender must provide the declaration of honour on exclusion and selection criteria.

In the case of tenders involving subcontracting, the tenderer shall submit a separate declaration of honour on exclusion and selection criteria, duly dated and signed by each known subcontractors whose tasks represent more than 20% of the tasks of the contract or who help fulfil the selection criteria.

### **II.2.2 Selection criteria**

Candidates must prove their economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure by filling in the request to participate form (Annex 3 of the

<sup>2</sup> Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses

<sup>3</sup> Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union - <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32015R1929>

invitation letter to submit a request to participate) duly completed, together with the relevant evidence required in Part A of the form.

The other pieces of evidence listed in Part B of Annex 3 may be requested by the Contracting Authority from any tenderer at a later stage.

In case they are requested, they must reach the contracting authority within 10 days after receipt of the request.

The documents listed in Part B of Annex 3 will in all cases be requested from the winning tenderer.

Candidates who do not provide the documentation specified, or who are judged, on the basis of the documentation provided, not to have fulfilled the criteria specified in Annex 3 to the invitation to submit a request to participate (points B.4 to B.14), will be excluded.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities to achieve the required level of economic, financial and technical capacity, regardless of the legal nature of the links that it has with them (subcontractor, parent company, third party). It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary to perform the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

If a third party provides the whole or a very large part of the financial capacity, the Contracting Authority may demand that that entity signs the contract or that it provides a joint and several first-call guarantee, should that tender be awarded the contract.