

**FRAMEWORK CONTRACT FOR ORGANISATION
OF EVENTS OUTSIDE OF POLAND**

Annex I - Tender Specifications

Open tender no Frontex/OP/408/2016



I. GENERAL INFORMATION

I.1 General Information on Frontex

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established by the Council Regulation (EC) 2007/2004 of 26 October 2004 as subsequently amended, (hereinafter called “Frontex Regulation”) with a view to improving the integrated management of the external borders of the Member States of the European Union.

Frontex started to be fully operational on 3 October 2005 with its seat in Warsaw, Poland. Currently, Frontex has approx. 300 staff members.

Responsibility for the control of external borders of the Member States of the European Union lies with the Member States. Frontex strengthens border security by ensuring the coordination of Member States’ actions in the implementation of Union measures relating to the management of the external borders.

Frontex liaises closely with other EU bodies and partners responsible for the security of the external borders, such as Europol, CEPOL, EMSA, the customs cooperation and the cooperation on phyto-sanitary and veterinary controls, in order to promote overall coherency. Frontex actively promotes cooperation with other border related law enforcement bodies responsible for internal security at EU level.

The activities of Frontex are intelligence driven. Frontex complements and provides particular added value to the national border management systems of the Member States and to the freedom and security of their citizens.

Frontex is a key player in the implementation of common EU policy for Integrated Border Management and it actively promotes the gradual development and the effective functioning of the EU Integrated Border Management System.

Further information about Frontex can be found on the Agency’s web site at www.frontex.europa.eu.

I.2 Procurement procedures

For its fast growing organisation and performance, Frontex is in constant need of goods and services. Tendering is the structured way to consult the market for the purchase of these goods and services.

The purpose of competitive tendering for awarding contracts is two-fold:

- To ensure the transparency of operations;
- To obtain the desired quality of services and supplies at the best possible price.

The procurement procedure is governed by the following legal provisions:

- a) Part 1, Title 5 of the Regulation (EC, Euratom) of the European Parliament and of the Council of No 966/2012 of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L298 of 26/10/2012); as amended;
- b) Commission delegated Regulation (EU) No 1268/2012 of 29 October 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;

I.3 Eligibility

The participation in tender procedures is open on equal terms to all firms under the condition that:

- a) They are not in any of the situations excluding them from participation and that they have no conflict of interest in connection with this contract;
- b) They have all the necessary knowledge and experience as well as technical and human resources to implement the contract; and
- c) They possess adequate economic and financial capacity to perform the required services.

I.4 Penalties

Without prejudice to the application of liquidated damages laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in point III.3 or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant shall be subject to the administrative and financial penalties set out in Article 145 of the above mentioned Commission delegated Regulation No 1268/2012 of 29/10/2012.

I.5 Joint Tenders

No special legal form is required but, in the event a group of contractors submits an acceptable offer, it shall be necessary to provide an undertaking that each company shall be jointly and severally responsible for the due performance of the contract. In the case of a consortium bid, the contractor shall be required to act on behalf of the consortium.

Statements saying, for instance, that:

- a) "...one of the partners of the joint tender shall be responsible for part of the contract and another one for the rest...", or
- b) "...more than one contract shall be signed if the joint tender is successful..."

are thus incompatible with the principle of joint and several liability.

Frontex shall disregard any such statement contained in a joint tender, and further reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the tendering specifications.

I.6 Sub-contracting

Sub-contracting is allowed, provided that the subcontractor(s) and his scope of work shall be clearly indicated in the tender. Nevertheless, the responsibility for the full execution of the contract rests with the contractor, as Frontex has no direct legal commitment with the subcontractor(s).

Accordingly:

- a) Frontex shall treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor;
- b) Under no circumstances the main contractor can avoid liability towards Frontex on the grounds that the subcontractor is at fault.

If subcontracting is envisaged in the tender it shall include a complete documentation that:

- a) defines clearly the roles, activities and responsibilities of subcontractor(s);
- b) specifies the volume / proportion of the tender being subcontracted for each subcontractor; and
- c) contains a letter of intent by each subcontractor stating its intention to collaborate in case the contract is awarded.

All members of the consortium and subcontractors shall meet the eligibility and exclusion criteria given in points I.3 and III.3.

I.7 Cost of preparing tenders

The invitation to participate in a tender procedure does not constitute any commitment on behalf of Frontex for award of the contract to a company. Frontex shall not reimburse any costs incurred by tenderers in preparing and submitting offers.

I.8 Misrepresentation and corruptive practices

The contract shall not be awarded to tenderers who, during the procurement procedure:

- a) are subject to a conflict of interest;
- b) are guilty of misrepresentation in supplying the information required by Frontex as a condition of participation in the contract award procedure or fail to supply this information;
- c) attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or Frontex during the process of examining, clarifying, evaluating and comparing tenders.

All the above-mentioned circumstances shall lead to the rejection of this offer and may result in administrative penalties.

I.9 Confidentiality and public access to documents

In the general implementation of its activities and for the processing of tendering procedures in particular, Frontex observes the following EU regulations:

- a) Regulation (EC) No. 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
- b) Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

II. SPECIFIC INFORMATION

II.1. Scope and contractual information

II.1.1 Scope of contract

The purpose of this tender is to identify a service provider which shall be entrusted with organisation and coordination of Frontex events i.e. conferences and meetings outside of Poland. Detail description of the services required are included in the Terms of reference (Annex II).

The contractor will be responsible for arrangement of services related to the functioning and organisation of events outside of Poland. The contractor shall delegate a Project Manager responsible for the coordination of services related to Frontex events. The contractor shall be entrusted with the organisation, contracting and payment for the services according to the terms and conditions indicated in Annex II - Terms of reference. Frontex shall reimburse the costs and pay to the contractor a fee for its services included in the contractor's offer.

II.1.3 Contractual information

Frontex will conclude a framework contract with the selected tenderer on the basis of the draft contract included in Annex V.

This framework contract will establish the terms governing specific orders to be awarded during a given period. Signature of the framework contract imposes no obligation on Frontex to order services. Only the implementation of the framework contract through specific orders is binding for Frontex. Each specific order will contain details of deliverables and timelines for particular services to be provided.

II.1.4 Duration of the contract

The duration of the contract is 1 year with the possibility to prolong it maximum 3 times, each time for a period of one (1) year and on the same conditions unless one of the parties informs the other of its intention not to extend the framework contract and such notification is received by the party to which it is addressed, no later than three months before the contract expires. The overall duration of the framework contract may in no event exceed four (4) years.

II.2. Form and content of the tender

The tender shall be clear and concise, with continuous page numbering, and assembled so as to constitute a coherent whole (e.g. bound or stapled, etc.).

The tender shall include all the information and documents required by Frontex for the appraisal of tenders on the basis of the award criteria, and in accordance with these specifications and the relevant Terms of Reference, in the absence of which, Frontex may decide to exclude the tender from the awarding procedure for the contract.

II.2.1 Documents to be included in the offer

The offer shall contain the following documents as attached to the relevant Terms of Reference, including:

a) Technical Proposal

The Technical Proposal shall be consistent with the Terms of Reference and shall contain the following information:

- detail description concerning infrastructures and resources that will be used in order to provide the required services, how the staff will be organised in order to guarantee efficiency and continuance towards the services required under the contract (including language skills and replacement procedure of the main staff dealing with Frontex conferences in line with Terms of reference);
- detail description concerning the methodology that will be used (how the tasks will be organised) in providing the services under the contract;
- proposal of the summary of the costs related to the conferences in general (required in the point II.3.2 Selection of suppliers - sub-points 2.2. and 2.3);

b) **Financial proposal** in accordance with the template provided in Annex IV - Financial proposal.

The payments related to the services covered by the contract will be made in euro.

If the tenderer is subject to VAT the offer should clearly state the rate applicable.

In preparing the Financial Offer, the Tenderer should take into account that Frontex is, in general, exempt from all taxes and dues pursuant to the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty, signed in Brussels on 8 April 1965 (OJ no. 152 of 13 July 1967), establishing a Single Council and a Single Commission of the European Communities.

The contractor, if established outside of Poland, shall take the necessary steps in order to obtain, from the competent national authorities, exemption from VAT in respect of the supplies and services to be provided under the contract concluded with Frontex. Frontex will assist the contractor by issuing "VAT and Excise Duty Exemption Certificate" - 1510 Form used for this purpose by the European Community.

VAT amount shall not be taken into consideration in the evaluation of financial offers.

c) Supporting documentation

The supporting documentation is an important part of the offer and shall be complete to guarantee that the technical proposal shall be evaluated. The supporting documentation, for each lot, shall contain the following elements:

1. Tenderer's Declaration of Honour (Annex III),
2. Tender Submission Form - duly filled and signed by the authorised representative of the Tenderer (Annex VI),
3. Documents confirming fulfilment of legal, economic and financial capacity as requested in point III.4.1 and III 4.2.

III. EVALUATION OF OFFERS

Offers are opened and evaluated by duly designated opening board and evaluation committee, possessing the technical and administrative capacities necessary to give an informed opinion on the offers.

III.1 Offer opening session

The main aim of the non-public opening session is to check whether the offer received is compliant with the following formal requirements:

- a) Not submitted later than the submission deadline, and
- b) The envelope containing the offer is sealed.

The offer opening session shall take place on 19 September 2016 at 11:00 (Warsaw time) at the premises of Frontex, Plac Europejski 6, 00-844 Warsaw. Tenderers wishing to attend the opening session shall send a

confirmation e-mail or fax to the Procurement Sector (procurement@frontex.europa.eu, Fax: +48 22 5449501). A maximum of one representative per tenderer may attend the opening session. Their participation shall be restricted to an observer's role.

III.2 Offer evaluation session

Offers complying with the formal requirements checked during the offer opening session shall be considered eligible and will be evaluated against the following criteria:

- a) Exclusion criteria
- b) Selection criteria
- c) Award criteria

The evaluation committee's deliberations are held in closed sessions and its decisions are collective. The members of the evaluation committee are bound to secrecy.

III.3 Exclusion criteria

Tenderers or in case of consortium all members of consortium will declare on their honor, by completing and signing Annex III that they are not in any of the situations excluding them from the participation in this tender.

III.4 Selection criteria

Each offer shall be verified against the criteria specified below. Incomplete tenders shall be rejected. However, Frontex may request that missing formal documents are submitted by email (normally these are to be submitted within 48 hours following the request).

III.4.1 Legal capacity

The tenderer shall provide evidence that is authorised to perform the contract under the national law by provision of the evidence that the tenderer is already established as a recognised legal entity and is registered in a relevant professional or trade register.

III.4.2 Economic and financial capacity

The tenderer shall provide evidence of its sufficient economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract as follows:

- a) the tenderer shall provide Frontex with its profit and loss accounts and balance sheets for the past three financial years for which accounts have been closed, on condition that the publication of profit and loss account and balance sheets is stipulated by the legislation on firms in the country where the tenderer is established;
- b) the tenderer shall provide Frontex with a declaration of the company's total turnover from the past three years for which accounts have been closed (information shall be provided separately for each year); the average annual turnover over the last 3 years must be greater than EUR 2 000 000;
- c) the tenderer shall provide a recent (issued at in the last 3 months) statement from the tenderer's Bank indicating good general financial viability of said company and its ability to access to a credit line in the amount of at least of EUR 500 000 (or equivalent in local currency).

III.4.3 Technical and professional capacity

The tenderer shall provide evidence of its technical and professional capacity to perform the contract as follows:

- A. the tenderer must have at least three years of professional experience in providing similar services, i.e. managing conference services;**

Evidence of that must be provided by:

- Provision of the company's portfolio confirming the tenderer's experience;
 - Provision of a list of contracts performed during the last 3 years which correspond to the services required within this call for tenders, indicating their customers, financial volume, scope and complexity;
 - Provision of at least 5 reference letters from the customers specified above confirming good quality of the services provided; e-mails or self-declarations by the tenderers shall not be accepted;
- B. the tenderer must prove and demonstrate its relevant personnel capacity and technical ability to provide all the services required under the prospective contract;**

The following documents or/and information shall be presented as evidence of compliance with the technical and professional capacity criteria listed above:

- overview on the company technical and human resources confirming the tenderer's capacity to perform the contract;
- CV(s) of the dedicated staff with the indication of the possessed level of knowledge of languages and professional qualifications to perform the services;

Only the offers meeting the Selection Criteria will pass to the next stage of the evaluation.

III.5 Award criteria

Once the tenderer has demonstrated the capacity to perform the contract on the grounds of the selection criteria, the offer will be assessed on the basis of the award criteria.

The award criteria serve to identify the most economically advantageous tender. The quality of each offer will be evaluated in accordance with the award criteria and the associated weighting. No award criteria and sub-criteria others than those detailed below will be used to evaluate the offer.

The contract shall be awarded to the tenderer offering the best value for money, with 60/40 ratio for the technical quality and price.

III.5.1 Technical evaluation

Technical quality of the offer will be evaluated in accordance with the following Technical Evaluation criteria:

Offers scoring less than 60% for any criterion will be deemed to be of insufficient quality and eliminated from further consideration.

	Criterion	Maximum number of points
1.	Composition and suitability of the proposed team (including composition & balance of profiles), how the staff will be organised in order to guarantee efficiency and continuity in response to the requirements listed in Annex II Terms of Reference	40
2.	The relevance, clarity and quality of the methodology proposed to perform the services and adequate allocation of tasks.	40
3.	The relevance, clarity and quality of the costs summary.	20
	Total:	100

The offer which receives the highest number of points at the Technical Evaluation, will receive 100 points of the Individual Technical Score.

Individual Technical Score for the remaining offers will be calculated as follows:

(number of points of the subject tender / number of points of the best tender) x 100

III.5.2 Financial evaluation

The points will be awarded to the tenders eligible to participate in the financial evaluation on the basis of the following formula (based on the fees offered presented in Annex IV - Financial offer template):

Fee 1 x 0.5 + Fee 2 x 0.3 + Fee 3 x 0.2 = referenced fee

The following formula will be applied for establishing the Individual Financial Score:

(lowest referenced fee / referenced fee of the tender in question) x 100

III.5.3 Final evaluation

The contract will be awarded to the tenderer offering the best price/performance ratio, with a 60/40 weighting between technical quality and financial offer.

Final score = technical score x 0.6 + financial score x 0.4

The contract will be awarded to the tenderer receiving the highest final score.

III.6 Assessment of joint tenders and tenders involving sub-contracting

Joint tenders shall be assessed as follows:

- a) The exclusion criteria and the selection criteria for economic and financial capacity shall be assessed in relation to each company individually.¹
- b) The selection criteria for technical and professional capacity shall be assessed in relation to the combined capacities of all members of the consortium, as a whole.
- c) The award criteria shall be assessed in relation to the tender, irrespective of whether it has been submitted by a single legal or natural person or by a tendering group.

Joint offers in the stage following the award:

If the tenderer submits a joint offer but has not yet set up an entity with a legal form, and if he is awarded the contract, the contracting authority may require the tenderer to give a formal status to his collaboration before the contract is signed, if this change is necessary for proper performance of the contract. This can take the form of an entity with or without legal personality but offering sufficient protection of Frontex contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract shall be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the group (a power of attorney or sufficient authorisation has to be provided and shall be attached to the contract as an annex), when the tenderers have not formed a legal entity.

Tenders involving subcontracting shall be assessed as follows:

- a) The exclusion criteria and the selection criteria for economic and financial capacity shall be assessed in relation to each company individually².
- b) The selection criteria for technical and professional capacity shall be assessed in relation to the combined capacities of the tenderer and the subcontractor, as a whole, to the extent that the subcontractor puts its resources at the disposal of the tenderer for the performance of the contract.
- c) The award criteria shall be assessed in relation to the tender. Subcontracting as such cannot be an award criterion

¹ For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with the respect to the specific procurement, a consolidated assessment of all members of consortium together shall be made.

² For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with the respect to the specific procurement, a consolidated assessment of a tenderer plus subcontractor together shall be made, to the extent that the subcontractor puts its resources at the disposal of the tenderer for the performance of the contract.