



European Securities and
Markets Authority

Tender specifications

Consultancy for services in the field of facility management

Invitation to tender n° PROC/2019/01

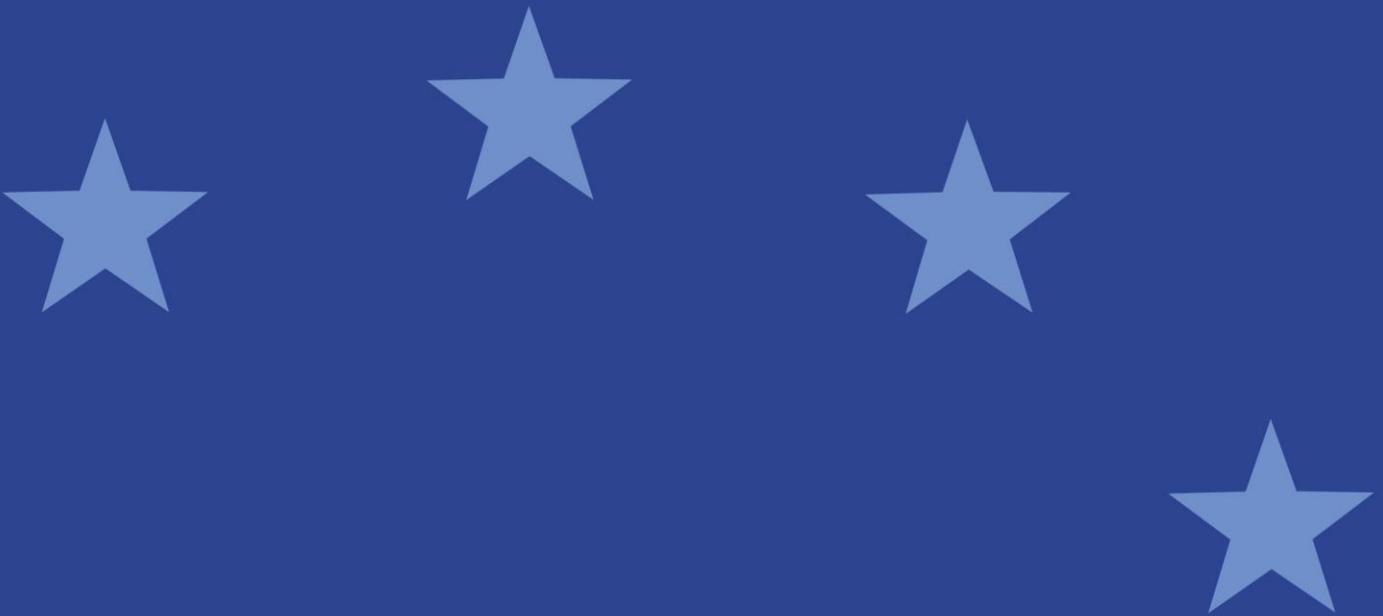


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Acronyms and definitions

ESMA	European Securities and Markets Authority
EBA	European Banking Authority
FR	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
contracting authorities	ESMA, EBA and in singular used for any of them during implementation of framework contracts. Each one can be defined singularly as “contracting authority”.
tenderer	Entity responding to the open call for tenders.
contractor	The company, to which it has been awarded the framework contract.
consultant	The person who provides services to a contracting authority via the framework contract with a specific contract or an order form.

1 Overview

1.1 Introduction to contracting authorities

The European Securities and Markets Authority (ESMA) is a European Union agency established by the European Parliament and Council Regulation 1095/2010 of 24 November 2010. It has its seat in Paris, France.

ESMA's mission is to enhance investor protection and promote stable and orderly financial markets. The mission consists of three objectives:

- Investor protection
- Orderly markets
- Financial stability

Its objectives are achieved through four activities:

- assessing risks to investors, markets and financial stability;
- completing a single rulebook for EU financial markets;
- promoting supervisory convergence; and
- supervising specific financial entities.

Further information about ESMA can be found on the ESMA website www.esma.europa.eu.

The European Banking Authority (EBA) was established by Regulation (EC) No. 1093/2010 of the European Parliament and of the Council of 24 November 2010. EBA came into being on 1 January 2011 as part of the European System of Financial Supervision (ESFS). EBA is a specialised agency of the European Union, which works to ensure effective and consistent prudential regulation and supervision across the European banking sector. Its overall objectives are to maintain financial stability in the EU and to safeguard the integrity, efficiency and orderly functioning of the banking sector.

The main task of EBA is to contribute to the creation of the European Single Rulebook in banking whose objective is to provide a single set of harmonised prudential rules for financial institutions throughout the EU. EBA also plays an important role in promoting convergence of supervisory practices and is mandated to assess risks and vulnerabilities in the EU banking sector. It seeks to ensure these common rules are understood and applied by banking supervisors across the EU in a consistent and harmonised way. Its work aims at upgrading the quality and consistency of supervision across the EU as well as strengthening oversight of cross-border groups i.e. those banking groups, which operate in more than one EU Member State.

EBA acts as the cornerstone of a consistent and transparent single market for EU banking that is beneficial to all: businesses, consumers and the broader EU economy. By providing the regulatory framework for the integrity and efficiency of banking in the EU, EBA contributes to financial stability across the Union. EBA is currently based in London and employs a total of

169 staff from 27 EU Member States. In 2019, EBA will relocate to Paris La Défense. Further information on EBA can be found on the EBA website www.eba.europa.eu.

1.2 Outline of the procurement procedure

Name: PROC/2019/01 - Consultancy for services in the field of facility management

Procedure: Open procedure

ESMA and EBA (contracting authorities) would like to sign framework contracts for consultancy for services in the field of facility management that are described in these tender specifications and their annexes.

The facility management and operation services support the contracting authorities' staff and visitors providing services mainly in the fields of facility management and logistics.

This procurement procedure concerns the establishment of multiple framework contracts in cascade signed between the contracting authorities represented by ESMA and maximum three successful tenderers. The framework contracts will be executed through specific contracts or order forms that will be signed separately by each contracting authority. Any reference to specific contracts in these tender specifications applies also to order forms.

In drawing up their tenders, tenderers should bear in mind the provisions of the draft contract in Annex I. The contract will contain all of the legal, financial, technical and administrative provisions between contracting authorities and the contractor for the period of its validity.

Contractual negotiations will not be possible after submission of the tenders. Therefore, any issues in relation to the draft contract must be clarified in the framework of a request for information prior to the submission of a tender.

The duration of the framework contracts shall be one year with three possible extensions of one year each. The maximum expenditure for the complete lifetime of the contracts shall be €2,810,000

This open call for tenders is divided into lots, the detail estimation per lot is as follows:

Lot	Maximum budget (in euro)
Lot 1	450,000
Lot 2	800,000
Lot 3	1,050,000
Lot 4	510,000

Please note that the estimated needs for services may evolve. The volumes indicated are estimates only and the actual volumes of the contracts depend on the quantities the contracting authorities will order. It should be stressed that framework contracts involve no direct commitment and, in particular, do not constitute orders per se.

According to Point 11(1)(e) Annex 1 FR, the contracting authorities may make use of a negotiated procedure without prior publication of a contract notice to increase the value of the contract up to 50% or to procure new services that are in conformity with the subject of this procurement procedure and are requested because of change of contracting authorities' needs. This procedure may be used in compliance with Point 11(1)(e) Annex 1 FR only during the execution of the original contract and at least during the three years following its signature.

1.3 Timetable

Activity	Date	Comments
Launching of tender	08/02/2019	Dispatch of contract notice to the OJ
Deadline for request of clarifications from ESMA	08/03/2019	
Site visit or clarification meeting (if any)		Not applicable to this procedure
Last date on which clarifications are issued by ESMA	12/03/2019	
Deadline for submission of offers (OFFERS MUST BE SUBMITTED IN e-Submission)*	18/03/2019	23:59 (Paris, CET)
Interviews (if any)		Not applicable to this procedure
Opening session	19/03/2019	At 10:00 (Paris, CET)
Date for evaluation of offers	01/04/2019	Estimated
Notification of award to the selected Tenderer	08/04/2019	Estimated
Contract signature	15/04/2019	Estimated

2 Information on tendering

2.1 Submission of tenders

The submission of tenders must be made according to the instructions laid down in the "Invitation to tender" and in the "e-Submission guide" available via the following link https://webgate.ec.europa.eu/esubmission/assets/documents/manual/quickGuide_en.pdf.

To avoid any complications with regard to late receipt/non-receipt of tenders within the deadline, tenderers should ensure that they submit their tender several hours before the deadline at the latest. Please note that you are responsible to ensure that your full tender reaches the destination in due time. A tender received after the deadline indicated in the procurement documents will be rejected.

Each economic operator can only submit one tender per lot (as a sole tenderer or as a member of a tendering group).

2.2 Participation of consortia

A consortium may submit a tender on condition that it complies with the rules of competition.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific tender procedure. Such grouping (or consortium) must specify the legal entity heading the project (the leader) and must also submit a copy of the document authorising this legal entity to submit a tender. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the contracting authorities.

Joint offers shall be assessed as follows:

- The exclusion and selection criteria for legal capacity will be assessed in relation to each legal entity individually (therefore must be provided for each legal entity).
- The selection criteria for economic and financial capacity and professional capacity will be assessed in relation to the tendering group as a whole.
- The selection criteria for professional capacity will be assessed in relation to the tendering group as a whole.
- The award criteria will be assessed in relation to the tender.

The participation of an ineligible legal entity will result in the automatic exclusion of that legal entity. It should be noted that if an ineligible legal entity belongs to a consortium the whole consortium shall be excluded.

2.3 Subcontracting

If subcontracting is envisaged, the tenderer must clearly indicate in the tender which parts of the work will be subcontracted.

If the tender is successful, the main contractor retains full liability towards the contracting authorities for performance of the contract as a whole. Contracting authorities do not recognise any contractual link between themselves and subcontractors and will address contractual matters exclusively with the main contractor – whether or not tasks are performed by a subcontractor.

Tenderers are required to identify subcontractors whose share of the contract is above 20%.

Tenders with subcontracting, identified as above, shall include:

- a document mentioning the reasons why subcontracting is envisaged and stating clearly the names, roles, activities and responsibilities of subcontractors, and
- a letter of intent from each subcontractor stating indicating willingness to collaborate with the tenderer in case it wins the contract.

Tenders involving subcontracting shall be assessed as follows:

- The exclusion and selection criteria for legal capacity will be assessed in relation to the tenderer and each subcontracted company individually (therefore must be provided for each company).
- The selection criteria for economic and financial capacity and professional capacity will be assessed in relation the tendering group as a whole.
- The award criteria will be assessed in relation to the tender.

Where no subcontracting information is provided, the work will be assumed to be carried out directly by the tenderer.

During contract performance, the change of any subcontractor identified in the tender or additional subcontractor with share above 20% will be subject to prior written approval of the contracting authorities.

2.4 Identification of the tenderers

The tender must include a cover letter drafted using the template found in Annex III to these Tender Specifications. The cover letter must present the name of the tenderer (including group leader and all members of the consortium/tendering group in case of a joint tender) and identified subcontractors if applicable, and the contact information of the single contact person in relation to this tender.

In case of sole tenderer, the cover letter must be signed by the person(s) empowered to represent the tenderer and entitled to sign the contract in case the tender is successful. The power of the person(s) to represent the tenderer and sign the contract in case the tender is successful must be evidenced by appropriate written evidence (copy of the notice of appointment of the person(s) authorised to represent the legal entity in signing contracts, together or alone, on behalf of the legal entity, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication or a power of attorney from a duly authorised representative accompanied by evidence proving the chain of authorisations).

In case of a joint tender, the cover letter must be signed by (a) duly authorised representative(s) for each member of the tendering group who is/are empowered to represent the respective group member and entitled to sign the contract in case the tender is successful. The delegation of the authorisation to the representative(s) that signed the cover letter 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, on behalf of the legal entity, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication or a power of attorney from a duly authorised representative accompanied by evidence proving the chain of authorisations).

3 Terms of reference

Contracting authorities will require the contractor to provide full services around soft facility management services such as reception, management of inventory and assets, post office,

facility management support and helpdesk, security, handyman, travel arrangements and event planning, for their office and staff in Paris (ESMA) and Paris La Défense (EBA).

The contractor shall provide highly professional services inside the premises of the contracting authorities' adapted to the international and european audience. On a daily basis, the contracting authorities organise high-level meetings, conferences and trainings with experts and representatives from other EU bodies.

ESMA's office and staff are currently located in 103, rue de Grenelle, 75007 Paris. The current lease agreement expires on 31 December 2019, therefore, ESMA and its staff will move to another location in 5-9 rue Van Gogh, 75012 Paris from the fourth quarter of 2019.

EBA is currently located in London, United Kingdom, with plans to be relocated to 20, Avenue André Prothin, 92400 Courbevoie, France, in the second quarter of 2019.

3.1 Lots

The tender is divided into four (4) lots:

- Lot 1: Reception and hostess services
- Lot 2: Handyman
- Lot 3: Administrative and facility management support
- Lot 4: Security guards

3.2 Description of the services & scope of the contract

Tenderers must submit an offer for at least one lot (there will be maximum three contracts in cascade per lot) as it follows:

The tenderer shall be in a position to provide all the services requested for each individual lot it applies to.

The detailed description of the lots of the above services is provided here below and the service level requirements are described below and in Service Level Agreement (Annex IV).

3.3 General service description and service level requirements

The requirements of each lot will be defined, hereinafter, following these categories: description of the service, reference documents, time requirements, specific requirements for the provision of the service.

The service description should never restrict the contracting authority from assigning additional duties related to the main tasks, when needed.

In case that the national law applicable on the tenderer limits possibility to ask for employee's criminal record or this type of certificate is not available under the national law, the tenderer is

obliged to use any similar mechanism that is useful in this area and is commonly used as a substitute in that country.

Profile requirements for all lots:

The consultants should have the following characteristics:

- High service-oriented approach towards internal customers and peer colleagues;
- a level of post-secondary education attested by a diploma, or a level of secondary education attested by a diploma giving access to post-secondary education
- a good command of English and French (at least B2);
- good communication skills and at least average computer skills, these namely in the MS Office suite, as this is essential in regard to successful execution of the daily tasks;
- be physically fit to perform the duties linked to the post.

Additional requirements per lot

Lot	Additional requirements
Lot 1	<ul style="list-style-type: none"> • Very good communication skills • Smart business outfit
Lot 2	<ul style="list-style-type: none"> • Professional experience in interconnecting and/or configuring audio/video devices or operating and solving problems with conference equipment will be an asset • Business casual outfit
Lot 3	<ul style="list-style-type: none"> • Professional experience of at least two (2) years in administrative or operational support, preferably in the fields of business trips management • Business casual outfit
Lot 4	<ul style="list-style-type: none"> • At least two (2) years of experience in the field of physical security • Training in first aid (need to hold a valid certificate) • Training for security personnel as required by the local regulations • Previous working experience in police/military/rescue service

3.4 Description of the lots

3.4.1 Lot 1: Reception and hostess services

a) Description of the reception service

The reception desk is the first interface of the organisation towards the outside world. The aim is to have in place professional reception services in order to welcome visitors and manage incoming phone calls ensuring a high level of corporate image of the contracting authorities.

The business duties of the receptionist/s include the following activities/tasks:

b) Activities and tasks

Reception of visitors and meeting participants:

- to receive & register external meeting participants;
- to contact the team assistants, to inform them and give meeting details to guide the guests to the appropriate meeting room; to act proactively and ensure the participant list on the desk before the meeting starts;
- to register all meeting participants in the participant list;
- to welcome newcomers, giving them the welcome list;
- to give meeting details;
- to send and receive post deliveries;
- to order taxis when requested;
- to give support to the security and safety officer on the access procedure (verify employee identification, issue visitor passes, observe and report any unusual or suspicious persons or activities);
- to provide support to the main reception of the building, upon request of the contracting authorities.

Switchboard:

- to operate the contracting authority's switchboard and generic e-mail;
- to answer calls, reply and prepare messages to the internal mailbox;
- to check the answerphone frequently;
- to maintain the database;
- to prepare messages for the days the contracting authorities are closed.

Mail management:

- to provide a complete service of reception and dispatch of mails & parcels every working day of the contracting authorities are opened;
- to scan letters/parcels through a dedicated device and perform a visual inspection of letters/parcels delivered;
- to coordinate with the handyman for the expedition of mails and parcels to the contracting authority's staff;
- to deal with all kind of incoming and outgoing mails/& express mail / packages;
- to act as the main point of contact for dissemination of information regarding postal charges, procedures and regulations;
- to monitor the deliveries and prepare the administrative part;
- to dispatch incoming faxes and newspaper;
- to manage issues as first point of contact with local post distribution companies (i.e. La Poste);
- to scan and register incoming mail and emails through the mail registration procedures of the contracting authority.

- to ensure the reception area is neat and tidy at all times and to liaise with cleaning company for intervention.

Time requirement

The contractor shall ensure continuous service from Monday to Friday, with detailed service hours to be defined by the contracting authorities. As an example for ESMA, service is currently ensured from 8 am to 7 pm by two people covering, each, half of the period.

A coverage solution shall be proposed during regular breaks and lunchtime if the reception desk is to be unattended for more than 10 minutes.

c) Description of the hostess service

The contracting authority requires the service of hostess in order to welcome and manage participants when organising events in the premises while ensuring a high level of corporate image of the contracting authority.

d) Activities and tasks

Reception of visitors and meeting participants:

- to receive & register external meeting participants;
- to distribute to each visitor a dedicated badge and welcome package if available;
- to contact the team assistants, to inform them; to give meeting details to guide the guests to the appropriate meeting room;
- to escort guest to the place of the event;
- to order taxis when requested;
- to give support to the security and safety officer on the access procedure (verify employee identification, issue visitor passes, observe and report any unusual or suspicious persons or activities).

Time requirement

- The service will be provided upon request depending on events organised by the contracting authority. The request will be sent at least a week in advance.

3.4.2 Lot 2: Handyman

a) Description of the service

The aim of this service is to support in managing the contracting authority's office supplies and stationery materials, distribute mails to the various building floors and prepare and check meeting rooms according to general or specific requirements.

b) Activities and tasks

Meeting room preparation/checks

- to prepare meeting rooms according to general or specific requirements (placement of furnitures, connection of devices e.g: screens, speakers, microphones, etc.);
- to ensure the smooth running of the management systems for audio-visual equipment in meeting rooms;
- to find solutions in the event of breakdown of conference and audio-visual facilities;
- to monitor cleanliness and readiness of rooms and liaise with facilities team on upcoming issues and problems;
- to provide assistance with the organisation and running of meetings;
- to move furniture in the meeting rooms and in the common areas;
- to check periodically the set-up of meeting room and the functioning of their equipment, according to the working instructions of the contracting authorities.

Mail Distribution:

- to communicate with the post officer regularly;
- to distribute the mail floor by floor throughout the building;
- to receive external deliveries and distribute heavy boxes/items to the post office or the recipients;
- to collect heavy boxes/items/piece of furniture to be sent out from the desk of the sender to the post office.

Stationery/furniture stocks:

- to check and refill regularly first aid boxes and the stationary storage located in the building;
- to take care of small repairs and to guarantee the transport of assets between the contracting authority's floors;
- to assemble new pieces of furniture;
- to identify lost and broken items

Logistics helpdesk management:

- to undertake and transfer the maintenance requests received by the helpdesk to the third party or deal directly with the repair;
- to coordinate the requests in liaison with the contracting authority's staff, and provide appropriate and timely follow-up;
- to give support to FM staff
- to perform any other tasks required within the building perimeter where the contracting authority is located.

Time requirement

The contractor shall ensure continuous service on working days for the contracting authorities from Monday to Friday, depending on the needs of the contracting authorities. For example,

currently at ESMA, service is uninterrupted from 7 am to 7 pm with various shifts and partial overlapping of shifts during the central hours of the day.

The contracting authority can require the service out of the regular working days or hours. In this case, the contracting authority will inform the contractor 48 hours in advance. Overtime is considered for time beyond 40 hours a week because the contracting authorities standard shift is of 40 hours a week.

Specific requirements for the provision of the service

- The contractor shall guarantee transport of assets/materials and provide personal protective equipment (if applicable).

3.4.3 Lot 3 Administrative and facility management support

a) Description of the service

The aim of this service is to provide administrative support to the facility management team of the contracting authorities, in areas such as travel arrangement, meetings and event organisation, reimbursement of staff and experts, mail management and any other administrative task.

b) Activities and tasks

Travel arrangement

- to organise travel arrangements, to liaise with the contracting authority's staff and the travel agency, to verify invoices from the travel agency and to prepare related payments;
- to provide report on travel activities.

Event organisation

- to organise operational support for a large number of meeting rooms by allocating technical and human resources to ensure the smooth running of the operational services;
- to assist with negotiations to book event space;
- to arrange all necessary catering services, food and beverage;
- to liaise with all the logistics arrangements for the event (to order supplies, prepare event signs, ensure the proper working of the audio-visual equipment, support preparation of nametags, materials, notebooks, packages, gift bags, registration lists, seating cards, etc.);
- to assist with preparing budgets of events, to conduct research, make site visits, and find resources to help staff in making decisions about event possibilities;
- to revise room layouts for each event;
- to propose new ideas to improve the event planning and implementation.

Administrative support

- to manage expert and stakeholder's reimbursement;
- to request purchase order and quotation from contractors. Assisting in planning and monitoring of the budget;
- to provide administrative support in all areas of the facility team of the contracting authority.

Time requirement

The contractor shall ensure 8 hours of services 5 days a week. Overtime is considered for time beyond 40 hours a week because the contracting authorities standard shift is of 40 hours a week.

3.4.4 Lot 4 Security guard (unarmed)

a) Description of the service

The aim of the service is to carry out all duties regarding the physical security of the contracting authority as instructed by the contracting authority's representative.

b) Activities and tasks

- to check the identity of visitors accessing the authority's premises;
- to perform inspection of personal belonging of the visitors;
- to rapidly intervene in case of any unforeseen events;
- to provide advice and support on physical security;
- to carry out regular patrols at the contracting authority's premises paying special attention to defective equipment, installations and security systems in certain areas of the contracting authority as instructed by the authority's representative;
- to record in detail all abnormalities and reporting them to the contracting authority's representative with no delay;
- to collect items found during the patrol rounds and delivering them to the contracting authority's representative;
- to escort contractors within the contracting authority's premises;
- to assist the contracting authority's emergency responses;
- to perform roving patrols also during the contracting authority's closing hours;

Time requirement

The service will be provided no later than 48 hours upon request of the contracting authority.

3.5 Minimum Service Obligations

Pursuant to European and French legislation, the contractor should provide to ESMA all the relevant documents related to subcontracting, work and residence permits, and the posting of employees.

Those documents, initially requested by ESMA, should be updated regularly according to the applicable legal or regulatory provisions.

The contractor is accountable for providing in advance, the necessary updated documents during the term of the agreement.

The contractor is accountable for informing ESMA of the contractual status of the consultant(s) and the compliance of their contract with the social security legislation (in particular the legal obligations relating to the payment of social security contributions for persons posted abroad).

This information should be provided before the start of a service, otherwise the agreement may be terminated.

In general, and without restriction, the contractor is fully committed to respecting European and French legislation for the above-mentioned topics. If requested by the contracting authority (in particular for lot 1, 2 and 4), the contractor shall propose replacement solutions to cover unscheduled absences (flying receptionist, etc.).

In general, for any absence longer than 24 hours (holidays, training, etc.), the contractor shall provide the contracting authority with a regular replacement to cover the absence ensuring quality of services.

The contractor's personnel must respect the contracting authority rules and regulations relevant for the above listed services, in the implementation of their activities. Under no circumstances the contractor's personnel will be considered or treated as the contracting authority's personnel.

The contractor shall ensure that its personnel signs an individual non-disclosure agreement prior to the implementation of any assignment with the contracting authority, to ensure the confidentiality of classified information.

3.6 Timesheet

The contractor shall provide a solution for tracking the daily presence (hours worked each day) and attendance of consultants (for example on line tool, phone logging tool, etc.), to extract reports that should be sent quarterly to the contracting authority for the invoicing.

3.7 Contract coordinator

A single contract coordinator will be nominated by the contractor to liaise with the contracting authority. He/she is responsible for the following duties:

- contract management;
- people management;
- invoicing;
- quality control;
- actions and follow up on problems identified;
- reporting;
- to actively participate in quarterly contract review meetings with the contracting authority, with a view to facilitate the information flow and co-operation among team members;
- to provide quantitative and qualitative feedback at regular intervals to the contracting authority, on the main issues encountered in the reported period.

3.8 Target performance levels

In order to assess the service quality required, target performance levels are to be set out at the beginning of the contract.

Their assessment lies on:

- Customer satisfaction review (to be organised by the contractor) and evaluation report in a format to be agreed with the contracting authority. These reports shall be attached to the invoices.
- A quarterly performance report shall be prepared by the contractor and communicated to the contracting authority in advance. This report would be used as a benchmark analysis for the contracting authority management.

It shall include as a minimum:

- Statistics on main indicators and performance levels (see below) related to the execution of the contract/s.
- Performance reached in the last period against the target performances.
- Main issues (failure by a consultant to perform, planned holidays, etc.).
- Action plan for the next period.
- Area of improvements (in terms of cost, organisation, optimization of resources, etc).

When implementing the service, the contractor should control the quality of the services given to the contracting authority by doing internal audits. The chosen date shall be agreed with the contracting authority in advance.

It is left to the contractor/s to propose the methodology to assess the quality and the performance level of the services that will be validated by the contracting authority.

Examples of target performance levels (contractor may propose others):

Lot 1:

Reception services:

- no occurrence of desk left unattended > 10 min during service period (incl. delays);
- no more than 3 rings before the phone are answered;
- result of mystery call positive (score > 3/5);
- registration of mail through the mail registration procedure within maximum 3 hours from receipt.

Hostess services

- registration of guests done (presence list signed by all participants).

Lot 2: Handyman

- all meeting room's equipment is fully functioning, or incidents promptly reported (ticket opened and followed up);
- meeting rooms ready for use with a notice of 24 hours.
- all mails / parcels sent / distributed at least once a day;
- no forgotten / wrong / late task (order, report, etc.). No more than 3 mistakes for a period of one month;
- no missing items from stock / all orders anticipated;
- full inventory for stationary performed and follow-up regularly updated;
- updated stock registers within 2 days after the receipt of materials;
- broken items repaired within 1 working day after the request for small repairs.

Lot 3: Administrative support

- in the support given to facility, no more 3 mistakes (forgotten / wrong / late administrative task performed,) in a month.
- response to a mission request within short delay;
- follow up reporting performed regularly according to the contracting authority's mission guide;
- proposed alternative in case the initial request is not fulfilled.

Lot 4: Security guard:

- reporting done in a timely manner – the report from previous day available at 08:00 next working day;
- patrolling done in accordance with the requirements – copy of previous day report from electronic patrol monitoring system available at 08:00 next working day.

3.9 Place of performance of the contract

All the required services must be delivered at the contracting authorities' premises.

3.10 Payments

Payments under the contract shall be executed only if the contractor has fulfilled all its contractual obligations by the date on which the invoice is submitted, including specified deliverables (see article 1.6 of the draft contract).

3.11 All-inclusive prices

Prices submitted in response to this tender must be inclusive of all costs involved in the performance of the contract (e.g. to include all social security, travel, subsistence, project management, etc.). No expenses incurred in the performance of the services will be reimbursed separately by the contracting authority.

Overtime is considered for time beyond 40 hours a week.

3.12 Invoicing

The contractor shall provide detailed invoices which shall be sent quarterly and shall be accompanied by the following documents:

- The quarterly performance report as described in Section 3.8.
- The timesheets performed during the quarter as described in Section 3.6.

The contractor shall submit an invoice for payment for the services already provided.

Invoices for the services shall be issued quarterly, with the exception of Q4, following this timing:

Quarter	Period
Q1	01 January - 31 March
Q2	01 April – 31 June
Q3	01 July – 30 September
Q4	01 October – 31 December: – invoice for October and November shall be issued in December, – invoice for December shall be issued in January unless specified otherwise in the relevant specific contract

It must be understood that: during the execution of the contract/s, the amount that can be invoiced will be calculated considering the number of hours effectively worked by the consultant per day and the effective number of days effectively worked by the consultant during the quarter. The rate per hour will be assumed to be the daily rate divided by eight (eight equals the number of hours in a standard working day for this contract). For the overtime (to be executed only if required in writing by the contracting authorities), the French Law will apply for such kind of services.

4 Assessments of tenders

Tenders are assessed by a committee, possessing the technical and administrative capacities necessary to give an informed opinion on the tenders. The committee members are nominated on a personal basis by contracting authorities under guarantee of impartiality and confidentiality.

The tenders will be assessed with regard to the following categories:

- Access to procurement
- Exclusion criteria
- Selection criteria
- Compliance with the minimum requirements
- Award criteria – financial evaluation

4.1 Access to procurement

A check will be made if all tenderers and all other entities on whose capacity tenderers rely to fulfil the selection criteria relating to economic and financial capacity have access to the public procurement market of the European Union pursuant to Articles 176 and 177 FR.

4.2 Exclusion criteria

Tenderers are required to attest to not being in one or more of the positions listed in the Declaration on Honour (Annex II), by including a signed copy into their tender.

Additionally, any attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or ESMA during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in other action.

Attention is drawn to the fact that the tenderer to whom the contract is to be awarded shall provide, within 15 days following the notification of award and preceding the signature of the contract, documentary proof to confirm the statements made in the “Declaration on honour”. Further information on the required documentation can be found in the declaration itself.

4.3 Selection criteria

Tenderers must prove their legal, economic and financial, technical and professional capacity to perform the contract.

In order to do this, tenderers must provide a declaration on honour (see Annex II), signed and dated by an authorised representative; evidences may be checked upon contracting authorities' request.

Tenderers do not need to submit any supporting documentation/evidence with their tender submission. Only the winning tenderer will be requested (although the contracting authority reserves the right to request from any tenderer) to demonstrate full compliance with documentary evidence. If compliance cannot be demonstrated by a tenderer upon request, he/she shall not be awarded the contract.

4.3.1. Legal capacity

Tenderers shall prove that they have the legal capacity and status to perform the contract. In order to do this, tenderers shall provide:

- Registration with national chamber of commerce or proof of authorisation to perform the contract under national law, as evidenced by inclusion on a professional trade register or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register
- Statement whether the tenderer intends to subcontract certain services, and if so, specifically which services which are foreseen to be subcontracted and any other relevant information (see point 2.3).

Note: Legal entity form and Financial identification form

Please be informed that, unless already listed in the European Commission's contractor database, the winning tenderer shall be asked to submit to ESMA printouts of the European Commission's legal entity form and financial identification form before signature of the contract. Further information on these forms can be found on the European Commission website at:

http://ec.europa.eu/budget/library/contracts_grants/info_contracts/legal_entities/legEnt_privC_omp_en.pdf

and

http://ec.europa.eu/budget/library/contracts_grants/info_contracts/financial_id/fich_sign_ba_g_b_en.pdf

4.3.2. Economic and financial capacity

Requirement

The tenderer must be in a stable financial position and have the economic and financial capacity to perform the contract. The tenderer must have generated an annual turnover in the last three closed financial years which correspond to at least double of the maximum total budget per lot. The detail per lot is as follows:

Lot	Minimum annual turnover in the last three closed financial years (in euro)
Lot 1	900,000
Lot 2	1,600,000
Lot 3	2,100,000
Lot 4	1,020,000

Evidence required

Proof of economic and financial capacity shall be provided by the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) providing the financial statements or their extracts for a period equal to the last three financial years for which account have been closed.

Contracting authorities reserve the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

4.3.3. Technical and professional capacity

Requirement

The tenderer's technical and professional capacity will be evaluated analysing the following aspects:

Selection criteria	Evidences
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<p>The tenderer must have extensive and demonstrable experience in the provision of services described in the technical specifications</p>	<p>At least three contracts in the last three years for each tendered lot; with comparable scope of the concerned lot and customer (similar profile provided with English speaking customers).</p> <p>The description of the comparable contracts must contain for each individual contract at least:</p> <ul style="list-style-type: none"> a) the type of entity (and possibly the name) where the contract has been or is performed; b) the type of services provided; c) the number of consultants (FTE) in force in the entity; d) the total value of the contract.
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4.4 Minimum requirements

By submitting a tender, tenderers are committing themselves to provide the services in full compliance with the tender specifications and annexes. Particular attention is drawn to the minimum (mandatory) requirements, which the tenderers undertake to fulfil. The minimum requirements shall be observed throughout the entire duration of the framework contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of the tenderers.

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 following minimum requirements of the tender specifications will be rejected and will not be evaluated.

Tenders must comply with applicable 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.

Tenderers must maintain at all times during the lifetime of the framework contracts staff availability and capacity to carry out in parallel individual orders in quantities corresponding to the contract volumes and the place of the contractor in the cascade.

Tenderers must accept without any reservations or restrictions to provide the services as described in these tender specifications and their annexes.

Tenderers must quote the prices for the services under the scope of the present call for tenders using the “Financial proposal form” (Annex V) without changing this form in any way that would influence the result of the financial evaluation.

Tenderers must comply with the selection criteria throughout the life of the framework contracts.

Tenderers must submit a technical proposal which shall contain the following information:

Project Team Set Up

The tenderer shall provide a description of the organisation and profiles proposed for the services specifying the number of personnel, including the profiles proposed for the management of the services.

The tenderer shall explain in a detailed manner how the project team will be organised including detailed split of tasks among the project team; who does what, when and why (in case of consortium or subcontractor, justify why each member of consortium and subcontractor is proposed to do that particular task).

The tenderer shall explain in a detailed manner how communications will be managed internally and externally indicating the internal team communication channels, methods and tools used as well as those proposed to manage communication with the contracting authority (users included).

The objective is to assess the proposed team set-up for the implementation of the framework contract and to assess the organisation proposed. The services requested in these tender specifications shall be carried out in a realistic, efficient, effective and well-structured way.

Quality of Services and Business Continuity

The tenderer shall explain in a detailed manner the measures proposed for guaranteeing continuously over the implementation of the framework contract the service levels detailed in these tender specifications. The description shall indicate the role of the project team members, the tools and the methods used.

4.5 Financial evaluation

Only the tenders meeting the requirements of the exclusion and selection criteria and minimum requirements will be evaluated in terms of price.

The financial evaluation will be based on the information contained in the “Financial proposal form” (Annex V) as submitted by the tenderer.

Failure to complete the “Financial proposal form” or changing the “Financial proposal form” in any way that would influence the result of the financial evaluation will lead to rejection. For reasons of transparency and equal treatment, tenders that do not use the “Financial proposal form” annexed to this document will not be evaluated.

Attention is drawn to the fact that after submission of the tenders, tenderers may not add any new prices or price elements. In case this is requested by the contracting authorities, tenderers may only explain their financial offer on the basis of elements already present in their tender, which should be explicitly mentioned.

Tenderers should verify with extreme caution the individual price elements, as well as the calculation of the price average rate of the tender of their tenders. Tenderers must observe the constraints on inputs provided in the Annex V (Financial proposal form).

Tenderers must be aware of Point 23 Annex I FR on abnormally low tenders.

All prices must be quoted:

- in euro, including for countries which are not part of the eurozone. For tenderers in countries which do not belong to the eurozone, the price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an exchange rate and assume the risks or the benefits deriving from any fluctuation;
- free of all duties and taxes (in particular VAT), as contracting authorities are as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to a refund for indirect tax incurred, pursuant to the provisions of articles 3 and 4 of the Protocol on Privileges and Immunities of the European Union. Tenderers must therefore quote prices without VAT;
- inclusive of all costs and expenses directly and indirectly related to the provision of the services defined under these tender specifications (e.g. searching for suitable candidates, timesheet and invoicing, travel, subsistence, all social charges and taxes for the consultants of the contractor, etc.); no further costs will be paid by the Contracting Authorities for travel expenses, missions or any other costs which the contractor may incur in the process of implementation of any specific contract.

Prices submitted in response to these tender specifications are maximum, which may be changed only by revision as described in the draft framework contract.

The contract will be awarded to the tenderer offering most economically advantageous offer, on the base of the lowest total price for ESMA and EBA identified in the Annex V (Financial proposal)

4.6 Award of the contract

The contract shall be awarded to the three tenderers per lot, which, while satisfying the terms of the tender specifications, has submitted the most economically advantageous tender. i.e. the three lowest price per lot. In case of two or more tenders proposing the exact same price, the exact time of submission will be used as a tie-breaking mechanism of random choice between the equal tenders: the tender(s) that will be submitted earlier will be ranked higher than the tender(s) that will be submitted later in time. For the tie-breaking process, only the latest tender submitted before the time limit for receipt of tenders will be considered.

Completing the procedure of the call for tenders in no way imposes on the contracting authorities an obligation to award the contract. The contracting authorities shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted, nor shall the contracting authorities be liable when deciding not to award the contract.

4.7 Notification of outcome

Each tenderer will be informed in writing about the outcome of this procurement procedure.

If tenderers are notified that a tender has not been successful, tenderers may request additional information by email to the following email address: procurement@esma.europa.eu. At the discretion of the contracting authorities, this information can be given in a follow-up letter providing further details in writing, such as the name of the tenderer to whom the contract is awarded and a summary of the characteristics and relative advantages of the successful tender. However, the contracting authorities would like to stress that they are not free to disclose any information where such disclosure would hinder the application of the law, be contrary to public interest, harm the legitimate business interests of public or private undertakings or distort fair competition.

4.8 List of Annexes

Annex I — Model contract

Annex II — Declaration on honour

Annex III — Cover letter

Annex IV — Service level agreement

Annex V — Financial proposal form

Annex VI – Activity level