



RESTRICTED INVITATION TO TENDER

No ECHA/2011/21

**Title: Provision of Security and Reception Services for the
European Chemicals Agency (ECHA)**

Tender Specifications

Part 1 – Selection of Candidates

This page is intentionally left blank.

CONTENTS

| | |
|--|-----------|
| SUMMARY | 5 |
| 1. INFORMATION CONCERNING THE INVITATION TO TENDER | 8 |
| 1.1. NATURE OF THE CONTRACT | 8 |
| 1.2. BACKGROUND | 8 |
| 1.3. ADDITIONAL INFORMATION ABOUT THE CALL FOR TENDERS PROCEDURE | 9 |
| 1.3.1. <i>Restricted Procedure</i> | 9 |
| 1.3.2. <i>Framework Service Contract</i> | 10 |
| 1.3.3. <i>Languages</i> | 10 |
| 1.3.4. <i>Availability of documents</i> | 10 |
| 1.4. STARTING DATE OF THE CONTRACT AND DURATION OF THE TASKS | 11 |
| 1.5. PERIOD OF VALIDITY OF THE REQUEST TO PARTICIPATE | 11 |
| 1.6. OPENING OF THE REQUESTS TO PARTICIPATE..... | 11 |
| 1.7. CONTACTS BETWEEN THE CANDIDATES AND THE AGENCY | 11 |
| 1.8. GENERAL TERMS AND CONDITIONS FOR SUBMITTING A REQUEST TO PARTICIPATE | 12 |
| 1.9. NO OBLIGATION TO AWARD THE CONTRACT | 13 |
| 1.10. TAX EXEMPTION | 13 |
| 2. FORM AND CONTENT OF REQUESTS TO PARTICIPATE | 13 |
| 2.1. GENERAL | 13 |
| 2.2. HOW TO SUBMIT A REQUEST TO PARTICIPATE..... | 14 |
| 2.3. STRUCTURE OF THE REQUEST TO PARTICIPATE..... | 15 |
| 2.3.1. <i>Section 1 – Administrative information</i> | 15 |
| 2.3.2. <i>Section 2 - Exclusion criteria form</i> | 19 |
| 2.3.3. <i>Section 3 - Selection criteria</i> | 19 |
| 2.3.4. <i>Section 4 - Supporting documents</i> | 20 |
| 3. EVALUATION OF THE CANDIDATURES | 20 |
| 3.1. STAGE 1 – APPLICATION OF EXCLUSION CRITERIA AND EXCLUSION OF CANDIDATES | 20 |
| 3.1.1. <i>Declaration</i> | 20 |
| 3.1.2. <i>Grounds for exclusion</i> | 21 |
| 3.1.3. <i>Evidence</i> | 21 |
| 3.1.4. <i>Administrative and financial penalties</i> | 21 |
| 3.2. STAGE 2 – APPLICATION OF SELECTION CRITERIA - SELECTION OF CANDIDATES | 22 |
| 3.2.1. <i>Selection criteria</i> | 22 |
| 3.2.2. <i>Evidence of the economic and financial capacity of the candidate(s)</i> | 25 |
| 3.2.3. <i>Evidence of the technical and professional capacity of the service provider(s)</i> | 26 |
| 3.3. INFORMATION FOR CANDIDATES | 27 |

SUMMARY

| | |
|--------------------------------|---|
| Contracting authority | The European Chemicals Agency (ECHA). |
| Procedure | Restricted Call for Tender with publication in the Official Journal of the EU. |
| Purpose | Provision of security and reception services for the European Chemicals Agency (ECHA). |
| Scope of services | This Call for Tenders covers the following services: 1) Guarding services; 2) Alarm response services; 3) Reception services. |
| Volume (indicative) | The overall total value of the framework contract is estimated between the range of 1.000.000 € and 2.000.000 €. It should be stressed that framework contracts involve no direct commitment and, in particular, do not constitute orders per se. Instead, they lay down the legal, financial, technical and administrative provisions governing the relationship between the European Chemicals Agency and the contractor during their period of validity. The estimate given above is purely indicative and does not bind the Agency in any way. The figure may be subject to revision. |
| Contracts | The European Chemicals Agency will sign a single framework service contract with the successful tenderer offering the best value for money. |
| Submission of offers | Each tenderer may submit <u>one</u> offer only. |
| Duration of framework contract | The framework contract will initially be signed for a period of 2 years. The framework contract may be renewed <u>once</u> for a period of 2 years. The total duration of the framework contract shall be 48 months (from the award of the contract). |
| Places of delivery | The place of performance of the services shall be ECHA's premises. |
| Particulars of delivery | Services will be carried out by the selected provider as defined in the technical specifications of Phase II of the restricted procedure. |
| Variants | Not permitted. |

| | |
|----------------|---|
| Joint offers | Permitted. |
| Subcontracting | Permitted. However, any intention to subcontract must be clearly announced in the Request to Participate. |

These Specifications follow the publication of a contract notice in OJ EU S of 07.06.2011.

1. INFORMATION CONCERNING THE INVITATION TO TENDER

1.1. Nature of the contract

The title of this contract is: Provision of security and reception services for the European Chemicals Agency – ECHA (hereinafter “the Contract”).

The scope of the Contract includes guarding, reception and alarm response services as further detailed in the Tender Specifications Part 2 of the Call for Tenders. A transition phase is also included in the scope of the Contract, which covers everything needed to set up the related services and to provide seamless security operation and business continuity requirements of ECHA at the time of the expiry of the existing contract.

The Contract resulting from the present Call for Tenders will be a framework service contract concluded with the European Chemicals Agency.

1.2. Background

The European Chemicals Agency, ECHA, (hereinafter “the Agency”) was established under Regulation (EC) No 1907/2006 for the purpose of ensuring effective management of the technical, scientific and administrative aspects of the REACH Regulation at EU level. More information about ECHA, its structure and activities can be found on the ECHA web site¹.

REACH sets out as one of its aims to improve the protection of human health and the environment through the better and earlier identification of the intrinsic properties of chemical substances enabling them to be adequately controlled during their manufacture and use.

Facilities are located in office buildings in central Helsinki with 7 surface floors and 4 cellar floors. Facilities are divided into three different buildings which are mainly used for office- and conference purposes. Parking and conference premises are located in the cellar floors. Building and the staff of agency enjoys diplomatic immunity.

During the year 2011 the overall amount of European Chemicals Agency’s staff will be more than 550 employees. Amount of visitors is estimated to be 2000 visitors annually. The working language of the Agency is English.

The requested services are categorised as follows:

- Guarding and Reception Services

¹ <http://www.echa.europa.eu>

- Extra guarding
- Extra On-Site Security Services
- Transition Phase of services and
- Alarm response services.

The main objective of this procurement is to establish a framework contract with a service provider for the provision of security and reception services.

1.3. Additional information about the Call for Tenders procedure

1.3.1. Restricted Procedure

This is a restricted Call for Tenders after publication of a Contract Notice in accordance with Article 91 (1) (b) of the Financial Regulation² and Article 122 (1) and (2) of the Implementation Rules.³

The restricted procedure is composed of two distinct phases:

- The first phase concerns the selection of candidates who will be invited to submit a tender;
- The second phase concerns the evaluation of the tenders submitted by the candidates selected in the first phase.

This document (“Tender Specifications, Part 1 – Selection of Candidates”) concerns only the first step Selection of Candidates.

Only selected candidates will receive the “Tender Specifications, Part 2 – Evaluation of Tenders”, which will contain further information and instructions related to the administrative procedure, contractual and financial issues (guarantees and terms of payments, draft framework contract and draft specific contracts or order forms), the award procedure and the detailed technical specifications.

Candidates must maintain the confidentiality of the information contained in the documents (“Tender Specifications, Part 2 – Evaluation of tenders”), and prevent its dissemination outside its organization, without written authorization from ECHA. Candidates must also assume the responsibility for any employee, agent, contractor or others to whom they disclose information necessary for the preparation of the tender in the context of this Call for Tenders.

² Council Regulation N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16/9/2002, p.1)

³ Commission Regulation (EC, EURATOM) No 1261/2005 of 20 July 2005 amending Regulation No 2342/2002 laying down detailed rules for the implementation of Council Regulation (EC, EURATOM) No 1605/2002 on the Financial applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1)

ECHA will treat all communications from and replies to candidates as confidential and will not discuss or disclose their contents to third parties. ECHA will, however, retain all tenders received and reserves the right to use third party support during the evaluation process.

1.3.2. Framework Service Contract

The Agency aims to conclude the Contract in the form of a framework service contract.

A framework contract places obligations on the contracting parties with regard to those elements which are unalterably and unequivocally established when the contract is concluded, it lays down the essential terms such as price, subject, basic performance conditions, quantities envisaged and duration.

The framework contract is implemented by the conclusion of a number of specific contracts or order forms.

The draft framework contract as well as the draft specific contracts and order forms will be provided to the selected candidates in the second step of the procedure in the “Tendering Specifications – Part 2 – Evaluation of the Tenders”.

1.3.3. Languages

Candidates may draft their Request to Participate in any of the official languages of the European Union.

The spoken and written language of all communications with the successful tenderer during the implementation of the Contract shall be in English. All deliverables, reports, draft and other documents must be delivered in English, unless otherwise agreed. Meetings will be conducted in English.

1.3.4. Availability of documents

The restricted procedure is organised in two phases: in the first only the exclusion and selection criteria are assessed and in the second the award criteria are evaluated.

In the first phase a contract notice is published in the Official Journal describing the characteristics of the contract and indicating the criteria which will be used for selecting candidates. The contract notice and the administrative documents can be downloaded from the ECHA website:

http://echa.europa.eu/opportunities/procurement_en.asp.

In the second phase the candidates selected are simultaneously provided with the tender documents, which will give full information about the subject of the procurement, award criteria, contract terms and conditions and administrative procedure.

1.4. Starting date of the Contract and duration of the tasks

It is expected that the framework contract be signed in September/October 2011. However, ECHA may decide to postpone its entry into force until a later date.

The framework contract will initially be signed for a period of 2 years. The framework contract may be renewed once for a period of 2 years. The total duration of the framework contract shall be 48 months (from the award of the contract).

The renewal of the framework contract will take place by written agreement of the contracting parties, before the end of the period originally stated in the framework contract (2 years). The performance of tasks may not start before the specific contract or order form implementing the framework contract has been signed.

Specific contracts or order forms must end at the latest 1 month after the expiry of the framework contract.

1.5. Period of validity of the Request to Participate

The Request to Participate must remain valid for a period of six (6) months following the final date for submission of the request. During this period, candidates must maintain all the terms of their Request to Participate.

1.6. Opening of the Requests to Participate

In the first phase (Selection of Candidates), the opening of the Requests to Participate will not be public. However, all candidates will be informed of the decision regarding their Request to Participate as soon as the selection is completed.

Remark: the selected candidates who submit a tender in the second phase of the procurement procedure will be invited to attend the opening of the tenders. Further details will be provided to those selected candidates in the “Tender specifications – Part 2 – Evaluation of the Tenders”.

Tenders not from selected candidates will be automatically rejected.

1.7. Contacts between the candidates and the Agency

In principle, no contact is permitted between the Agency and the candidates during the procurement procedure, other than the submission of the Request to Participate.

However, **in exceptional circumstances**, contact may be made on the candidates' initiative before the final date for the submission of the Requests to Participate in order (and only for this reason) to request further info aimed at clarifying the content of the present Specifications.

Such requests for further information must be made in writing **to the address below or by fax or preferably by e-mail**.

European Chemicals Agency – ECHA
Invitation to tender No: ECHA/2011/21
For the attention of Mrs Tuula Hakala- Finance Unit
Office address: Annankatu 18
00120 Helsinki
Helsinki
Fax: (+358 - 9)-6861 8931 - E-mail: procurement@echa.europa.eu

If it has been requested in good time, the additional information will be sent simultaneously to all interested parties who expressed interest in submitting a Request to Participate as soon as possible after the request for information has been received.

Similarly, contact may **in exceptional circumstances** be made on the Agency's initiative:

- before the final date for the submission of the Requests to Participate, in order to inform interested parties of an error, a lack of precision, an omission or any other material shortcoming in the drawing up of the documents of the Invitation to Tender;

or

- after the opening of the Requests to Participate, where a Request to Participate requires clarification or the correction of obvious clerical errors.

Please note that such contact may not result in the modification of the terms of the Request to Participate.

1.8. General terms and conditions for submitting a Request to Participate

Submission of a Request to Participate in reply to a restricted Call for Tenders issued by the Agency implies that the Contractor accepts all the terms and conditions set out in these Tender Specifications including the Annexes hereto, and waives all other terms of business.

Once the Agency has accepted the Request to Participate, it shall become the property of the Agency and the Agency shall treat it confidentially.

The Agency shall not reimburse expenses incurred by the candidates in the preparation and submission of the Requests to Participate.

1.9. No obligation to award the Contract

The tendering procedure shall not impose on the Agency in any obligation to award the Contract.

No compensation may be claimed by candidates whose Request to Participate is not accepted, even when the Agency decides not to award the Contract.

1.10. Tax exemption

The Protocol on the Privileges and Immunities of the European Union shall apply to this Call for tenders.

The European Union is exempt from all such duties and taxes in accordance with the provisions of Articles 3 and 4 of the *Protocol on the Privileges and Immunities of the European Union* annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, and to Article 15 paragraph 10 of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes, as amended.

The Governments of the Member States grant exemption to the Institutions and Agencies either through refunds upon presentation of documentary evidence or by immediate exemption. The Agency will give the successful tenderer instructions covering this point.

2. FORM AND CONTENT OF REQUESTS TO PARTICIPATE

2.1. General

Requests to Participate must be clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled, etc.). Since candidates will be judged on the content of their Requests to Participate, this must make it clear that they are able to meet the requirements of the Specifications.

Requests to Participate must be written in one of the official languages of the European Union.

Requests to Participate must include the following information:

- all the information and documents requested by the Agency in order to assess the Request to Participate;

– one specimen signature of an authorised agent on the Legal Entity Form and a statement from the same agent confirming the validity of the Request to Participate (preferably in blue ink);

– the name of a contact person in relation to the submission of the Request to Participate must also be mentioned in the Legal Entity Form.

If all this information is not included, the Request to Participate may be excluded from the procedure for the selection of candidates.

2.2. How to submit a Request to Participate

Submission of a Request to Participate implies that the candidate accepts all the terms and conditions set out under point 1.8 of these Specifications.

The Requests to Participate:

– must be drawn up in the format of the templates and forms available on ECHA's website.

– be complete. Incomplete responses prevent a full evaluation of the Request to Participate and may lead to rejection;

– be perfectly legible in order to rule out any doubt whatsoever concerning the words or figures;

– be accompanied by a covering letter signed by the authorised agent of the candidate;

– be submitted in paper form.

- must be submitted under double sealed cover. The inner envelope should be addressed to the Finance Unit indicated in below and marked:

Invitation to Tender No ECHA/2011/21
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 the tape.

Candidates shall observe precisely the below indications in order that Requests to Participate can reach their precise destination in due time.

Requests to Participate may be submitted in one of the following ways:

a) by postal or courier services, no later than **04.07.2011**, to the following address:

European Chemicals Agency (ECHA)

Ms. Tuula Hakala
Finance Unit
Invitation to tender no: ECHA/2011/21
Office address: Annankatu 18
00120 Helsinki
Finland.

The date of the post mark and the date of the deposit slip will serve as proof of submission of the candidate. As a Request to Participate sent by postal or courier services may reach the Agency after the deadline, candidates who wish to send their requests by this method are kindly requested to notify the Agency of this by e-mail to the following address: procurement@echa.europa.eu

or

b) delivered by hand, in person or by the authorised representative, not later than **04.07.2011**, (date of acknowledgement of receipt by the Agency) to the above mentioned address:

In case of hand delivery, the signed and dated receipt will serve as proof of submission.

Important: Late submission will lead to the exclusion of the Request to Participate from the selection of the candidates for this Contract.

2.3. Structure of the Request to Participate

All Requests to Participate must be presented in four sections.

1. Section 1 - Administrative information
2. Section 2 - Exclusion criteria form
3. Section 3 - Selection criteria
 - 3.1. Economic and financial capacity
 - 3.2. Technical and professional capacity
4. Section 4 - Supporting documents

2.3.1. Section 1 – Administrative information

2.3.1.1. Collaboration with other companies

Both joint offers and subcontracting are allowed in response to this Call for Tenders. Requests to Participate may even combine both approaches. In any case, the submitted documents must specify very clearly by means of the appropriate forms, detailed

hereafter, whether each company involved in the proposal is acting as a partner in a joint offer or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others).

Where a Request to Participate involves several service providers, the Candidates(s) may choose between two alternatives:

– making a **joint offer**, in which case all the providers must be considered as tenderers and, if theirs is the successful tender, as contractor. In this case, one of the tenderers must be put forward as coordinator or group leader to manage the Contract. Partners in a joint offer must assume joint-and-several liability towards the Agency for the performance of the contract as a whole;

or

– submitting an offer in the name of only one tenderer, who will then be the sole contractor if the tender is successful. The other service providers will be considered as **subcontractors**. The main contractor retains full liability towards the Agency for performance of the Contract as a whole.

Whichever alternative is chosen (joint offer or offer in the name of one tenderer), the candidate(s) must stipulate the role, qualifications and experience of each service provider and, where relevant, the monitoring/legal arrangements that exist between them at the time of submission of the Request to Participate.

If the Candidates intend to submit a joint offer, the candidates are asked to fill in and duly sign one of the attached **powers of attorney**⁴, depending on the set up that has been chosen.

If the Candidates intend to submit a joint offer have already set up a consortium or similar entity for conducting the project if contract were awarded to them, the candidates should mention this fact in the Request to Participate, together with any other relevant information in this connection.

If the Candidates that intend to submit a joint offer have not yet set up a consortium or similar entity, the candidates should be aware that, if the candidates are awarded the contract, the Agency will require them to give a formal status to this collaboration before the contract is signed. This may take the form of:

- an entity with legal personality recognized by a Member State; or
- an entity without legal personality but offering sufficient protection of the Agency's contractual interests. Depending on the Member State concerned, this may be, for example, a consortium or a temporary association.

If the candidate envisages subcontracting, the Request to Participate must include:

⁴ This document is available in Annex VII..

- a **declarations** concerning the roles, activities and responsibilities of the proposed subcontractor(s), and the reasons why subcontracting is envisaged;
- a **letter of intents** by each proposed subcontractor stating their intention to collaborate with the Candidate in case of contract award and their willingness to accept the tasks and the terms and conditions of this Call for Tender

IMPORTANT

Changes to the composition of the economic operators involved in the tender during the second step of the procedure after the selection of candidates may in exceptional circumstances, be considered in relation to the selection criteria applied.

The contractor will require the Agency's express authorisation to replace a partner or a subcontractor with another partner or sub-contractor and/or to subcontract tasks for which subcontracting was not envisaged in the original offer.

The tender specifications Part 2 – Evaluation of Tenders will contain more information regarding contractual obligations.

2.3.1.2. Identification of the Candidate

To identify himself the Candidate must fill in the three following forms:

- **Candidate's Administrative Data form**, to be completed with the names of all the companies involved in the Request to Participate clearly indicating the role of each one.
- **Legal Entity File form**, to be signed by a representative of the candidate authorised to sign contracts with third parties. There is one form for individuals, one for private entities and one for public entities. These forms are also available in each official EU language at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

The Legal Entity File must be supported by the following documents relating to each candidate in order to show its name, address and official registration number:

· For private entities:

- a **legible copy of the instrument of incorporation or constitution**, and a copy of the statutes, if they are contained in a separate instrument, or a copy of the notices of such

5 This document can be provided in free format.

6 This document is available in Annex VIII.

constitution or incorporation published in the national or other official journal, if the legislation which applies to the candidate requires such publication;

- a legible copy of the **most recent amendment to the instruments mentioned in the previous indent**, including that involving any transfer of the registered office of the legal entity, or a copy of the notice published in the relevant national or other official journal of such amendment, if the legislation which applies to the candidate requires such publication. If the instruments mentioned in the previous paragraph have not been amended since incorporation and the candidate's registered office has not been transferred since then, a written confirmation, signed by an authorised representative of the candidate, that there has been no such amendment or transfer;

- a legible copy of the notice of **appointment of the persons authorised to represent the candidate** in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication.

- If the above documents do not indicate the registration number, a proof of **registration**, as prescribed in their country of establishment, on one of the **professional or trade registers** or any other official document showing the registration number.

- If the above documents do not indicate the VAT number, a copy of the VAT registration document, where applicable.

· For Individuals:

- a legible copy of their identity card or passport must be produced.

- where applicable, a proof of **registration**, as prescribed in their country of establishment, on one of the **professional or trade registers** or any other official document indicating the registration number.

If the above document do not indicate the VAT number, a copy of the VAT registration document, where applicable.

· For Public Entities:

- A copy of the resolution decree, law, decree or decision or decision establishing the entity in question or failing that, any other official document attesting to the establishment of the entity.

- All companies involved in the Request to Participate must provide their Legal Entity Form as well as the evidence mentioned above.

- Subcontractors are only obliged to provide the Legal Entity Form, without the above mentioned evidence.

– **Financial Identification form**, to be filled in and signed by an authorised representative of the candidate and his or her banker. A standard form is provided on ECHA’s website and a specific form for each EU Member State is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

- In case of a joint offer, only the group leader must return the Financial Identification form.

- In case of subcontracting, only the main contractor must return the Financial Identification form.

2.3.2. Section 2 - Exclusion criteria form

The duly completed Exclusion Criteria Form must be provided.

2.3.3. Section 3 - Selection criteria

The following duly completed forms must be provided:

| Description | Group leader in joint offer | All partners in joint offer | Single or Main contractor | Sub-contractor |
|--|-----------------------------|-----------------------------|---------------------------|----------------|
| Candidate’s Administrative Data Form | ■ | | ■ | |
| Power of Attorney of partners in joint offer indicating the group leader | | ■ | | |
| Letter of Intent of subcontractor | | | | ■ |
| Legal Entity Form | ■ | ■ | ■ | ■ |
| Supporting documents for the Legal Entity Form | ■ | ■ | ■ | |
| Financial Identification Form | ■ | | ■ | |
| Exclusion Criteria Form (criteria c,f,g,h) | ■ | ■ | ■ | ■ |
| Evidence supporting the Exclusion Criteria Form (criteria a,b,d,e) | ■ | ■ | ■ | |
| Statement on Average Annual Permanent Staff Members | ■ | | ■ | |
| Financial and Economic Capacity Overview Form | ■ | ■ | ■ | ■ |
| Copy of a valid commercial guarding licence (LYTP 282/2002) | ■ | ■ | ■ | ■ |
| Curriculum Vitae | ■ | ■ | ■ | ■ |
| Contract Reference Form | ■ | | ■ | |

2.3.4. Section 4 - Supporting documents

All supporting documents referred to in the contract notice and/or forms must be provided.

3. EVALUATION OF THE CANDIDATURES

The assessment of the candidates will comprise two main stages:

1. Exclusion of candidates
2. Selection of candidates
 - a. Economic and financial capacity, and,
 - b. Technical and professional capacity.

The assessment of the candidates will be based on the information provided by the candidates in the forms and questionnaires that are part of the Requests to Participate, and in the accompanying documents. In addition, the European Chemicals Agency reserves the right to use any other information from public or specialist sources.

All the information will be assessed in the light of the criteria set out in these Specifications. The procedure for the selection of candidates, which will concern only admissible Requests to Participate, will be carried out in two successive stages.

Only Requests to Participate meeting the requirements of Stage 1 will be examined in Stage 2.

The aim is:

Stage 1 (Exclusion Criteria): To check whether candidates can take part in the tendering procedure and, where applicable, be awarded the Contract;

Stage 2 (Selection Criteria): To check the technical and professional capacity and economic and financial capacity of each candidate who has passed the exclusion stage.

3.1. Stage 1 – Application of Exclusion Criteria and exclusion of candidates

3.1.1. Declaration

To demonstrate that there are no grounds for disqualification on the basis of the Exclusion Criteria, Candidates or their representative must fill in and sign the Declaration on Honour attached to these Specifications. By completing this form, candidates:

- state that they are not in one or more of the situations described in the form; and
- undertake to submit to the European Chemicals Agency any additional document relating to the Exclusion Criteria that the Agency may see fit to request.

Where the Request to Participate involves more than one service provider, each one must fill in, sign and return the form. The Agency reserves the right to request the evidence specified in point 3.1.3.

Any total or partial omission by any of the service providers involved in the Request to Participate may lead the Agency to exclude the candidate from the procedure, in accordance with Articles 93 and 94 of the Financial Regulation.

3.1.2. Grounds for exclusion

In accordance with Articles 93 and 94 of the Financial Regulation⁷, candidates or tenderers shall be excluded from the selection and award procedures if they do not satisfy criteria a) to f) specified in the Exclusion Criteria Form.

In addition, contracts may not be awarded to candidates or tenderers who, during the procurement procedure are subject to a conflict of interest (criteria g) or are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information (criteria h).

3.1.3. Evidence

The Exclusion Criteria Form describes the evidence that must be provided by the tenderer that has been awarded the Contract in Phase II.. By returning the Declaration on Honour for the Exclusion Criteria duly signed, candidates undertake to send to the Agency, within 15 calendar days following the receipt of the Agency's award notification letter, the required evidence and any additional document the Agency considers necessary to perform its checks.

3.1.4. Administrative and financial penalties

By returning the Declaration on Honour for the Exclusion Criteria duly signed, candidates confirm that they have been notified of the following points.

⁷ See 2 above

- Administrative or financial penalties may be imposed by the Agency on candidates or tenderers who are in one of the cases of exclusion provided for in 3.1.2 above, after they have been given the opportunity to present their observations.

- These penalties are detailed in Article 96 of the Financial Regulations, and Article 133 of the Regulation laying down the rules for the implementation of the Financial Regulations. Candidates are requested to read carefully those two articles.

3.2. Stage 2 – Application of selection criteria - Selection of Candidates

This stage concerns the criteria and evaluation of evidence relating to the technical and professional capacity and economic and financial capacity of the service provider(s) involved in the Request to Participate.

An economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In such a case, the candidate must provide evidence that it will have at its disposal the resources necessary for performance of the Contract, for example by submitting a clear undertaking by those entities to place their resources at its disposal.

The Candidate may include in its Request to Participate any level of sub-contracting in order to demonstrate that it fulfils the selection criteria. In case the Candidate relies on the capacities of sub-contractors for fulfilling the selection criteria, these will be assessed in relation to the combined capacities of the candidate and the sub-contractor(s), as a whole, to the extent that the sub-contractor(s) puts its resources at the disposal of the Candidate for the performance of the Contract.

3.2.1. Selection criteria

| <u>SELECTION CRITERIA</u> |
|--|
| 1. FINANCIAL AND ECONOMIC CAPACITY |
| 1.1 Sufficient economic and financial capacity to guarantee continuous and satisfactory performance throughout the foreseen lifetime of the Contract. <ul style="list-style-type: none">• <i>Minimum average annual turnover of € 1,000,000 for the last three financial years</i> |

8 See 2 above

9 See 3 above

2. TECHNICAL AND PROFESSIONAL CAPACITY

2.1 Professional Capacity

Professional capacity to provide the services relevant for the Contract

- *Copy of a valid commercial guarding licence (LYTP 282/2002).*

2.2. Staff capacity

Sufficient staff with relevant education and professional experience.

- *Minimum total number of staff engaged in relevant assignments over the last 3 years, that can be mobilized to deliver services relevant for this Contract: 30;*
- *Profiles: security guard (5), receptionist (2), security service supervisor (1) and security service manager (1).*

Security guard (number of profiles: 5):

Education:

- *secondary level education in relevant fields,*
- *5-year security guard licence (LYTP 282/2002),*
- *use-of-force training (1121/2010, 6h+5h+5h),*
- *security scanning training at least on basic level (KR1),*
- *first aid training at least on Red Cross level 2.*

Experience:

- *minimum 6 years in relevant fields of which minimum 3 years' experience in security services in local area guarding,*
- *proven experience with spoken English language.*

Receptionist (number of profiles: 2):

Education:

- *secondary level education in relevant fields,*
- *5-year security guard licence (LYTP 282/2002),*
- *security scanning training at least on basic level (KR1).*

Experience:

- *minimum 3 years in guarding services, of which minimum 2 years' experience related to receptionist work,*
- *proven experience with spoken English language.*

Security service supervisor (number of profiles: 1):

Education:

- *post secondary degree in security services or security management, or relevant fields,*
- *5-year security guard licence (LYTP 282/2002).*

Experience:

- *minimum 4 years in supervising security services, of which minimum 3 years' experience in relevant international assignment,*
- *proven experience with spoken English language,*
- *security scanning training at least on basic level (KR1),*
- *use-of-force training (1121/2010, 6h+5h+5h),*
- *first aid training at least on Red Cross level 2.*

Security service manager (number of profiles: 1):

Education:

- *university degree in security management or in relevant fields,*
- *5-year security guard licence (LYTP 282/2002).*

Experience:

- *minimum 8 years in security services, of which minimum 2 years at managerial level,*
- *proven experience with spoken/written English language (level B 2).*

2.3 Project Capacity

Sufficient recent experience in the provision of services in customer engagements similar in scope and nature to those relevant for this Call for Tenders

- *Minimum of 3 years' experience (at the time the request is submitted) in security guarding, with at least 3 service contracts relevant to this call for tenders (security and reception services).*

3.2.2. Evidence of the economic and financial capacity of the candidate(s)

All candidates must provide proof of their economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the Contract.

Evidence for selection criterion 1.1 (Financial and Economic Capacity):

In order to prove that the candidate has sufficient economic and financial capacity to perform the Contract, the following documentation must be presented:

- Balance sheets and economic outturn (profit and loss) statements covering the last 3 financial years. The financial information required must be certified by means of the signature of the chief accounting officer of the tenderer;
- The Financial and Economic Capacity Overview Form duly filled and signed by the legal representative of the tenderer with data of the last three financial years.

The Agency reserves the right to request any other document enabling it to verify the candidate's economic and financial capacity.

If, for some exceptional reason which the Agency considers justified, a candidate is unable to provide one or other of the above documents, he may prove his economic and financial capacity by any other document which the Agency considers appropriate. The

Agency must be notified of the exceptional reason and its justification in the Request to Participate.

All candidates must provide proof of their economic and financial capacity. If several service providers are involved in a joint offer, their consolidated economic and financial capacity will be taken into consideration in order to assess this selection criterion. The same also applies when the Candidate relies on the capacities of sub-contractors for fulfilling this selection criterion.

3.2.3. Evidence of the technical and professional capacity of the service provider(s)

The ability of service providers to perform services will be assessed in particular with regard to their know-how, efficiency, experience and reliability.

Evidence of the technical and professional capacity of the providers involved in the Request to Participate must be provided on the basis of point 2.3.3 and supported by the relevant accompanying documents as described in this Section.

In case of joint Requests to Participate, the candidates must complete the information related to the technical and professional capacity collectively. In case of subcontracting, the information related to the technical and professional capacity must be completed by the main contractor in its name and for all subcontractors.

By submitting a Request to Participate, each economic operator involved therein accepts the possibility of a check being carried out by the Agency on its technical capacities and, if necessary, on its facilities, security and quality control measures.

In addition, all candidates are informed that they may be asked to prove that they are authorised to perform the Contract under national law, as evidenced by inclusion in a professional or trade register or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.

The Candidates' attention is drawn to the fact that any total or partial omission of information by one or more service providers involved in the Request of Participate may lead the Agency to exclude the candidate from the rest of the procedure.

Evidence for selection criterion 2.1 (Professional Capacity)

The candidate must show a copy of a valid commercial guarding licence (LYTP 282/2002).

Evidence for selection criterion 2.2 (Staff Capacity)

The candidate must demonstrate ability to provide consistent, skilled business and technical resources and to ensure that individual resources will be committed for its entire duration throughout the duration of the Contract.

The candidate must present a signed and dated declaration indicating workforce and assignments over the last three years meeting the specific requirements for the provision of the services under the Contract, and also CVs, signed and dated, of staff proposed for the profiles as described in the contract notice and in point 3.2.1.

Evidence for selection criterion 2.3 (Project Capacity):

In order to prove his knowledge, expertise and track record the Candidate shall present a list of at least **3 years' experience (at the time the request is submitted) in security guarding, with at least 3 service contracts** under which he has provided services similar in terms of content, size and complexity to those described in this Call for Tenders, clearly identifying the sums, dates and recipients, public or private. A detailed description of all the contract references must be provided using the attached form. The information provided shall not exceed 2 pages (size DIN-A4) per contract.

3.3. Information for candidates

On the basis of the aforementioned criteria, after examination of the information provided by each candidate, the Agency will establish a list of candidates fulfilling the requirements for participation in the second stage of this Call for Tenders.

All candidates will be informed about the decision regarding their Request to Participate.