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JP-Tokyo: Security guard services for EU Delegation to Japan (ref. No EEAS-191-DELJPNT-SER-FWC)
2013/S 101-172113

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1) **Name, addresses and contact point(s)**

European External Action Service — EU Delegation to Japan
Europa House, 4-6-28 Minami-Azabu
Contact point(s): Administration Section
For the attention of: Head of Administration
106-0047 Tokyo
JAPAN
E-mail: delegation-japan-hoa@eeas.europa.eu
Fax: +81 354205544

Internet address(es):

General address of the contracting authority: http://eeas.europa.eu/delegations/japan
Address of the buyer profile: http://eeas.europa.eu/delegations/japan

Further information can be obtained from: The above mentioned contact point(s)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from: The above mentioned contact point(s)

Tenders or requests to participate must be sent to: The above mentioned contact point(s)

I.2) **Type of the contracting authority**

European institution/agency or international organisation

I.3) **Main activity**

I.4) **Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1) **Description**

II.1.1) **Title attributed to the contract by the contracting authority:**

Security guard services for EU Delegation to Japan (ref. No EEAS-191-DELJPNT-SER-FWC).

II.1.2) **Type of contract and location of works, place of delivery or of performance**

Services
Service category No 23: Investigation and security services, except armoured car services
Main site or location of works, place of delivery or of performance: Tokyo, Japan.
NUTS code

II.1.3) **Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**

The notice involves the establishment of a framework agreement

II.1.4) **Information on framework agreement**

Framework agreement with a single operator

Duration of the framework agreement

Duration in months: 48

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT:

Range: between 1 400 000 and 2 000 000 EUR

II.1.5) **Short description of the contract or purchase(s)**

The objective of the tender is to conclude a framework contract with a company specialised in the security of persons and goods.

The scope of the services includes, but is not limited to:

(1) the surveillance and patrolling of the premises (office building, residence of the Ambassador and expats' accommodation) of the Delegation to avoid intrusion and attack on persons and their belongings;

(2) the control of access to the premises by visitors;

(3) other related security services.

A framework contract with a maximum duration of 4 years will be implemented via specific contracts and/or order forms.

II.1.6) **Common procurement vocabulary (CPV)**

79710000

II.1.7) **Information about Government Procurement Agreement (GPA)**

The contract is covered by the Government Procurement Agreement (GPA): no

II.1.8) **Lots**

This contract is divided into lots: no

II.1.9) **Information about variants**

Variants will be accepted: no

II.2) **Quantity or scope of the contract**

II.2.1) **Total quantity or scope:**

Total land size is 3 626 m^2. The Delegation's buildings consist of its office, Ambassador's residence and accommodation for expatriate staff.

Number of hours to be supplied by security staff is estimated at approximately 20 928 hours/year.

II.2.2) **Information about options**

Options: no

II.2.3) **Information about renewals**

This contract is subject to renewal: no

II.3) **Duration of the contract or time limit for completion**

Section III: Legal, economic, financial and technical information

III.1) **Conditions relating to the contract**

III.1.1) **Deposits and guarantees required:**

III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:**

Payment will be made on a monthly basis in arrears, upon submission of admissible invoices, indicating the reference number of the contract and its order form and associated supporting documents:

— invoice indicating the reference number of the contract accompanied by supporting documents (time sheets, etc.),

— monthly report(s) covering the month corresponding to the invoice period.

III.1.3) **Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**

Requests to participate or tenders can be submitted by groupings of service providers who will not be required to adopt a particular legal form prior to the contract being awarded but may be required to do so after the award. However, a grouping of firms must nominate 1 party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed at paragraph III.2 must be supplied by every member of the grouping. Each member of the grouping assumes a joint and several liability towards the contracting authority.

III.1.4) **Other particular conditions**

The performance of the contract is subject to particular conditions: no

III.2) **Conditions for participation**

III.2.1) **Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers**

Information and formalities necessary for evaluating if the requirements are met: Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012 — Financial Regulation.

A) Exclusion criteria:

Article 106 of the Financial Regulation sets out that:

1. Candidates or tenderers shall be excluded from participation in procurement procedures if:

(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

(b) they or the persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of 'res judicata';

(c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the EIB and international organisations;

(d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they or the persons having powers of representation, decision-making or control over them have been the subject of a judgment which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity where such illegal activity is detrimental to the Union's financial interests;

(f) they are subject to an administrative penalty referred to in Article 109(1).

Points (b) and (e) of the first subparagraph shall not apply where the candidates or tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision-making or control over them, who are subject to judgment as referred to in point (b) or (e) of the first subparagraph.

2. Candidates or tenderers shall certify that they are not in one of the situations listed in paragraph 1.

For the purpose of the correct application of paragraph 1, the candidate or tenderer, whenever requested by the contracting authority, shall:

(a) where the candidate or tenderer is a legal entity, provide information on the ownership or on the management, control and power of representation of the legal entity and certify that they are not in one of the situations referred to in paragraph 1;

(b) where subcontracting is envisaged, certify that the subcontractor is not in one of the situations referred to in paragraph 1.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 210 concerning detailed rules on:
a) the exclusion criteria applicable for the participation in calls for tender, including rules on illegal activities giving rise to exclusion;
b) what evidence may be satisfactory to show that an exclusion situation does not exist;
c) the duration of an exclusion. Such exclusion shall not exceed 10 years.
Article 107 of the Financial Regulation sets out that a contract shall not be awarded to candidates or tenderers who, during the procurement procedure for this contract:
(a) are subject to a conflict of interest;
(b) are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;
(c) find themselves in one of the situations of exclusion, referred to in Article 106(1), for the procurement procedure.
B) Evidence:
1. Candidates and tenderers shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation.
2. The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in paragraph 3 hereafter, confirming the declaration referred to in paragraph 1.
3. The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 106(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (a) or (d) of Article 106(1) of the Financial Regulation, a recent certificate issued by the competent authority of the States concerned as defined under point A.1(d) above. Where the document or certificate referred to in the first subparagraph is not issued in the country concerned and for the other cases of exclusion referred to in Article 106 of the Financial Regulation, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.
4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.
5. Where they have doubts as to whether candidates or tenderers are in one of the situations of exclusion, the contracting authority may apply to the competent authorities referred to in paragraph 3 to obtain any information considered necessary about that situation.
6. The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in paragraph 3 if such evidence has already been submitted to it for the purposes of another procurement procedure, and provided that the issuing date of the documents does not exceed 1 year and that they are still valid. In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

7. The candidate or tenderer shall submit a declaration on honour from the intended subcontractor that he is not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation. In case of doubt on this declaration on honour, the contracting authority shall request the evidence referred to in paragraphs 3 and 4. Paragraph 5 shall apply, where appropriate.

III.2.2) **Economic and financial ability**

Information and formalities necessary for evaluating if the requirements are met: Proof of economic and financial capacity must be furnished by the following documents:
a) appropriate statements from banks or evidence of relevant professional risk indemnity insurance;
b) financial statements for the last 3 years for which accounts have been closed;
c) a statement of overall turnover and turnover concerning the services covered by the contract during the last 3 financial years available.
The amounts declared for the overall turnover, at least, must be verifiable with the amounts in the financial statements.
Minimum level(s) of standards possibly required: The average annual turnover concerning the services covered by the contract for the last 3 years must be at least 1 600 000 EUR.
The company, whose average annual turnover in the last 3 years is below the minimum requirement, can be excluded from further procedures.
The exchange rate used to convert the turnover in euros will be the applicable exchange rate for December of the fiscal year, as published in Inforeuro — http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met:
Evidence of the technical and professional qualifications of economic operators must be furnished on the basis of the following documents:
a) the educational qualifications and professional experience of the company's managerial staff and in particular those of the person(s) responsible for the security services;
b) a list of the principal services provided in the past 3 years, with the sums, dates and recipients, public or private, in fields related to the contract, in particular services provided to international companies, diplomatic missions or representations of international organisations; these experiences have to be well demonstrated by the company, in principle with a proof of satisfaction of the clients specifying whether the services have been carried out;
c) statement of the average annual manpower (in total and in the fields related to the contract) and the number of managerial staff of the contractor in the last 3 years;
d) statement from the relevant authority of the country in which the candidate is established providing that the candidate can act as a security company;
e) information on the quality standards with which the company services comply supported by valid certification issued by reputable organisations such as ISO or equivalent certification from industry regulators or trade associations;
f) information on the facilities and resources available to the company to ensure the quality of services (i.e. vehicles, logistics, means of communication, etc.);
g) where applicable, an indication of the proportion of the contract which the service provider may intend to subcontract.
Minimum level(s) of standards possibly required:
The average number of staff in the fields related to the contract over the last 3 years must be at least 100.

The company must have at least 5 contracts whose annual contract value is greater than 390 000 EUR each concerning security guard services with international organisations, diplomatic missions, private companies or national/local public administration.

III.2.4) **Information about reserved contracts**

III.3) **Conditions specific to services contracts**

III.3.1) **Information about a particular profession**

Execution of the service is reserved to a particular profession: yes

Reference to the relevant law, regulation or administrative provision: 'Keibigyo Ho' (Security Services Act) of Japan — Act No 117 of 1972.

The awardee of the contract will have to register as a security company in Japan at the latest before the contract is signed.

III.3.2) **Staff responsible for the execution of the service**

Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service: yes

Section IV: Procedure

IV.1) **Type of procedure**

IV.1.1) **Type of procedure**

Restricted

IV.1.2) **Limitations on the number of operators who will be invited to tender or to participate**

IV.1.3) **Reduction of the number of operators during the negotiation or dialogue**

IV.2) **Award criteria**

IV.2.1) **Award criteria**

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

IV.2.2) **Information about electronic auction**

An electronic auction will be used: no

IV.3) **Administrative information**

IV.3.1) **File reference number attributed by the contracting authority:**

EEAS-191-DELJPNT-SER-FWC.

IV.3.2) **Previous publication(s) concerning the same contract**

no

IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document**

Payable documents: no

IV.3.4) **Time limit for receipt of tenders or requests to participate**

24.6.2013

IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates**

IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up**

Any EU official language

IV.3.7) **Minimum time frame during which the tenderer must maintain the tender**

IV.3.8) **Conditions for opening of tenders**

Section VI: Complementary information

VI.1) **Information about recurrence**

This is a recurrent procurement: yes

Estimated timing for further notices to be published: Every 4 years.

VI.2) **Information about European Union funds**

The contract is related to a project and/or programme financed by European Union funds: no

VI.3) **Additional information**

I. Preparation and submission of requests to participate and tenders:

Participation in this call for tenders is open to natural and legal persons with their domicile or headquarters in one of the Member States of the European Union or in Japan.

This tender will be taking place in 2 stages, as follows:

A. First stage (preselection stage):

Candidates are requested to submit requests to participate which must contain all the information requested in Section III of this contract notice: legal, economic, financial and technical information. Regarding the exclusion criteria (Section III.2.1 of this contract notice), candidates must include in their request to participate a duly signed and dated solemn declaration, stating that they are not in one of the situations referred to in Articles 106 and 107 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and Council of 25.10.2012.

With regard to the financial and technical selection criteria (Sections III.2.2 and III.2.3), all documents and information requested to enable the assessment of the candidate's capacity to carry out the contract in the field stated in Section II.1.5 of the contract notice must be included in the request to participate.

Requests to participate must be submitted by the deadline as mentioned at Section IV.3.4 of this contract notice (requests to participate submitted beyond this deadline will be automatically rejected). These requests must be duly signed by the candidate or a legally authorised representative of the candidate and be perfectly legible to avoid any misunderstanding on the text and on the figures. Submission can be made, according to the candidate's choice:

(a) either by post or by private courier, posted no later than 24.6.2013, as evidenced by the postmark or the date on the delivery receipt, to the address stated in Section I.1;

(b) or delivered by hand to the address stated in Section I.1 by 24.6.2013 (11:00) at the latest. Delivery by hand will be confirmed in this case by a dated and stamped receipt signed by the duly authorised agent from the Delegation.

The request to participate shall comprise 1 original and 2 copies. Submissions must be made using a double envelope. Both envelopes are to be sealed. If self-seal envelopes are used, they must also be sealed with adhesive tape with the sender's signature written across the tape. The outer envelope must bear both the name of the department which it is addressed to, as above, and the following: 'TENDER No EEAS-191-DELJPNT-SER-FWC NOT TO BE OPENED'. This will be marked on the inner envelope too.

B. Second stage:

Candidates shortlisted at the end of the preselection period shall be invited to submit a tender. The invitation to tender documents (including the letter of invitation to tender, the tender specifications and the model contract to be used for this contract) will be sent to them directly, with no further publication in the 'Official Journal of the European Union'.

'Nota bene': submitting requests to participate or drawing up tenders does not give tenderers the right either to be awarded the contract or to receive any compensation for costs incurred. The contracting authority is under no obligation to award a contract subsequent to this notice.

II. Data protection:

If processing your reply to this contract notice involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection

of individuals with regard to the processing of personal data by the institutions and bodies and on the free movement of such data. Unless indicated otherwise, replies to the questions and any personal data requested are required to evaluate your request to participate in accordance with the contract notice and will be processed solely for that purpose by the contracting authority mentioned in heading I.1.
Details concerning the processing of your personal data are available on the privacy statement at: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf
Your personal data may be registered in the early warning system (EWS) only or both in the EWS and central exclusion database (CED) by the Accounting Officer of the EEAS, should you be in one of the situations mentioned in:
— the Commission Decision 2008/969 of 16.12.2008 on the early warning system (for more information see the privacy statement on http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or
— the Commission Regulation 1302/2008 of 17.12.2008 on the central exclusion database (for more information see the privacy statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE).
III. Where appropriate, the contracting authority may have recourse to a negotiated procedure on the basis of Article 134(1)(f) of the rules of application applicable to the Financial Regulation.
Candidates should regularly consult the website of the Delegation of the European Union to Japan (http://eeas.europa.eu/delegations/japan) on tender information.

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures**

General Court
rue du Fort Niedergrünewald
2925 Luxembourg
LUXEMBOURG
E-mail: generalcourt.registry@curia.europa.eu
Telephone: +352 4303-1
Internet address: http://curia.europa.eu
Fax: +352 4303-2100

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: Within 2 months of the notification to the plaintiff, or, in absence thereof, of the day on which it came to the knowledge. A complaint to the European Ombudsman does not have as an effect either to suspend this period or to open a new period for lodging appeals.

VI.4.3) **Service from which information about the lodging of appeals may be obtained**

General Court
rue du Fort Niedergrünewald
2925 Luxembourg
LUXEMBOURG
E-mail: generalcourt.registry@curia.europa.eu
Telephone: +352 4303-1
Internet address: http://curia.europa.eu
Fax: +352 4303-2100

VI.5) **Date of dispatch of this notice:**

16.5.2013