

Guide for applicant

Restricted procedure 13-2014-1

Integrated building and technical infrastructure maintenance services in the eu-LISA's operational centre in Strasbourg

I. BACKGROUND

I.1. Introduction

This document is designed to help candidates to submit their candidatures in response to a restricted call for tenders for "Integrated building and technical infrastructure maintenance services in the eu-LISA's operational centre in Strasbourg".

The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereinafter referred to as "the eu-LISA", "the Agency" or "the Contracting Authority"), has been established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 (OJ L 286 1.11.2011, p.1).

The seat of the eu-LISA is Tallinn, Estonia. The tasks related to development and operational management of the current and future systems are carried out in Strasbourg, France. A backup site is installed in Sankt Johann im Pongau, Austria.

The eu-LISA is responsible for the long-term operational management of the second generation Schengen Information System (SIS II), the Visa Information System (VIS) and EURODAC. In the future, it may also be made responsible for the preparation, development and operational management of other large-scale IT systems in the area of freedom, security and justice, if so entrusted by means of separate legal instruments.

Core task of the eu-LISA is to ensure the effective, secure and continuous operation of the IT-systems. It is also responsible for the adoption of the necessary measures to ensure the security of the systems and the security of data.

Beyond these operational tasks, the eu-LISA is responsible for the tasks related to reporting, publishing, monitoring and organising specific trainings on the technical use of the systems, implementing pilot schemes upon the specific and precise request of the Commission and monitoring of research relevant for the operational management of the systems running 24/7.

I.2. Information on the procedure

The present call for candidatures follows the restricted procedure in terms of Article 127 Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

It is important to be aware of the nature of a restricted Call for Candidatures and of the differences between the various steps, namely the assessment of candidates in the candidature phase and the assessment of the tenders in the tender phase. The procedure will comprise two phases and three main stages:

As regards the candidature phase (Phase I):

- (1) Exclusion of candidates
- (2) Selection of candidates
 - (a) Economic and financial capacity
 - (b) Technical and professional capacity

As regards the tender phase (Phase II):

- (3) Evaluation of tenders
 - (a) Technical evaluation
 - (b) Financial evaluation

In the candidature phase any economic operator can participate as a candidate and submit a request to participate containing only the documentation required for Phase 1 [Stage 1 (Exclusion) and Stage 2 (Selection)]. These requests to participate are then assessed against the exclusion and selection criteria outlined in the contract notice and in this document to select the candidates who will be entitled to submit an offer, hence becoming tenderers. All candidates will be informed of the decision on their request to participate.

In the tender phase (Phase II) the pre-selected candidates are invited, simultaneously and in writing, to submit a tender that will be evaluated against the award criteria published in the contract notice and specified more in detail in the invitation to tender documents (Stage 3, Evaluation). The contract is awarded once the offers have been assessed.

The present document (Part 1 of Tender Documents – Guide for candidates) deals only with the candidature phase (Phase I). Once the successful candidates have been chosen, they will receive Part 2 of the Tender Documents (i.e. the administrative instructions, technical and financial evaluation questionnaires, technical specifications and draft contract) and will be invited to tender, as outlined above (Phase II).

The draft contract will be sent to selected candidates (tenderers – part 2 of the Tender Documents). In submitting the offer, the tenderer accepts the provisions of the Contract. Any limitation, amendment or denial of or reservation on the contract terms will lead to automatic exclusion from the procurement procedure.

The Agency may, before the contract is signed, either abandon the procurement procedure or cancel the award procedure without the tenderers being entitled to claim any compensation.

Fulfilment of conditions for award will not involve the Agency in any obligation to award the Contract.

The Agency shall not be liable for any compensation with respect to candidates and tenderers whose requests to participate or offers have not been accepted, nor shall it be so in the event of its deciding not to award the contract.

I.3. Purpose of the contract

Eu-LISA is looking for an established maintenance company to provide a high quality building and technical infrastructure maintenance service for its operational centre in Strasbourg. This integrated service shall include providing qualified staff to provide specialised maintenance to some equipment.

The contract shall cover all elements of the premises with exception of the access control and CCTV video-surveillance security systems, as these will be delivered under a separate contract. However the service provider will be expected to work with the security contractors as and when required.

The thorough maintenance service is to ensure that the buildings as well as its technical infrastructure are working well at all time. Work might have to be carried out on many occasions early in the morning, late at night or in several iterations, as causing no disruption to the Agency's operation is required.

The maintenance includes:

- general building maintenance;
- overall mechanical and electrical services;
- electrical power distribution cabinets;
- ducts and sockets;
- lighting (internal and external);
- emergency lighting;
- controls (timer for lights);
- uninterrupted power supply systems and battery replacement;
- diesel power generators;
- electrical power transformer;
- HVAC system;
- ventilation system and extractor fans;
- smoke control and exhaust systems;
- fire detection system;
- communications cabling and testing;
- overall sanitary equipment;
- drainage;
- pipe work and fittings;
- water heaters;
- doors, windows and locks;
- lift;
- furniture;
- appliances;
- other.

The expectation is also as to achieve a more energy efficient use of the installations, reducing current operational costs, also through enhancing and updating the quality and capabilities of some infrastructures. Thorough monitoring and reporting of collected and combined data is therefore essential.

I.4. Duration of the tasks

The work shall start on 23 April 2014 for a period of three years with an optional renewal of another year. This period is calculated in calendar days. In considering a possible renewal of the Contract, the Agency will decide at its sole discretion, on the basis of contractor's performance results compared to the Quality Indicators as set out in the Technical Tender Specifications (part 2 of the Tender Documents), throughout the years and without any right thereto for the Contractor.

I.5. Place of performance

The tasks will be performed in the premises of eu-LISA in Strasbourg:

18, rue de la Faisanderie BP 54
67 020 Strasbourg Cedex 01
France

I.6. Estimate of the amount of work involved

The total value of the contract has been estimated at EUR 300.000,00 per year, for a maximum of three plus one years (see point I.4.) with a total value of EUR 1.200.000,00.

II. STRUCTURE AND CONTENT OF THE APPLICATION

II.1. Generalities

Application must be written in **one of the official languages** of the European Union.

Tenders must be clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled, etc...).

II.2. Structure of the application

The application must include three sections:

- 1) Administrative informations on the applicant and any subcontracting party;
- 2) Documents related to the exclusion criteria;
- 3) Documents related to the selection criteria (financial and technical).

II.2.1. Section One: administrative proposal

a) Administrative informations

This section must provide the following information, set out in the standard identification forms attached to these tender specifications (Annexes 1 and 2):

- 1) Applicant's identification (Annex 1)

Applicants must provide proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or provide a declaration or certificate.

- 2) Legal entities (Annex 2)

The legal entity form in Annex 2 must be filled in and should be accompanied by a number of supporting documents, available at:

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

In the case of a grouping, this form must only be provided by the person heading the project.

b) Legal form

Legal form to be taken by the grouping of service providers to whom the contract is awarded.

Groupings, irrespective of their legal form, may submit bids. Candidates may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortium) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid. If awarded, the contract will be signed by the company of the person heading the project, who will be, vis à vis the eu-LISA, the only contracting party responsible for the performance of this contract. Tenders from a consortium of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member of the consortium or group. Each member must provide all the necessary documents for assessing the bid as a whole with regard to the exclusion criteria and selection criteria (all of them).

Each applicant (including subcontractor(s) or any member of a consortium or grouping) must complete and sign the identification forms in Annex 1 and also provide above-mentioned documents.

However, the subcontractor(s) shall not be required to fill in or provide those documents when the services represent less than 20% of the contract.

If candidates intend to sub-contract, the request to participate must include a document that clearly states the roles, activities and responsibilities of the proposed subcontractor(s), and the reasons why the candidate is envisaging subcontracting. The contractor must ensure that the audit and inspection obligations as stated in the contract are applicable to the subcontractors. In any event, the main contractor is fully liable towards the Contracting Authority for the performance of the contract as a whole.

In any event, the main contractor is fully liable towards the Agency for the performance of the contract as a whole.

The rules on 'no conflict of interest' apply also to subcontractors.

Accordingly

- the Contracting Authority will treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a sub-contractor;
- under no circumstances can the main contractor avoid liability towards the Contracting Authority on the grounds that the sub-contractor is at fault.

II.2.2. Section Two: Exclusion criteria

a) Exclusion criteria

All candidates shall provide a declaration on their honour (see Annex 3), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the Annex 3.

The declaration on honour is also required for identified subcontractors whose intended share of the contract is above 20%.

The Candidates shall provide the documents mentioned as supporting evidence in Annex 3 before signature of the contract and within a deadline given by the contracting authority. This requirement applies to all members of the consortium in case of joint tender

II.2.3. Section Three: selection criteria (selection of the tenderers)

To be eligible, the applicants must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call.

II.2.3.1. Economic and financial capacity – References required

Candidates must prove their financial capacity to carry out the work subject to this procedure.

The evidence requested should be provided by each member of the group in case of joint tender and identified subcontractor whose intended share of the contract is above 20 %. However a consolidated assessment will be made to verify compliance with the minimum capacity levels.

In order to prove their economic and financial capacity, applicants must comply with the following criteria:

- average turnover of the last three financial years above 500.000,00 EUR.

The following evidence shall be provided:

- the completed "Simplified balance sheet" and "Simplified Profit & Loss Account" completed for the last three years;
- copy of the profit & loss account and balance sheet for the last three years for which accounts have been closed;
- failing that, appropriate statements from banks;
- evidence of professional risk and other legally mandatory insurances.

If, for some exceptional reason which the Contracting Authority considers justified, an applicant is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Contracting Authority reserves the right to request any other document enabling it to verify the applicant's economic and financial capacity.

II.2.3.2. Technical and professional capacity – References required

Candidates must prove their technical and professional capacity to carry out the work subject to this procedure.

Applicants must comply with the following criteria:

- prove their expertise in providing maintenance services as part of their core business;
- demonstrate their availability of resources to duly carry out this new contract together with equivalent other running contracts in the private or, preferably, in the public sector;
- having completed past contracts to the required quality standards;
- applicants must prove their ability to work and report in French and English language.

The above described expertise shall be supported by the following evidence:

- updated business report with indication of assets, staff and other resources for this field of services;
- at least five (5) running or completed equivalent service contracts in the last three (3) years indicating its relevance for this tender and clarifying the role of the applicant as well as stating the responsible contact person and its function;
- presentation of claims history, contract renewals or extensions or other relevant performance indicators such as observed quality standards, achievements and outcomes;
- references to at least one (1) other service provision that is or has been provided in the last three (3) years showing the necessary language coverage;

The Contracting Authority reserves the right to request additional documentation, references and certificates of satisfactory execution regarding both the indicated performed services as well as regarding qualifications of the indicated persons who will provide the service for this tender (CVs), including the management staff.

Remark: If several service providers/subcontractors are involved in the application, each of them must have and show that they have the professional and technical capacity to perform the tasks assigned to them.

III. ANNEXES

1. Identification of the Tenderer
2. Legal Entity Form
3. Declaration by the Tenderer (relating to the exclusion criteria)
4. Simplified balance sheet Form + profit & loss account Form

ANNEX 1

IDENTIFICATION OF THE APPLICANT

(Each service provider , including subcontractor(s) or any member of a consortium or grouping, must complete and sign this identification form)

Call for tender xx/xx/xxxx

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) ¹	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname: First name: Title (e.g. Dr, Mr, Ms) : Position (e.g. manager): Telephone number: Fax number: E-mail address:	

¹ For natural persons

Legal Representatives	
Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties	
Declaration by an authorised representative of the organisation² I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

- All tenderers must provide proof of **registration**, as prescribed in their country of establishment, on one of the **professional or trade registers** or provide a declaration or certificate.
- If the tenderer is a natural person, he/she must provide a copy of the identity card/passport or driving licence and proof that he/she is covered by a social security scheme as a self-employed person.

² This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

ANNEX 2

Legal entity form

Complete the legal entity form, which should be accompanied by a number of supporting documents, available on the Web site:

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

Please note that we can only accept either original documents or certified copies, which must be less than 6 months old.

In the case of a grouping, this form must only be provided by the person heading the project.

ANNEX 3

Declaration of honour on exclusion criteria and absence of conflict of interest

(Complete or delete the parts in grey italics in parentheses)
[Choose options for parts in grey between square brackets]

The undersigned (*insert name of the signatory of this form*):

in [his][her] own name (*for a natural person*)

or

representing the following legal person: (*only if the economic operator is a legal person*)

full official name:

official legal form:

full official address:

VAT registration number:

➤ declares that [the above-mentioned legal person][he][she] is not in one of the following situations:

- a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
- c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;
- d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be performed;
- e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;
- f) is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.

➤ (*Only for legal persons other than Member States and local authorities, otherwise delete*) declares that the natural persons with power of representation, decision-making or control³ over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

³ This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

➤ declares that [the above-mentioned legal person][he][she]:

- g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;
 - h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
 - i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
 - j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;
- acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties⁴ if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, 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.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

Full name

Date

Signature

⁴ As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation

ANNEX 4

SIMPLIFIED BALANCE SHEET

Currency
Unit

	Year		
	N	N-1	N-2
Assets			
Fixed assets (a)			
Current assets (b = c+d+e)	0	0	0
of which:			
Stocks (c)			
Cash (d)			
Other current assets(e)			
Total assets (A = a+b)	0	0	0
Liabilities (B=f+g)	0	0	0
of which,			
Short term liabilities (f)			
Long term liabilities (g)			
Net assets (Own Funds) (C= A-B)	0	0	0

Name of the tenderer	
Legal representative' s name	
Signature	

ANNEX 4

SIMPLIFIED PROFIT & LOSS ACCOUNT

Currency
Unit

	Year		
	N	N-1	N-2
Operating income			
Operating expenses			
Gross operating profit/loss	0	0	0
depreciation			
Net operating profit/loss	0	0	0
Financial income			
Financial expenses			
Profit/Loss on ordinary activity	0	0	0
19. Extraordinary income			
Extraordinary expenses			
20. Profit tax			
21. Profit/Loss for the financial year	0	0	0

Name of the tenderer	
Legal representative' s name	
Signature	