

## **RESTRICTED PROCEDURE**

### **STEP I – Selection of candidates**

#### **Tender Documentation**

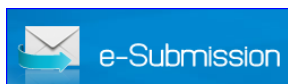
### **“Provision of Physical Security Services”**

## **LOT 1: SECURITY GUARD SERVICES**

### **ENISA F-CSS-21-T18**

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*Applications via e-Submission portal*

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## 1.1 INTRODUCTION

The European Union Agency for Cybersecurity (ENISA) was established by the European Parliament and the Council Regulation (EU) No 2019/881 of 17 April 2019 (OJ L 151/15, 07.06.2019) (hereinafter CSA). ENISA is dedicated to achieving a high common level of cybersecurity across Europe. Through knowledge sharing, capacity building and awareness raising, the Agency works together with its key stakeholders to strengthen trust in the connected economy, boost resilience of the Union's infrastructure, and ultimately, keep Europe's society and citizens digitally secure.

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## 1.2 OBJECTIVES

The Agency's objectives are as follows:

- The Agency shall enhance the capabilities of the cybersecurity community including EU Member States to prevent, to address, and to respond to cybersecurity issues and threats.
- The Agency shall provide assistance and deliver advice to the Commission and EU MS on issues related to cybersecurity falling within its competencies as set out in the Regulation.
- Building on national and EU efforts, the Agency shall develop a high level of expertise.
- The Agency shall use this expertise to stimulate broad cooperation between actors from the public and private sectors.
- The Agency shall assist the Commission, in the technical preparatory work for updating and developing EU legislation in the field of cybersecurity.

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## 2. ADDITIONAL INFORMATION

Further information about ENISA can be obtained on its website: [www.enisa.europa.eu](http://www.enisa.europa.eu).

## PART 2 TENDER SPECIFICATIONS - STEP I

### I. SCOPE OF THIS TENDER

The purpose of this Call for Tenders is to provide Physical Security Services for the Agency's premises in Athens and Heraklion Crete Greece.

#### IMPORTANT NOTE:

This Restricted procurement procedure is organised in **two steps**:

- **Step I** – Selection of candidates - the exclusion and selection criteria are assessed;
- **Step II** – Evaluation of tenders against the award criteria.


**Only economic operators selected based on the exclusion and selection criteria in Step I will be invited to submit a tender in Step II of this procurement procedure.**

Subject of the tender	Maximum budget
<b>LOT 1:</b> Security Guard Services	A maximum budget of <b>€700.000,00 (seven hundred thousand euro)</b> over the maximum possible period of 4 years
Last date for <u>dispatch</u> of offers	<b>19<sup>th</sup> April 2021 until 18:00 CEST</b>

**PLEASE NOTE:** *This tender procedure is limited to tenderers which are legally incorporated or which have an incorporated subsidiary in a member state of the European Union/EEA as well as SAA countries<sup>1</sup>. The Agreement on Government Procurement (GPA) does not apply to EU Regulatory Agencies and as such, ENISA cannot accept offers from legal entities based in 'third countries'.*

#### IMPORTANT: For UK based entities (and in general - entities outside the EU):

*The United Kingdom is now considered a 'third country by the European Union'. ENISA cannot therefore accept submissions from legal entities based in the UK, nor can a UK legal entity be nominated as part of a consortium. Subcontracting of UK (and other third country) entities is allowed. In these cases, any transfer of personal data to third countries shall only take place after prior authorisation of ENISA and shall fully comply with the requirements laid down in Chapter V of Regulation (EU)2018/1725.*

<b>Method of submitting application:</b>  e-Submission	<b>e-Submission portal</b>	<b>YES</b>
	<b>Courier or postal service</b>	<b>NO</b>
	<b>By hand</b>	<b>NO</b>
	<b>By email</b>	<b>NO</b>

<sup>1</sup> Under the Stabilisation and Association Agreements (SAA) economic operators established in FYROM, Albania, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo have been granted access to procurement procedures of the Union institutions, agencies and bodies.

## 1. LOCATION OF ENISA PREMISES

The objective of LOT 1 is to conclude a framework service contract for the provision of 'Security Guard Services' for the Agency's premises located at:

- Ethnikis Antistaseos 72, Chalandri, 15231, Attiki, Greece
- Nikolaou Plastira 95, Vassilika Vouton, Heraklion 70013, Crete, Greece

## 2. SERVICES TO BE PROVIDED

The tendering company commits itself to ensure by means of the personnel employed, to cover at both ENISA locations:

- the control of visitors' access to the premises;
- the provision of reception desk services
- the surveillance and patrolling of the premises in order to prevent and respond to any intrusion, damage to property or attack on persons or property
- the immediate intervention on-the-spot in the event of an incident acting as first responders
- the assistance to Staff due to an incident or an emergency situation outside of normal working hours;
- the regular submission of reports to the Agency covering these operations and any incident
- subcontracting of security guard services is not allowed under this Call for Tenders

## 3. DESCRIPTION OF GUARD POSTS

**For Chalandri, Attiki premises:**

- TWO security guard posts:
  - from Monday to Friday - during office hours (08:30hrs - 17:30hrs)
- ONE security guard post:
  - 24 hours per day and 7 days per week, (including weekends & holidays).

**For Heraklion, Crete premises:**

- ONE security guard post:
  - during office hours (06:00hrs – 22:00 hrs) on working days only.

## 4. LANGUAGE SKILLS

As the Agency staff is composed mainly of non-Greek speakers, for all personnel, the ability to speak, read and write **in English is necessary**. The local team leader/supervisor should have an advanced level of English (speaking, reading and writing).

## 5. SECURITY CLEARANCE

The local team leader/supervisor and all personnel shall successfully pass a vetting for personnel security clearance, if requested.

## 5. SUBCONTRACTING OF SERVICES

**NO subcontracting** of guard services will be allowed for LOT 1.

## 6. CONSORTIA

### 6.1 JOINT TENDERS (IF APPLICABLE)

A joint tender is a situation where a tender is submitted by a 'group' of economic operators (consortium).

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded. However, the Agency will require the grouping:

- Either to have the contract signed by all members (partners) of the grouping. In this case, one of them, as 'Lead Partner', will be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination of the contract.
- Or to have the contract signed by the 'Lead Partner' only, who has been duly authorised by the other members to bind each of them (a fully completed 'power of attorney' form for each member of the Group will be attached to the contract according to the template provided by the Agency).

In addition, the composition and constitution of the grouping, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Agency, which can be withheld at its discretion.

In case of a joint offer, each member of the grouping shall provide the following:

- a **Legal Entities form** and a **Power of Attorney of each consortium partner**, must be filled in, signed by (an) authorised representative(s), scanned and uploaded in the corresponding section.
- a **Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest** must be filled in, signed by (an) authorised representative(s), scanned and uploaded in the corresponding section.

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## 6.2 LIABILITY OF MEMBERS OF A GROUP

Partners in a joint offer assume **joint and several liability** towards the Agency for the performance of the contract as a whole.

Statements, saying for instance:

- That one of the partners of the joint offer will be responsible<sup>2</sup> for only one part of the contract and another one for the rest, or
- That more than one contract should be signed if the joint offer is successful

are thus incompatible with the principle of joint and several liability. The Agency will disregard any such statement contained in a joint offer, and reserves the right to reject such offers without further evaluation, because they do not comply with the tendering specifications.

## 7. ASSESSMENT OF QUALIFICATION FOR STEP II

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### 7.1 GENERAL

Applications must be written in **one of the official languages** of the European Union. The working language of ENISA is English.

The assessment will be based on each applicant's bid. All the information will be assessed in light of the criteria set out in these specifications. The procedure for successful qualification, which will concern only admissible bids, will be carried out in two successive stages.

The aim of each of these stages is:

- 1) To check on the basis of the **exclusion criteria**, whether applicants can take part in the tendering procedure (Step II).
- 2) To check on the basis of the **selection criteria**, the technical and professional capacity and economic and financial capacity of each tenderer.

Only tenders meeting the requirements of each stage will qualify to receive the tender documentation in STEP II.

Applications must be written in a clear and concise manner, with continuous page numbering. Since applicants will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

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### 7.2 QUALIFICATION DATA

#### a) Identification of the Tenderer

The tenderer must fill in all required fields in the 'Administrative ID and Declaration form' (Annex VI). In case of a joint tender the consortium name has to be provided and an identification of every party in the consortium needs to be added.

The following information should also be provided:

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<sup>2</sup> not to be confused with distribution of tasks among the members of the grouping



### (i) Legal Entities

In order to prove their legal capacity and their status, all applicants must provide a Legal Entity Form with its supporting evidence. The Legal Entity Form needs to be signed.

The Legal Entity standard template in each EU language is available at:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

Applicants must provide the following information if it has not been included with the Legal Entity Form:

- For **legal persons**, a legible copy of the notice of appointment of the persons authorised to represent the tenderer 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. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For **natural persons**, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

### (ii) Financial identification

The applicant must provide a Financial Identification Form and supporting documents.

The FID form is available at:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm)

### (iii) Power of Attorney

In case of a joint application, an Agreement / Power of Attorney for each partner must be filled in, signed by (an) authorised representative(s), scanned and uploaded. Please choose 'Model A' for an ad hoc grouping or 'Model B' for a legally constituted consortium - see templates in Annex IV.

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## 7.3 EXCLUSION CRITERIA

Tenderers shall be **excluded** from participation in a procurement procedure if:

- 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;
- they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- they have not fulfilled 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;

- they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Tenderers must certify that they are not in one of the situations listed above, by signing the form in Annex III (Declaration on Exclusion Criteria), which shall be submitted together with the required documents listed below:

In addition the following documentary evidence shall be provided by the applicant:

- a) A recent document from a bank stating that the applicant is not bankrupt or being wound up, having their affairs administered by the courts, entered into an arrangement with creditors, suspended business activities, are not the subject of proceedings concerning those matters;
- b) A certificate(s) issued by the competent authority or solemn declarations attesting that taxes, duties and social security contributions have been paid
- c) Copy of a current insurance certificate covering the risks of its activities;

This requirement applies to all members of the consortium in case of joint tender.

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## 7.4 SELECTION CRITERIA

The following criteria will be used to select the applicants for further evaluation. If the application is proposed by a consortium, these criteria must be fulfilled by each partner (unless otherwise stated).

Documentary evidence of the applicant's claims in respect of the below-mentioned criteria is required.

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### 7.4.1 PROFESSIONAL INFORMATION

The applicant must provide evidence of enrolment in one of the professional or trade registers related to the subject of this tender, in the country of its establishment.

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### 7.4.2 FINANCIAL AND ECONOMIC CAPACITY

Proof of financial and economic standing shall be furnished by the following documents and minimum requirements:

- (a) Provide a copy of the financial statements (balance sheets and profit and loss accounts) for the last two (2) financial years for which accounts have been closed, where publication of the accounts is required under the company law of the country in which the economic operator is established. In case of a consortium, each consortium member shall present their financial statements.

If the applicant is not obliged to publish its accounts under the law of the state in which it is established, a copy of audited accounts for the last two (2) financial years should be presented. In case of a consortium/grouping, audited accounts for each consortium partner shall be presented.

- (b) **Complete the attached Annex II ‘Simplified Financial Statement’**, which summarises your recent financial capacity. Please note that the average turnover for the last two (2) financial years for which accounts have been closed must meet our **minimum annual average turnover of €175.000,00 (one hundred and seventy five thousand euro)**:

In case of a consortium/grouping, the annual average turnover for each of the partners shall be presented. The sum of the annual average turnovers of each partner will be taken into account to reach the annual average turnover of **€175.000,00**.

- (c) If applicants will call on the competences of another entity (for example, a parent company), a written undertaking by the said entity certifying that it will make available to the applicant the resources required to implement the contract.

If for some exceptional reason which the Contracting Authority considers justified, the applicant is unable to provide the documentary evidence requested above, he may prove his economic and financial capacity by any other means which the Contracting Authority considers appropriate, but only following a formal request for clarification **before** the tender expiry date.

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#### 7.4.3 TECHNICAL AND PROFESSIONAL CAPACITY CRITERIA AND EVIDENCE

These criteria relate to the Applicant's skill, efficiency, experience, reliability and similar circumstances. Applicants are required to prove that they have sufficient technical and professional capacity to perform the contract by providing the following documentation:

Tenderers (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- a) Indication of the permanent number of employees of the company and of the average number of the employees over the past three years.
- b) A list of the principal services provided in the past three years, with the values, recipients, public or private, especially those services provided to international or foreign companies, diplomatic missions or representations of international organisations;
- c) The tenderer must prove its specific experience in providing Security Guard services with **at least three (3) contracts** in this field in the last five years, each with a **minimum value of €80,000.00**;
- d) Provide written references from previous/current customers in the relevant field;
- e) Provide details of trainings given to the personnel in conformity with the objectives of the contract;
- f) Evidence that human resources assigned for the guarding services will be sufficiently competent and the professional experience to guarantee the quality and the continuity of the security services requested;
- g) Evidence of the experience and qualifications of the members of the managerial bodies and of the technical managers assigned, guaranteeing the quality and the continuity of the services requested (provide CVs if possible);
- h) Evidence of compliance with the standards shown below:
  - ISO 9001:2015 (quality of services)
  - ISO 27001:2013 (security handling of information)
  - ISO 14001:2015 (environmental management)

## 8. OTHER CONDITIONS

### 8.1 VALIDITY

Period of validity of the Tender: 90 days from the closing date stated in Invitation to Tender. The successful Tenderer must maintain its Offer for a further 120 days from the notification of the award.

### 8.2 LOTS

This Tender is divided into 2 Lots:

- LOT 1: SECURITY GUARD SERVICES
- LOT 2: MAINTENANCE OF SAFETY AND SECURITY SYSTEMS

You may apply for one only or both LOTS.

### 8.3 ADDITIONAL PROVISIONS

- Changes to applications will be accepted only if they are received on or before the final date and time set for the receipt of applications.
- Expenses incurred in respect of the preparation and presentation of applications cannot be refunded.
- No information of any kind will be given on the state of progress with regard to the evaluation of applications.
- All documents submitted by applicants will become the property of ENISA and be treated as confidential.

### 8.4 NO OBLIGATION TO AWARD THE CONTRACT

Initiation of a tendering procedure imposes no obligation on the Contracting Authority to award the contract. Should the invitation to tender cover several items or lots, the Contracting Authority reserves the right to award a contract for only some of them. The Contracting Authority shall not be liable for any compensation with respect to Tenderers whose tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

## 9. CONTRACTUAL DETAILS

A Framework Service Contract will be proposed to the successful tenderer after STEP II of this 'Restricted' tender procedure. Selection of candidates and / or signature of the Framework Service Contract imposes no obligation on ENISA to order services.

The contract and its annexes draw up the legal, financial, technical and administrative provisions governing the relations between the Agency and the Contractor during its period of validity.

The tender will conclude, valid as of the date of the last signature, with a one-year Framework Service contract, tacitly renewable three times for a maximum of four years.

## 10. ANNEXES TO BE COMPLETED

**You must complete and submit the following annexes with your application:**

Annex I	Legal Entity & Financial ID Forms
Annex II	Simplified Financial Statement form
Annex III	Declaration on honour on exclusion criteria and selection criteria
Annex IV	Power of Attorney for Consortium Forms
<del>Annex V</del>	<del>Sub-Contractors Form</del>
Annex VI	Administrative ID and Declaration form
Annex VII (L1)	LOT 1 - Document Checklist