

Belgium-Brussels: Provision of guard, surveillance, access-control and other related services in buildings occupied and/or managed by European Commission departments in the Brussels-Capital Region and surrounding area

OJ S 238/2014 10/12/2014

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Directorate-General for Human Resources and Security, Directorate 'Shared Resource Services — Finance and Internal Control'

Postal address: Office SC 11 6/28

Town: Brussels

Postal code: 1049

Country: Belgium

E-mail: hr-contrats-marches@ec.europa.eu

Fax: +32 22991924

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Type of the contracting authority

European institution/agency or international organisation

I.3. Main activity

General public services

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

Provision of guard, surveillance, access-control and other related services in buildings occupied and/or managed by European Commission departments in the Brussels-Capital Region and surrounding area.

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 23: Investigation and security services, except armoured car services

Main site or place of performance: Brussels-Capital Region and surrounding area. This geographical restriction does not apply to bodyguard services.

NUTS code

II.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with a single operator

Duration of the framework agreement

Duration in months: 72

In the case of framework agreements, provide justification for any duration exceeding 4 years: major operational constraints when the contract is being set up and during its performance.

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

Static-guard, mobile-guard and mobile-patrol services, interventions on foot or in motor vehicles, access-control, remote-surveillance and remote-management services, 'Safety' and other related services, in buildings occupied and/or managed by European Commission departments in the Brussels-Capital Region and surrounding area (this geographical restriction does not apply to bodyguard services). These services shall be provided on the basis of a supervisory structure comprising operational, administrative and technical actions in liaison with the European Commission.

The services concern the staff categories defined in the collective labour agreements concerning Joint Committee 317 for guard services.

II.1.6. CPV code(s)

79713000 Guard services, 79715000 Patrol services, 79714000 Surveillance services, 79711000 Alarm-monitoring services

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

The procurement is covered by the Government Procurement Agreement: no

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

II.2. Scope of the procurement

II.2.1. Total quantity or scope

In November 2014, the Commission occupies 69 buildings in the Brussels-Capital Region and surrounding area.

In 2013, over 1 100 000 hours were ordered in the security-guard field for which approximately 850 people were assigned to more or less 350 security-guard positions (this includes supervisory positions and positions entailing remote-surveillance/management, information-management and staff-management tasks). However, this information is given as a guideline only and is not in any way binding on the Commission as regards the volume of work.

Pursuant to Article 134(1)(f) and (3) of Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012 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, the contracting authority may use the negotiated procedure for the award of new services consisting in the repetition of services similar to those entrusted to the party awarded the initial contract. The negotiated procedure can only be applied during a period of 3 years following conclusion of the initial contract.

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

Duration in months: 72 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1. Conditions related 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 by the contracting authority within 60 days of receiving the invoice. The contractor will have 30 days in which to submit additional information, corrections or other documents if so requested by the contracting authority.

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

In the case of a grouping, all members must be jointly and severally liable for contract performance and abide by the requirements referred to in point III.1.4.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: the conditions for access to and exercise of the guard-service profession in Belgium are governed by the Law of 10.4.1990 on security-guard companies, security firms and internal security-guard services (known as the 'Tobback Law') published in the 'Moniteur Belge' on 29.5.1990 (implemented through a series of Royal Decrees and amended several times). This law requires, in particular, authorisation from the Belgian Ministry of the Interior to exercise the profession.

Failure to obtain authorisation by the final date for delivery of requests to participate or tenders will not impede participation in the contract. In this case, the candidate shall provide equivalent references with his request to participate (separate documents for each grouping member, if a grouping). Signature of the framework contract is conditional upon the tenderer having the authorisation in accordance with the laws applicable in Belgium.

The candidate should take particular note of the following:

- collective labour agreement No 32bis of 7.6.1985 (contractual transfer of undertaking) — see the website of the Belgian National Labour Council (<http://www.cnt-nar.be/Home-FR.htm>),
- Council Directive 2001/23/EC of 12.3.2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses,
- aspects of Joint Committee 317 for guard services (memorandum of understanding of 19.6.2003) and more specifically the collective labour agreements relating thereto,
- compliance, in his capacity as employer and in respect of his employees, with obligations imposed by Belgian legislation in general and, in particular, by the Belgian Law of 4.8.1996 on the well-being of workers in the exercise of their duties,
- compliance, in his capacity as employer, with rules and regulations on labour protection applicable in Belgium,

— compliance, in his capacity as employer, with rules and regulations on social security applicable in Belgium.

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: requests to participate must be made by letter posted before the date or the deadline given in point IV.3.4 of this notice.

Requests to participate must be submitted using 1 of the following methods:

— registered post, as evidenced by the postmark, to the following address: European Commission, Directorate-General for Human Resources and Security, Unit HR.R.3, Office SC-11 6/28, 1049 Brussels, BELGIUM,

— delivery (in person or by any party representing the candidate, or by courier) to the following address: European Commission, Directorate-General for Human Resources and Security, Unit HR.R.3, Office SC-11 6/28, avenue du Bourget 1, 1140 Brussels (Evere), BELGIUM.

This department is open from 8:00 until 17:00, Monday to Thursday, and from 8:00 until 16:00 on Fridays. It is closed at weekends and on Commission holidays.

For deliveries by courier, the valid date of dispatch will be the date on the courier's delivery note. For deliveries made in person or by any party representing the candidate, delivery of the request to participate will, in this case, be confirmed by a receipt dated and signed by an official from the Commission's Central Mail Department who takes delivery of the documents.

The candidate must:

— quote reference 'HR/R3/PR/2014/050' in his request to participate,

— enclose the documents and information required in points III.2.1 to III.2.3 of this notice.

* Legal position — means of proof required:

1) name of the country in which the candidate has his head office or is domiciled, together with corresponding documentary evidence, in accordance with legislation in his country of residence;

2) submission of an identification sheet, including name, legal status, nationality, postal address, telephone and fax numbers, person to contact for this contract and e-mail address, website (where applicable), VAT number (where applicable), legal registration number (where applicable) and precise bank details;

3) the candidate (separate documents for each member of the consortium, grouping or association of companies, if this is the case) shall enclose with his request to participate a duly signed and dated solemn declaration, attesting to the fact that he is not in any of the cases which would exclude him from participating in the contract. This document is available at the following address: http://ec.europa.eu/dgs/human-resources/markets_fr.htm

If the candidate intends forming a consortium, grouping or association of companies, he must give details of the composition thereof. In this case, the documents under 1) and 2) must be provided separately for each partner concerned.

Tenders submitted by a consortium, a grouping or an association of companies must include:

4) a document giving the composition and constitution of the entity or the legal form of this cooperation in the event they are awarded the contract;

5) a document detailing the lead company;

6) all members of the consortium, grouping or association of companies must declare that they accept said company as leader;

7) a letter signed by each grouping member stating that he undertakes to perform the work.

In order to prove that he has the requisite capacities specified in points III.2.2 and III.2.3, the candidate may make use of the capacities of other bodies irrespective of the legal nature of

the connection between himself and said bodies. In such an event, he must provide the contracting authority with proof that he will have the resources needed to carry out the contract by, for example, producing a written commitment by said bodies to make such resources available.

III.2.2. Economic and financial ability

List and brief description of conditions: candidates must demonstrate that they have sufficient economic and financial resources to be able to perform the tasks specified in this contract notice.

The following documents must be provided in support of their economic and financial capacity (groupings/partnerships must provide separate documents for each of their members):

8) summary of the balance sheets and profit and loss accounts for the past 3 financial years for which accounts have been closed (2011, 2012, 2013), showing the annual pre-tax profit. If the balance sheets or the statement show an average loss over the past 3 financial years for which accounts have been closed, the candidate must provide another document as proof of his financial and economic capacity, such as appropriate bank references or proof of professional risk insurance cover;

9) statement as to overall annual turnover during the past 3 financial years for which accounts have been closed (2011, 2012, 2013).

If, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce the means of proof required above, he may provide proof of his economic and financial capacity by any other means which the contracting authority deems suitable;

10) statement as to the specific annual turnover for the types of services referred to in the contract, realised over the past 3 financial years for which accounts have been closed (2011, 2012, 2013).

Minimum level(s) of standards possibly required: the candidate must provide proof that his average annual turnover in the field covered by this contract was at least 80 000 000 EUR over the past 3 financial years for which accounts have been closed (2011, 2012, 2013).

Should the candidate's own turnover figure not be high enough, he may also include turnover figures from his subcontractors for the field covered by this contract.

III.2.3. Technical and professional ability

List and brief description of conditions:

11) the candidate shall mention in his request to participate whether he intends to subcontract part of the contract and the proportion he intends to subcontract. If so, any subcontractor(s) must provide, on the day on which the contract is signed, authorisation from the Belgian Ministry of the Interior giving access to the profession in accordance with the conditions for access to and exercise of the security-guard profession in Belgium, governed by the Law of 10.4.1990 (known as the 'Tobback Law') on security-guard companies, security firms and internal security-guard services. To be selected, a declaration undertaking to obtain such documents on the date of contract signature will suffice;

12) candidate's current organisation chart;

13) statement as to the candidate's average manpower during the past 3 financial years (2012, 2013 and 2014) (consolidated data for groupings);

14) curricula vitae of the principal managers and/or associates and the managerial staff to be responsible for contract performance;

(a) the managerial staff, and specifically the site manager, administrative officer, operations officer and control officer, must all be university graduates with at least 3 years' experience in

the field of security or have a higher-education qualification or equivalent and a minimum of 6 years' experience in security. Proof must be provided.

The definition of university degree is taken from the Bologna Declaration of 19.6.1999

http://europa.eu/legislation_summaries/education_training_youth/lifelong_learning/c11088_fr.htm

(b) each one of them must be fluent (level B2) in 1 of the Commission's 3 working languages (English, French, German) and have a good command of another of the 3 languages (minimum level B1). For information only, the main working language for this contract will be French; English being the second working language;

(c) the supervisor and coordinators must have a certificate of higher secondary education ('humanités' or equivalent type) and/or at least 3 years' equivalent professional experience in the position. They must hold a certificate as a member of a first-response team and a first-aid certificate recognised by an approved authority, Proof must be provided;

15) the candidate (consolidated data for groupings) must also provide curricula vitae for middle management staff (scales OP3 and OP4) who must have a certificate of higher secondary education ('humanités' or equivalent type) and/or at least 3 years' equivalent professional experience in the position;

16) declaration from the candidate stating that the senior and middle management staff shall have, at the contract signature stage at the latest, 'Secret' clearance issued by a national security body (see Commission Decision 2001/844/EC, ECSC, Euratom and Article 16 thereof);

17) declaration from the candidate that at least 1/3 of his staff will have, 1 year after the contract comes into effect at the latest, 'Secret' clearance issued by a national security body;

18) declaration from the candidate that the supervisor, coordinators, unit chiefs, 'Safety' officers, mobile staff (patrolmen, mobile patrol units and 'Safety' patrollers) and bodyguards will have, by the time the contract comes into effect at the latest, a type B driving licence;

19) statement from the candidate that he will be able to provide, as soon as the contract comes into effect, 52 'Safety' officers (i.e. with certificates from the firefighting training school and ambulance service or national equivalent recognised by Belgian authorities);

20) to be selected, the candidate must solemnly certify that he will have, as soon as the contract comes into effect, the necessary equipment to perform the services in this contract.

The candidate shall undertake to provide:

(a) at each guard post: 1 PC and requisite software (NB: there are approximately 210 PCs currently used by the staff deployed under this contract);

(b) at least 1 PC at the 'Dispatching', 1 PC at the 'Control Room', 1 PC for the managers;

(c) the network servers, applications and connections required for the aforementioned operations, as well as for receipt of order forms and service checks (NB: the Commission will provide the necessary cabling for the network infrastructure within its buildings, but not elsewhere);

(d) a patrol regulation system. For information purposes, approximately 3 000 microchips are currently deployed within and outside Commission buildings;

(e) a complete radio communication system (UHF);

(f) 1 rechargeable torch for each post;

(g) 13 motor vehicles, at least, necessary and adapted for patrols and 7 motor vehicles for the coordinators emitting at most 100 g of CO₂ per km;

(h) uniforms for guards, approved by the Belgian Ministry of the Interior;

(i) office supplies needed for satisfactory service provision;

(j) 'Safety' equipment.

As regards the 'Intervention involving people' assignment of the 'Safety' staff, for information

purposes, the contractor currently provides 6 emergency ambulance service bags for 'Safety' staff.

Each bag comprises, in particular: 1 Ambu bag and accessories, 1 pair of ambulance scissors, 1 blanket, 1 survival blanket, 1 glucometer, 1 pulse oxymeter, 1 Mayo cannula set for adults and children, 1 Stifneck (neck brace), 1 semi-automatic or manual blood-pressure meter, 1 thermometer, 1 defibrillator. The number of emergency ambulance service bags that the future contractor will be called upon to supply to 'Safety' staff is likely to evolve during the contract's life in line with Commission requirements.

As regards the 'Fire' assignment of the 'Safety' staff, the candidate undertakes to provide, in particular:

1 fireman's helmet, 1 fire hood, 1 fire service belt, 1 pair of fire gloves, 1 pair of fire service boots, 1 pair of fire trousers, 1 fire jacket, 1 hydrant key, 1 hydrant key holder, 1 explosion-proof lamp, 1 set of SCBA (self-contained breathing apparatus), 1 nasal oxygen cannula, 1 oxygen mask.

Each item shall be provided in double in each building where the 'Safety' staff are deployed (currently 5 buildings). These items will also be made available to the 'Safety' coordinator;

21) the candidate will describe in detail the resources he will use to be able to schedule his staff in order to meet the purchase orders issued by the Commission. For information purposes, the Commission's monthly order form currently covers almost 70 buildings, some 350 posts, 9 staff categories, working time divisions (day/night) and 5 different types of shift (working days, Sundays, restricted, public holidays, public holidays which fall on Sundays). To this end, he undertakes to use information sent by the Commission on paper and in electronic format when scheduling staff;

22) the candidate shall describe in detail his capacity to schedule the working hours as required in the monthly order form and/or ad hoc order forms issued by the Commission (software, qualified and experienced staff, etc.) and to provide, on a daily basis, documentary proof of service provision (in particular: number of hours worked, category of guard, shift worked, etc.) in paper format and XML format;

23) the candidate shall describe in detail the system he will use for recording staff clocking times such that both he and the Commission can check that the security guards are present as scheduled in accordance with the order form(s) issued by the Commission;

24) the candidate shall describe in detail the computer software used for the specific purpose of electronically producing and distributing instructions at the security guards' static posts;

25) the candidate shall describe in detail his IT capacity (sufficient numbers of qualified and experienced staff) to be able to develop adaptations which could be implemented following any developments in the tools used by the Commission to issue its order forms, check the services and related invoicing, ensure the guards present accord with the shift type, categories, etc. stipulated in the order forms issued by the Commission, and give out instructions to the guards;

26) the candidate shall submit an official declaration of his commitment to install, for when the contract comes into effect, at each security-guard post, a complete IT system that will enable instructions to be sent generally (to all posts) or specifically (per post), reports to be drafted and sent electronically, and computerised clocking in and out for all guards. The system must include interfaces such that the Commission can send the order form and retrieve all the information on the services provided in XML format. It must also enable the contractor to receive the computerised access data (e-pass) issued by the Commission and be able to send it to the guard posts located in each reception of the Commission's buildings;

27) the candidate must have ISO 9001 certification or a valid equivalent. To this end, he must furnish the attestation from the certifying body;

28) statement indicating, for each category of the candidate's staff and any subcontractor(s):

- (a) average permanent staff numbers for the past 3 years (2012, 2013 and 2014) in all staff categories within the company, as described in point II.1.5 of this notice;
 - (b) level of training and qualifications of each category of staff (managers, guards, surveillance staff, 'safety');
 - (c) average length of professional experience for each position;
- 29) description of the logistics resources of the candidate and of any subcontractors for performance of the contract: particularly computer tools, general equipment, specific equipment, patrol regulation equipment, technical equipment, communication and transport equipment, and equipment for 'Safety' officers (fire intervention + intervention involving people);
- 30) the candidate must solemnly certify that he currently manages, or has management experience of, at least 1 'Dispatching' and 1 'Control Room';
- 31) the candidate must provide a statement on the 3 largest contracts carried out over the past 3 years (2012, 2013 and 2014) in the field of the invitation to tender. This reference list must be accompanied by documents proving that the services were performed (certificates of satisfactory performance, detailed supporting documents, etc.). To be selected, the candidate must:
- (a) provide proof, as a minimum, that the services provided under these 3 largest reference contracts cover all the fields described in point II.1.5 of this notice and especially the 'Control room', 'Dispatching' and 'Safety' (fire and people) management services;
 - (b) enclose all supporting documents (signed letter, for example) signed by the beneficiaries (customers) of the services carried out under the 3 largest reference contracts. These documents must show that the services carried out for the customer were performed in accordance with the specifications of said customer;
- 32) should the candidate not have facilities in Brussels or the surrounding area, he must enclose a description of the provisions envisaged to guarantee supervision and continuity of the services in Brussels and its outskirts during the entire contract performance.

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: see point III.1.4 of this notice.

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: yes

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Restricted

IV.1.2. Information about the limits on the number of candidates to be invited

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

IV.2. Award criteria

IV.2.1. Award criteria

Lowest price

IV.2.2. Information about electronic auction

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

HR/R3/PR/2014/050.

IV.3.2. Previous publication concerning this procedure

no

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

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

12.1.2015

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6. Languages in which tenders or requests to participate may be submitted

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

VI.2. Information about European Union funds

VI.3. Additional information

1) The attention of interested parties is drawn to the aim of this notice, i.e. to select candidates who will receive the specifications and be invited to tender.

2) Interested parties are requested to strictly observe the conditions stated in point III.2 of this notice when submitting their request to participate, namely:

— to send their request to participate by letter before the date or the deadline given in point IV.3.4,

— to enclose all documents and information required under points III.2.1 to III.2.3.

Requests to participate sent after the date or the deadline given in point IV.3.4 will be automatically rejected.

Interested economic operators or consortia of economic operators are invited to submit their requests to participate in accordance with the rules established in this notice.

3) If the monitoring of your responses to the contract notice or the invitation to tender involves the registration and processing of personal data (e.g. name, address, CV), this data will be processed in accordance with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless otherwise specified, the answers to questions and the personal data requested are necessary for the evaluation of your request to participate, in accordance with the specifications in the invitation to tender, and will be

processed for this purpose only by DG.HR.R.R3. Detailed information on the processing of your personal data can be found in the privacy statement which can be consulted at the following address: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf

4) Your personal data may be registered by the Commission's accounts officer either in the Early Warning System (EWS) only, or in both the EWS and the central exclusion database, if you are in any of the situations referred to in:

— Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for further information, consult the privacy policy statement at: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_fr.cfm), or

— Commission Regulation No 1302/2008 of 17.12.2008 on the central exclusion database (for further information, consult the privacy policy statement at: http://ec.europa.eu/budget/explained/management/protecting/protect_fr.cfm#BDCE).

5) Interested parties should refrain from requesting further information at this stage of the procedure.

VI.4. Procedures for review

VI.4.1. Review body

Official name: General Court of the European Union

Postal address: rue du Fort Niedergrünwald

Town: Luxembourg

Postal code: 2925

Country: Luxembourg

E-mail: cfi.registry@curia.europa.eu

Internet address: <http://curia.europa.eu>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: within 2 months of the plaintiff being notified or, failing this, of the date on which it became known to them. A complaint made to the European Ombudsman neither suspends this period nor opens a new period for lodging appeals.

VI.4.3. Service from which information about the review procedure may be obtained

VI.5. Date of dispatch of this notice

28.11.2014