Public document to be completed by the Contracting Authority

**SERVICE CONTRACT NOTICE**

**Security Guarding Services No. 6
Pristina - Kosovo**

**Please note that the awarding of the contract is subject to the condition of:**

*This tender procedure is launched under* ***suspensive clause[[1]](#footnote-1)*** *i.e. the contract implementation beyond the duration of the Financing Agreement (CFSP/2017/15/EULEX Kosovo), is subject to the availability of funds of EULEX Kosovo through the conclusion of a new Financing Agreement between the European Commission and the EULEX Kosovo.*

**1. Publication reference**

EuropeAid/139537/IH/SER/XK Security Guarding Services No.6 (PROC/778/18)

**2. Procedure**

Restricted

**3. Programme**

**Council Joint Action 2008/124/CFSP of 04 February 2008, on the European Union Rule of Law Mission in Kosovo, (hereafter “EULEX Kosovo”) as amended by Joint Action  2009/445/CFSP of 9 June 2009 and by Council Decision 2010/322/CFSP of 8 June 2010, Council Decision 2012/291/CFSP of 5 June 2012, Council Decision 2013/241/CFSP of 27 May 2013, Council Decision 2014/349/CFSP of 12 June 2014, Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision (CFSP)2015/901 of 11 June 2015, Council Decision (CFSP)2016/947 of 14 June 2016, Council Decision (CFSP) 2016/1990 of 14 November 2016 and Council Decision (CFSP) 2017/973 of 8 June 2017.**

**4. Financing**

**CFSP/2017/15/EULEX Kosovo**

**5. Contracting Authority**

 EULEX Kosovo

**CONTRACT SPECIFICATION**

**6. Nature of contract**

Global price framework contract

**7. Contract description**

Framework contract for the provision of Security Guarding Services for EULEX Kosovo facilities
 located throughout Kosovo

**8. Number and titles of lots**

No, one lot only.

**9. Maximum budget**

720,000.00 EUR (per year)

**10. Scope for additional services**

The Contracting Authority may, at its own discretion, extend the project in duration subject to the availability of funding up to a maximum not exceeding the lenght and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the Contractor. The cost and duration of the additional services would be agreed by negotiated procedure.

**CONDITIONS OF PARTICIPATION**

**11. Eligibility**

Participation is open to all natural persons and/or legal persons participating either individually or in a grouping (consortium), as authorized by Council Decision (CFSP) 2016/1990 of 14 November 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO). The participation of natural and legal persons in the award of procurement contracts financed out of the Mission's budget is open without limitations. Participation is also open to international organisations.

**12. Candidature**

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (ie, the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

**13. Number of applications**

No more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

**14. Shortlist alliances prohibited**

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG- 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

**15. Grounds for exclusion**

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the PRAG.

**16. Sub-contracting**

Subcontracting is not allowed.

**17. Number of candidates to be short-listed**

On the basis of the applications received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

**PROVISIONAL TIMETABLE**

**18. Provisional date of invitation to tender**

June 2018

**19. Provisional commencement date of the contract**

December 2018

**20. Initial period of implementation of tasks**

The period for implementing the tasks is twelve (12) months from the commencement date of the contract, although the contract may be terminated at short notice. *(Article 19 of the special conditions of the contract included in the tender dossier)*.

The contracting authority may, at its own discretion extend this contract. Such extension shall be made under negotiated procedure. The contract may only be extended once, such that the duration of extension does not exceed the duration of the initial contract. Any extension will be conditioned and limited by the Mission’s mandate, the availability of corresponding budgetary funds and the satisfactory fulfillment of its obligations by the contractor.

**SELECTION AND AWARD CRITERIA**

**21.             Selection criteria**

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

:

**1)  Economic and financial capacity of candidate (**based on item 3 of the application form). In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

* The average turnover of the candidate for the last three years (2017, 2016 and 2015) must be at least 350,000.00 EUR (three hundred and fifty thousand).

**2) Professional capacity of candidate** (based on items 4 and 5 of the application form)

* at least 60 staff currently work for the applicant in fields related to this contract;
* at least 20 % of all staff working for the candidate this year in fields related to this contract are permanent.

 **3) Technical capacity of candidate** (based on items 5 and 6 of the application form). The
 reference period which will be taken into account will be the last three (3) years from
 submission deadline.

The candidate has provided successfully services on at **least one (1) similar project** in fields related to this contract within the past three (3) years before the submission deadline (i.e. 2015 to 2018) with a budget equivalent of at **least 250,000.00 EUR** (two hundred and fifty thousand).

This means that the project the candidate refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

* The candidate holds a valid license(s) pursuant to the Law No. 04/L – 004, issued by the Kosovo Ministry of Internal Affairs of the Republic of Kosovo, on Private Security Services covering all activities required by this tender

Previous experience which would have lead to breach of contract and termination by a Contracting Authority shall not be used as reference.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best candidates.  The only factors which will be taken into consideration during this re-examination are:

1 The highest value of the projects completed in the past three (3) years before the submission deadline (i.e. 2015 to 2018).

**22. Award criteria**

Best price-quality ratio.

**APPLICATION**

**23. Deadline for receipt of applications**

On **13 June 2018 at 15:00hrs** (Kosovo time zone).

Any application received by the Contracting Authority after this deadline will not be considered.

**24. Application format and details to be provided**

**Applications must be submitted using the standard application form**, the format and instructions of which must be strictly observed. The application form is available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B>

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template attached and available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

**25. How applications may be submitted**

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

1. EITHER by **recorded delivery** (official postal service) to :

**EULEX Kosovo – Procurement Section**

**Ndërtesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagja e Spitalit**

**10000 Pristina, Kosovo**

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

1. OR **hand delivered** (including courier services) **directly** to the Contracting Authority in return for a **signed and dated receipt** to:

**EULEX Kosovo – Procurement Section**

**Ndërtesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagja e Spitalit**

**10000 Pristina, Kosovo**

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

The **Contract title** and the **Publication reference** (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority.

**Applications submitted by any other means will not be considered.**

By submitting an application candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application.

**26. Alteration or withdrawal of applications**

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

**27. Operational language**

All written communications for this tender procedure and contract must be in English.

**28. Date of publication of prior information notice**

**10 March 2018 – 2018/S 049-106977**

**29. Legal basis**

**Council Joint Action 2008/124/CFSP of 04 February 2008, on the European Union Rule of Law Mission in Kosovo, (hereafter “EULEX Kosovo”) as amended by Joint Action  2009/445/CFSP of 9 June 2009 and by Council Decision 2010/322/CFSP of 8 June 2010, Council Decision 2012/291/CFSP of 5 June 2012, Council Decision 2013/241/CFSP of 27 May 2013, Council Decision 2014/349/CFSP of 12 June 2014, Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision (CFSP)2015/901 of 11 June 2015, Council Decision (CFSP)2016/947 of 14 June 2016, Council Decision (CFSP) 2016/1990 of 14 November 2016 and Council Decision (CFSP) 2017/973 of 8 June 2017.**

**30. Additional information**

Not applicable.

1. See Paragraph 2.4.12 of Practical Guide to Contract procedures for EU external actions. <http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B> [↑](#footnote-ref-1)