

# EUROPEAN EXTERNAL ACTION SERVICE



## **TENDER SPECIFICATIONS**

**No EEAS-571-DELSGGB-SER-FWC**

**Cleaning services framework contract**

**RESTRICTED PROCEDURE**

Due to its confidential nature the complete technical specifications cannot be disclosed to all candidates but only to the ones successful in the first stage of this procedure.

DO NOT SUBMIT the technical and financial offers at this first stage. Only the candidates receiving a second letter with the invitation to tender and the complete technical specifications at the second stage will be invited to submit its technical and financial offers. For the details, please see point 3 of this document.

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## **1. INTRODUCTION**

The contracting authority is the European Union (hereinafter referred to as «the contracting authority»), represented by the Head of the Delegation of the European Union to the Republic of Serbia or its duly authorized representative.

The contracting authority plans to conclude a framework service contract for the provisions of cleaning services, in accordance with the specifications set out below and the contract in annex.

The framework contract sets out the main elements of the services but the precise volume (number of units) and timing of the delivery cannot be defined at its signature. It means that the framework contract does not raise direct obligations on the contracting authority. When the need arises, the framework contract is implemented through the signature of specific contracts or order forms. Each specific contract or order form is awarded within the limits of the terms laid down in the framework contract and its annexes and no substantial changes are allowed. The specific contract or order form states the services amongst those foreseen in these tender specifications, their volume, the corresponding total price and the time of delivery. The specific contract or order form creates a direct obligation on the contracting authority at its signature.

When drawing up their tenders, tenderers shall take into account the provisions in these tender specifications, in the letter of invitation to tender as well as in the framework service contract, which specify the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, checks and audits.

The model framework contract that will be used for this contract is attached to the letter of invitation to tender in Annex 2. These tender specifications and the tender submitted by the awardee of the contract will be annexed to the contract and therefore be binding on the contracting parties during the implementation of the contract.

A notice for this contract was published in Official Journal of the European Union 2017/S 152-314099 of 10<sup>th</sup> August 2017.

Additional publicity was carried out on the official website of the EU Delegation to Serbia and in the newspaper Politika daily.

## **2. SUBJECT OF THE CONTRACT**

The contractor must provide the human and material resources necessary to ensure the professional cleaning of the delegation premises, located in Belgrade (Serbia), Vladimira Popovica 40 Street (V – IX floor).

## **3. DESCRIPTION OF PUBLIC PROCUREMENT PROCEDURE**

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

### **A. First stage (selection stage):**

In order to participate, candidates shall submit a letter presenting the name of the candidate, including all entities in case of a group and the name of the single contact person in relation to this request. An e-mail address and/or a fax number of the candidate

shall be provided. It is the responsibility of the candidate to regularly consult the e-mails received.

In an annex to this letter, candidates shall submit ALL the information requested in point **5. "Eligibility of economic operators"** of the tender specifications, namely evidence on the access to public procurement, declaration on honour on exclusion criteria and evidence on selection criteria.

B. Second stage:

Candidates shortlisted at the end of the selection stage (every economic operator complying with the access, exclusion and selection criteria evaluated during the selection stage) shall be invited to submit a tender. The following procurement documents will be sent to them directly:

- the letter of invitation to tender,
- the technical specifications.

**Only at this second stage the tenderer submits its technical and financial offers.**

#### **4. GROUPS OF ECONOMIC OPERATORS AND SUBCONTRACTING**

Tenders or requests to participate can be submitted by a single economic operator or jointly by two or more economic operators.

##### **4.1. Joint tender**

A joint tender is a situation where a tender is submitted by a group of economic operators; in other words, by several legal entities (natural or legal persons) regardless of the link they may have between them.

Each legal entity of the group shall assume joint and several liabilities with all its resources towards the contracting authority for the fulfilment of the terms and conditions of the contract.

The group shall nominate one legal entity ('the leader') who will have full authority to bind the group and each of its members, and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other entities.

The cover letter to the request to participate and tender must be signed by the legal representative of each legal entity of the group and will identify the leader with its name, e-mail address and/or fax number.

The tender will clearly identify the division of tasks amongst the different members.

Any change in the composition of the group during the procurement procedure may lead to the rejection of the tender. Any change in the composition of the group after the signature of the contract may lead to the termination of the contract.

The group will not be required to adopt a specific legal form in order to submit a request to participate or a tender.

The contract shall be signed by all legal entities or by the leader duly authorised to bind the group and each of its members (a power of attorney in favour of the leader is to be attached to the contract).

## **4.2. Subcontracting**

Subcontracting is allowed but the contractor will retain full liability towards the contracting authority for performance of the contract as a whole.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract and are required to identify all subcontractors whose share of the contract is above 10%.

The subcontractors whose share of the contract is above 10% must comply with the same exclusion and selection criteria on legal and regulatory capacity, technical and professional capacity applicable to tenderers and shall present exclusion and selection documents.

Any change in subcontracting during the procurement procedure may lead to the rejection of the tender. Any change in subcontracting after the signature of the contract may lead to the termination of the contract. During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the contracting authority (see art.II.10 of the framework contract).

## **5. ELIGIBILITY OF ECONOMIC OPERATORS**

### **5.1. Access to public procurement**

Participation in this tender procedure is open on equal terms to all natural and legal persons:

- in one of the European Union Member States;
- in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in the agreement<sup>1</sup>;
- in a country registered as a signatory of the Government Procurement Agreement (GPA) concluded within the WTO<sup>2</sup>.

Participation is also open to international organisations.

Economic operators, including each member of a joint tender, must confirm that they have their headquarters or domicile in one of the abovementioned States and present the supporting evidence normally acceptable under their own law.

### **5.2. Non-exclusion of economic operators**

Economic operators who have access to public procurement are evaluated on the basis of the information provided in their tenders for exclusion criteria.

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<sup>1</sup> Regardless the estimated value of the tender: FYROM, Albania, Montenegro, Serbia and Bosnia and Herzegovina (under the Stabilisation and Association Agreement), Iceland, Norway and Liechtenstein (under the EEA Agreement);

Only for tenders with an estimated value as from EUR 135 000 for services and supplies or EUR 5 225 000 for works: Mexico, Chile, Colombia, Peru, Ecuador, Iraq, and Central American countries of Honduras, Nicaragua, Panama, Costa Rica, El Salvador and Guatemala.

<sup>2</sup> Please check the list of countries at: [https://www.wto.org/english/tratop\\_e/gproc\\_e/memobs\\_e.htm](https://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm).

Economic operators shall provide a declaration on honour on exclusion and selection criteria available on <http://europa.rs/serbia-and-the-eu/administrative-tenders/?lang=en> dully filled in, signed and dated by the legally authorised representative.

The declaration on honour on exclusion and selection criteria shall be provided by each member of the group in case of joint tenders, by an entity on whose capacity it intends to rely and by all identified subcontractors whose share of the contract is above 10%.

Whenever requested by the contracting authority, the candidate or tenderer, as well as all entities which provided the abovementioned declaration on honour, shall provide the supporting documents confirming the declaration on honour.

The successful tenderer, including each member of the group in case of joint tender, to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in paragraph "Evidence upon request", confirming the declaration on honour.

The contracting authority may waive the obligation for a candidate or tenderer to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year earlier and are still valid at the date of their request by the contracting authority. In such cases, the candidate or tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that there has been no change in the situation.

The contracting authority may also waive the obligation for a candidate or tenderer to submit the documentary evidence if it can access it on a national database free of charge.

### **5.3. Selection of economic operators**

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to perform the services subject to this call for tender by meeting the selection criteria and minimum requirements listed in points 5.3.1, 5.3.2 and 5.3.3 hereafter.

Each candidate shall submit the evidence on selection criteria in their request to participate (first stage, see also point 3 of the tender specifications), respecting the requirements of the summary tables here below.

If a tenderer is relying on the capacities of other entities (e.g. parent company, other company in the same group, or third party) in order to achieve the required level of economic, financial, technical and professional capacity, its tender must contain a signed and dated statement by the concerned entity declaring firmly that the relevant resources shall be made at the disposal of the tenderer for the performance of this contract. The contracting authority will verify whether the entities on whose the tenderer intends to rely fulfil the relevant selection criteria. The tenderer may only rely on the technical and professional capacities of other entities where the latter will perform the services or works for which these capacities are required."

If an entity provides the whole or a very large part of the economic and financial capacity to the tenderer, the contracting authority may demand that the said entity be jointly liable for the performance of the contract. It may require that it signs the contract or that it provides a joint and several first-demand guarantee, should that tenderer be awarded the contract. If this entity is required to sign the contract, it has to have access to public

procurement and shall not be in an exclusion situation as indicated in point 5.1 and 5.2 of the tender specifications.

**5.3.1. Legal and regulatory capacity criteria and evidence**

The economic operators are required to have the following:

<b>5.3.1. Legal and regulatory capacity</b>	<b>The criterion must be met by the following economic operator(s)</b>  "Economic operator" is an entity which submits a tender or a request to participate, including members of a joint tender or subcontractor(s) (if required under point 4.2 Subcontracting).
5.3.1 a) Evidence on enrolment in a relevant professional or trade register, except for international organisations	Each economic operator involved in the request to participate or in the tender separately
5.3.1 b) Statement from the relevant authority of the country in which the economic operator has its domicile or headquarters proving that it is allowed to provide cleaning services in that country.	At least one economic operator involved in the request to participate or in the tender (it shall be the one who will be performing a specific task or part of the contract)

According to the Law on the Procedure of Registration with the Serbian Business Registers Agency (Official Gazette of RS no 99/11) and the Rulebook on the Content of the Business Entities Register (Official Gazette of RS No 6/2012), the awardee of the contract will have to register as a cleaning company in the Republic of Serbia at the latest before the contract is signed.

**5.3.2. Economic and financial capacity criteria and evidence**

Tenderers must prove the financial and economic capacity to perform this contract by meeting the following criteria:

<b>5.3.2. Economic and financial capacity</b>	<b>The criterion must be met by the following economic operator(s)</b>  "Economic operator" is an entity which submits a tender or a request to participate, including members of a joint tender or subcontractor(s) (if required under point 4.2 Subcontracting).
5.3.2 a) Financial statements or their extracts for the last three financial years for which accounts have been closed	At least one economic operator involved in the request to participate or in the tender (it shall be the one who will be performing a specific task or part of the contract)
<b>Minimum capacity level required:</b>	At least one economic operator involved in the request to participate or in the tender (it

<p>The financial statements shall contain a balance sheet and a statement of income. If the extracts are provided, the information in them shall correspond to the information usually provided in a balance sheet and a statement of income.</p>	<p>shall be the one who will be performing a specific task or part of the contract)</p>
<p>5.3.2 b) A declaration of the annual overall turnover of each of the last three financial years for which accounts have been closed</p>	<p>At least one economic operator involved in the request to participate or in the tender (it shall be the one who will be performing a specific task or part of the contract)</p>
<p><b>Minimum capacity level required:</b></p> <p>The amounts declared for the overall turnover, at least, must be verifiable with the amounts in the financial statements submitted under point 5.3.2 a) above</p>	<p>At least one economic operator involved in the request to participate or in the tender (it shall be the one who will be performing a specific task or part of the contract)</p>
<p>5.3.2 c) A declaration of the annual turnover concerning the cleaning services subject to this tender (see the list under point 2) of each of the last three financial years for which accounts have been closed concerning the same legal entity as under points a) and b) above.</p>	<p>At least one economic operator involved in the request to participate or in the tender (it shall be the one who will be performing a specific task or part of the contract)</p>
<p><b>Minimum capacity level required:</b></p> <p>The average annual turnover concerning the services subject to this tender (see the list under point 2) for the last three financial years for which accounts have been closed must be at least EUR 100 000. The exchange rate used to convert the turnover into euros will be the rate of December of the year of the financial statement as published at <a href="http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm">http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm</a>.</p>	<p>Cumulative for all economic operators involved in the request to participate or in the tender</p>

The declarations b) and c) may have a form of the following table:

	Year 201X	Year 201X	Year 201X	Average for these three years
Annual overall turnover				
Annual turnover concerning the services subject to				



this tender				
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**5.3.3. Technical and professional capacity criteria and evidence**

Tenderers must prove the technical and professional capacity to perform this contract by meeting the following criteria:

<p><b>5.3.3. Technical and professional capacity</b></p>	<p><b>The criterion must be met by the following <i>economic operator(s)</i></b></p> <p><i>"Economic operator"</i> is an entity which submits a tender or a request to participate, including members of a joint tender or subcontractor(s) (if required under point 4.2 Subcontracting).</p>
<p>5.3.3 a) A list of the cleaning services contracts of the economic operator in the fields related to the services indicated under point 2, concerning at least one of the past three financial years for which financial statements have been submitted (see point 5.3.2 a)). Each contract from the list must specify the annual contract value, the duration (start and end date) and the client.</p> <p><b>Minimum capacity level required:</b></p> <p>The economic operator must provide at least two clients' reference letters in the fields related to the cleaning services indicated in point 2 during at least one of the last three financial years specifying whether the services have been carried out in a professional manner in compliance with the contractual terms. These proofs letters must relate to any of the services included in the list under point a).</p>	<p>Each economic operator involved in the request to participate or in the tender separately</p> <hr/> <p>Cumulative for all economic operators involved in the request to participate or in the tender</p>
<p>5.3.3 b) A declaration on the average annual manpower employed by the economic operator in each of the last three financial years for which financial statements have been submitted (see point 5.3.2 a)):</p> <ul style="list-style-type: none"> <li>- in total,</li> <li>- in the fields related to cleaning services as described under point 2.</li> </ul>	<p>Each economic operator involved in the request to participate or in the tender separately</p>

**Minimum capacity level required:**

The average annual number of staff in the fields related to cleaning services as described under point 2 over the last three financial years for which financial statements have been submitted (see point 5.3.2 a)) must be at least 12.

Cumulative for all economic operators involved in the request to participate or in the tender

The declaration b) may have a form of the following table:

	Year 201X	Year 201X	Year 201X	Average for these three years
Average annual manpower in total				
Average annual manpower in the fields related to services as described under point 6				
Average number of managerial staff				

## 6. TECHNICAL SPECIFICATIONS

In order to protect the confidential nature of information contained in the tender specifications, the contracting authority will disclose the complete content of the technical specifications only to the candidates shortlisted at the end of the selection stage (every economic operator complying with the access, exclusion and selection criteria evaluated during the selection stage). Only the tenderers receiving the invitation to tender and the complementary technical specifications at the second stage will submit its technical and financial offers.

## 7. EVALUATION OF TENDERS ON THE BASIS OF THE AWARD CRITERIA

The tenderers shall provide the "Statement of compliance with the procurement documents" at Annex 1 duly dated and signed in order to be considered technically compliant.

The technically compliant tenders are evaluated in order to award the contract to the tender offering the best price-quality ratio. For this purpose, the tender will be evaluated technically and financially.

### 7.1. Technical procurement

The technical quality of the tenders will be evaluated on the basis of documents provided by the tenderers in the technical tender with regards to the award criteria described in the table below.

Technical award criteria

No	Description	Max. number points	Criteria
1	<b><u>Organisation of services</u></b>	(40 points – minimum threshold 50%)	<ul style="list-style-type: none"> <li>• How does the tenderer commit to organise the services to diminish the impact of the different cleaning activities on the contracting authority's staff working in the premises? (max. 10 points)</li> <li>• How does the tenderer commit to organise the timing to diminish the impact of the different cleaning activities on the contracting authority's staff working in the premises? (max. 10 points)</li> <li>• What are the measures to ensure service continuity in the event of unplanned absence from one or more cleaners or the team leader? (max. 10 points)</li> <li>• Describe the organisation for the management of the stock. (max. 10 points)</li> </ul>
2	<b><u>Health and safety measures</u></b>  This criterion will enable the assessment of the health and safety measures beyond the minimum required in the	15 points – minimum threshold 50%)	<ul style="list-style-type: none"> <li>• Description of the tenderer's policy of health and safety applicable for this contract. (max. 15 points)</li> </ul>

	technical specifications		
3	<p><b><u>Respect of the environment measures</u></b></p> <p>This criterion will enable the assessment of the environmental measures beyond the minimum required in the technical specifications</p>	15 points – minimum threshold 50%)	<ul style="list-style-type: none"> <li>• The tenderer will describe the criteria to select the cleaning and disinfecting products. (max. 8 points)</li> <li>• The tenderer will describe the way the waste deriving from the cleaning activity is to be eliminated. (max. 7 points)</li> </ul>
4	<p><b><u>Quality control measures</u></b></p>	15 points – minimum threshold 50%)	<ul style="list-style-type: none"> <li>• What measures, protocols and physical means will be implemented to control and guarantee the quality of the services provided? (max. 5 points)</li> <li>• How do these proposed means for quality control optimize the performance of the services? (max. 5 points)</li> <li>• Description of the tenderer’s methodology to manage complains. (max. 5 points)</li> </ul>
5	<p><b><u>Tenderer's staff loyalty programme</u></b></p>	15 points – minimum threshold 50%)	<ul style="list-style-type: none"> <li>• What measures will be implemented to motivate the staff to be deployed? (max. 5 points)</li> <li>• How do these measures have an impact on the motivation of the tenderer’s staff? (max. 5 points)</li> <li>• What incentives are foreseen for the staff to be deployed? (max. 5 points)</li> </ul>
	<b>TOTAL</b>	<b>100</b>	

Any tender not scoring the minimum quality threshold of 50% of the points for each criterion and 60 points for all the criteria combined will be eliminated.

## 7.2. Financial tender

Prices include cleaning services, supplies, products, equipment, but also the supervision by the team leader and the management of the contract.

The prices for the tender must be tendered:

- in EUR;
- free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under the Vienna Convention on Diplomatic Relations and on the basis of Article 24 Para.5 and Article 25 Para.3 of the Law on Value

Added Tax (VAT) ("Official Gazette of the Republic of Serbia" no. 84/04 and 86/04);

- all inclusive. This means that, unless otherwise mentioned in these tender specifications, prices tendered for shall include all the costs to be incurred by the tenderers in order to provide the services;
- using the unit price schedule and the price scenario tables in annex (Annex A and Annex B). Any change in the content of these tables will lead to the rejection of the tender.

During the validity of the tender and the implementation of the contract, unit prices cannot be revised. During the implementation of the contract, they can however be indexed in conformity with art. I.5.2 of the framework contract.

The unit price schedule is binding during the implementation of the contract. The price "scenario" is an estimate by the contracting authority of the quantities of the services over the duration of the contract in order to compare the financial tenders.

When completing the "scenario", tenderers will specify the same unit prices tendered for in the unit price schedule, will multiply them by the quantities indicated by the contracting authority for each item and will calculate the total price.

Only the financial tenders submitted by those tenderers who have obtained an overall technical score of 60 points or more and at least 50% of the maximum score allocated for each individual criterion will be opened.

They will then be checked for arithmetical accuracy. Where arithmetical errors are found, tenderers will be requested to correct them.

### **7.3. Calculation of the overall score**

The tender chosen will be that which offers the best price-quality ratio among the technically compliant tenders, namely the tender obtaining the best overall score  $P_i$  calculated as follows where the weighting is 50% for the quality and 50% for the price:

$$P_i = T_i * 0.50 + F_i * 0.50$$

$T_i$  = (technical quality score for the tender under consideration / score for the best technical quality tender) \* 100

$F_i$  = (cheapest total price for the scenario / price for the scenario of the tender under consideration) \* 100

## **8. CONTENT OF THE REQUEST TO PARTICIPATE**

**Candidates shall submit all the requested documents listed here for the first stage (selection stage).**

The request to participate will contain:

1. a cover letter presenting the name of the candidate, including all entities in case of joint tender, and identified subcontractors whose share of the contract is above 10%, and the name of the single contact person in relation to this request to participate. The cover letter must indicate the proportion of the contract to be

subcontracted. In case of a joint tender, the cover letter must be signed by a duly authorised representative for each operator and indicate the leading member with its e-mail address. It is the responsibility of the tenderers to consult regularly the e-mails received;

2. a letter of intent for each subcontractor whose share of the contract is above 10% stating their willingness to provide the services foreseen in the tender and in line with the present tender specifications;
3. all the documents requested for the access to public procurement (point 5.1);
4. declaration on honour on the exclusion and selection criteria (point 5.2);
5. all the documents requested for the selection criteria (point 5.3).