

Additional information about the Contract Notice

Security Guards Services for EUAM Ukraine Ukraine

1. Nature of contract

Fee-based

2. Programme title

Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2024/1353 of 14 May 2024.

3. Financing

Contribution agreement CFSP/2024/03/EUAM Ukraine

4. Legal basis, eligibility and rules of origin

The legal basis of this procedure is Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, as well as Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2024/1353 of 14 May 2024.

Participation of natural and legal persons in the award of procurement contracts by EUAM Ukraine shall be open without limitations with regards to their nationality.

No rule of origin for the goods purchased by EUAM Ukraine under this contract as part of the concerned services shall apply.

5. Candidature

All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement procedure. All partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation or tender of an ineligible natural or legal person 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.

6. Number of requests to participate or tenders

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

7. Grounds for exclusion

Candidates must submit a signed declaration, included in the request to participate form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **Practical Guide (PRAG)**. Where the candidate intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

8. Sub-contracting

Sub-contracting is allowed.

9. Number of candidates to be short-listed

On the basis of the request to participate 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. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination criteria stated below.

10. Short-list alliances prohibited

Any tenders received from tenderers having a different composition than the ones mentioned in the short-listed request to participate forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained – see practical guide 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

11. Provisional date of invitation to tender

21 October 2024

12. Provisional commencement date of the contract

01 March 2025

13. Period of implementation of tasks

24 months

14. Language of the procedure

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

15. Additional information

Financial data to be provided by the candidate in the request to participate form must be expressed in EUR (Euros). If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of the relevant accounts' closure dates, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

SELECTION AND AWARD CRITERIA

16. Selection criteria

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) 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. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. **Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document.** Proof of the capacity will also have to be provided when requested by the contracting authority.

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 tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

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

The candidate shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

1) Economic and financial capacity (based on item 3 of the request to participate 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.

(a) The average annual turnover of the candidate of the years 2021, 2022 and 2023 must exceed EUR 900,000.

2) Professional capacity (based on items 4 and 5 of the request to participate form). The reference period which will be taken into account will be the last three years preceding the submission deadline.

(a) At least 50 staff currently work for the candidate in fields related to this contract;

(b) The candidate shall have the legal capability to provide security services throughout Ukraine during the whole contract implementation period. (The candidate shall describe his compliance with this criterion in Section 5, Areas of Specialisation of the Request to Participate form.)

(c) The candidate shall have at his disposal at least 6 vehicles that are of a similar model/appearance, registered with a capacity for minimum four passengers, with markings of the security provider, with colour and markings clearly different from military/police image. (The candidate shall describe his compliance with this criterion in Section 5, Areas of Specialisation of the Request to Participate form.)

3) **Technical capacity** (based on items 5 and 6 of the request to participate form for service contracts). The reference period which will be taken into account will be the last three years from the submission deadline.

(a) in the last 3 years preceding the deadline for submission of requests to participate, the candidate has successfully provided services under at least one contract (the candidate's proportion shall be greater than EUR 500,000 for his services under each such contract) in the area of security guarding services.

Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered if the selection criteria relating to the pertinence of the experience have been used.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the request to participate of these candidates must be re-examined in order to rank them and identify the 8 best requests to participate for the tender procedure. The only additional comparative criteria that which will be taken into consideration during this re-examination, in the order in which they appear below, are:

- 1) the highest number of projects that meet criterion 3.a;
- 2) the highest cumulated value of the services rendered by the candidate under projects that meet criterion 3.a.

N.B.: additional comparative criterion No 1 shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional comparative criterion No 1, it is not possible to identify the 8 best candidates because two or more candidates are tied for the 8th position, additional comparative criterion No 2 shall be applied only to these tied candidates.

17. Award criteria

Best price-quality ratio.

PARTICIPATION

18. Requests to participate format and details to be provided

Requests to participate must be submitted using the request to participate form, the format and instructions of which must be strictly observed. The request to participate form is available from the following Internet address:

<https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes>

The request to participate must be accompanied by a declaration on honour on exclusion and selection criteria using the template available from the following Internet address:

[https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA\(Ch.2\):General](https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General)

Any documentation (brochure, letter, etc.) sent with a request to participate in addition to what has

been requested will not be taken into consideration.

19. How requests to participate may be submitted

Requests to participate must be submitted in English exclusively to the contracting authority by email to: tenders@euam-ukraine.eu

The contract title and publication reference (see contract notice) must be clearly mentioned in the subject line of the email message and must always be mentioned in all subsequent correspondence with the contracting authority.

Important Requirement: the electronic submission shall be by a zipped folder / file containing all the documents as requested; the zipped folder / file **MUST** be protected with a password which shall be known only to the company (person) submitting the request to participate. After submission deadline, the Chairperson and/or the Secretary of the Evaluation Committee will contact the company (person) via email and request the password needed to open the submitted zipped folder / file. Candidates **MUST NOT** provide the password to the contracting authority before the submission deadline.

Requests to participate submitted by any other means will not be considered.

20. Deadline for submission of requests to participate

The time-limit for receipt of requests to participate is indicated under Heading 5.1.12 of the contract notice. Unless otherwise indicated, the “Local Time” mentioned under 5.1.12 in the Contract Notice shall be understood as “Ukraine time” which is the standard time of the Contracting Authority.

A request to participate received after the time-limit for receipt of Requests to participate will be rejected.

Candidates must ensure that their submitted requests to participate contain all the information and documents required by the contracting authority at the time of submission as set out in the procurement documents.

21. Clarifications on the contract notice

Any request for clarifications must be made in writing and sent to the following email address of the Contracting Authority : tenders@euam-ukraine.eu . This concerns requests for clarifications about the contract notice and also request for clarifications about the content of the document called “Additional information to the contract notice.” Clarifications can be requested by potential candidates at the latest 21 days before the deadline for submission of requests to participate stated at section **5.1.12 of the contract notice**.

Clarifications will be published on the website of the Contracting Authority:

<https://www.euam-ukraine.eu/our-mission/tenders/> at the latest 8 days before the deadline for the submission of requests to participate. The website will be updated regularly and it is the candidates’ responsibility to check for updates and modifications during the submission period.

22. Outcome of the evaluation

By submitting a request to participate, 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 request to participate form.

23. Alteration or withdrawal of requests to participate

Candidates may alter or withdraw their requests to participate by written notification sent by email to tenders@euam-ukraine.eu , prior to the deadline for submission of requests to participate. No requests to participate may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with the precedent item. The subject line of the email message must contain the words 'Alteration' or 'Withdrawal' as appropriate, as well as the title and publication reference of the procedure.