

**Subject: - Open procedure – Ref. SJU/LC/0159-CFT**

**Lot 1 - Security related services: guarding  
and**

**Lot 2 - Security related services: monitoring of alarm, intervention  
on premises and maintenance of security systems**

Dear Madam/Sir,

The SESAR Joint Undertaking, referred to below as *the contracting authority*, is planning to award the contract(s) resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter, the draft contract(s) and tender specifications with their respective annexes. All documents are available at the following TED eTendering website<sup>1</sup>:

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=8141>

Economic operators interested in this contract are invited to submit a tender in one of the official languages of the European Union.

### **1. Submission of tenders.**

Tenders must be submitted exclusively via the electronic submission system (eSubmission) available from the above website<sup>2</sup> and accessible on the Funding and Tenders Opportunities portal (F&T portal)<sup>3</sup>, Tenders submitted in any other way (e.g. e-mail or by letter) will be disregarded.

In order to submit a tender using eSubmission, economic operators (each member of the group in the case of a joint tender) will need to register in the European Commission's [Participant Register](#)<sup>4</sup> - an online register of organisations participating in EU calls for tenders or proposals. On registering each organisation obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found on <https://webgate.ec.europa.eu/fpfis/wikis/x/sYXvlg>. Economic operators already registered in the Participant Register shall reuse their existing PICs when preparing tenders in eSubmission.

The time-limit for receipt of tenders is indicated under Heading IV.2.2 of the contract notice where local time shall be understood as local time at the contracting authority's location (the location indicated under Heading I.1 of the contract notice).

<sup>1</sup> Subscription to the call for tenders at the above link allows interested economic operators to receive e-mail notifications when new information or documents are published. Subscription is free of charge and does not involve any commitment to submit a tender.

<sup>2</sup> For detailed instructions on how to submit a tender please consult the eSubmission Quick Guide available at: [https://ec.europa.eu/info/funding-tenders/opportunities/docs/esubmission/quickguidepp\\_en.pdf](https://ec.europa.eu/info/funding-tenders/opportunities/docs/esubmission/quickguidepp_en.pdf).

The supported browsers, file types, size of attachments and other system requirements can be consulted at: <https://webgate.ec.europa.eu/fpfis/wikis/x/Oo5kl>. In case of technical problems, please contact the eSubmission Helpdesk (see contact details in the eSubmission Quick Guide) as soon as possible.

<sup>3</sup> <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

<sup>4</sup> <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register>

A tender received after the time-limit for receipt of tenders will be rejected. The submission receipt provided by eSubmission with the official date and time of receipt of the submission (timestamp) constitutes proof of compliance with the time-limit for receipt of tenders<sup>5</sup>.

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

The Declaration(s) on Honour on exclusion and selection criteria (template available in the tender specifications) shall be dated and signed, either by hand or by applying a qualified electronic signature, by an authorised representative of the signatory.

When the Declaration(s) on Honour is/are signed by hand, a scanned copy must be attached to the tender in eSubmission. The hand-signed original(s) must be sent by letter to the contracting authority's postal address specified under Heading I.1 of the contract notice at the latest on the first working day following the electronic submission of tender. The envelope, clearly mentioning the reference to the call for tenders and the eSubmission ID of the tender must be marked as "CALL FOR TENDERS REF. SJU/LC/0159-CFT – NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT". Only the original(s) of the Declaration on Honour are to be sent by letter, not other documents.

After submitting a tender, but before the deadline for receipt of tenders, a tenderer may definitively withdraw its tender<sup>6</sup>, or withdraw it and replace it with a new one<sup>7</sup>. A withdrawal receipt will be provided by eSubmission as proof of withdrawal.

All costs incurred for the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.

## **2. Legal effects of the invitation to tender and submission of a tender.**

This invitation to tender is in no way binding on the contracting authority. The contracting authority's contractual obligation commences only when the contract with the successful tenderer is signed by both parties.

Up to the signature of the contract the contracting authority may cancel the procurement procedure without tenderers being entitled to claim any compensation. Any such decision must be substantiated and tenderers notified.

The validity period of the tender, during which tenderers may not modify the terms of their tenders in any respect, is indicated under Heading IV.2.6 of the contract notice.

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<sup>5</sup> If no submission receipt is received in reasonable time after submission, please contact the eSubmission Helpdesk (see contact details in the above referred eSubmission Quick Guide) as soon as possible.

<sup>6</sup> A submitted tender can be withdrawn directly in the "Procurement/My Submission(s)" area in the F&T Portal. For detailed instructions on how to withdraw a tender please consult the above referred eSubmission Quick Guide.

<sup>7</sup> To submit a new version, the tenderer must create a new tender in eSubmission and include all the information and documents required in the procurement documents with the submission of a tender, even if some of them have already been included in the replaced tender.

Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.

### 3. Tenders' requirements

Tenders must be:

- preferably written in English,
- perfectly legible so that there can be no doubt as to words and figures,
- drawn up using the model reply form/template

Tenders must include a cover letter and three volumes (one separate file in pdf format for each volume), including the following information:

**a) Cover letter** shall be signed by a duly authorised representative of the Tenderer and dated and contain the following elements:

- The reference number of the SJU's call for tender
- Brief description of the Tenderer
- The names, function and contact details (telephone, e-mail and addresses) of the following contact persons or responsible for:
  - i) Communications relating to this call for tender
  - ii) Technical matters during contract implementation
  - iii) Contract management (if different from the one in point i).
  - iv) Person empowered to sign the contract (if awarded).

**b) Volume 1 – Administrative offer** shall contain the following elements:

- A valid power of attorney (or a clear reference to the official document), legally empowering the person/s who have signed any/all documents in response to this call for tenders;
- Legal entities' form (dully filled-in and accompanied by all the supporting documents requested therein, (please, use the form available on the following web page: [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));
- Financial identification form dully filled-in (please, use the form available on the following web page: [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));
- Declaration on honour with respect to the Exclusion Criteria and selection criteria and absence of conflict of interest (please refer to section 4.2 and 4.3 of the Tender specifications and to the template provided in Annexe I of the technical specifications)
- The visit certificate.

**c) Volume 2 - Technical offer** must provide the following elements:

#### **Part I (applicable to both lots):**



**Documentary evidence with respect to the selection criteria** for the establishment of the **technical and professional capacity** of the Tenderer. Please refer to Section 4.3.3 of the Tender specifications.

**Part II Technical offer itself:**

Description of how the Tender plans to address all matters laid down in Section 2 of the Tender specifications. This section should include models, examples, technical solutions to problems raised in the specifications.

**For Lot 1:**

The Tenderer must clearly state whether it fully, partially or not at all meets the technical specifications as described in Section 2 of the Tender specifications.

The Technical offer must as a minimum include:

- A proposal of a planning of the services to be performed on a daily basis (control rounds, watching surveillance videos, exit rounds, etc.) and standard reporting (written report); and
- Measures taken to minimize delays in relocating the on-premises agent (including requests for overtime work), transfer of procedures and means of access, and training of replacements.

And any additional information demonstrating how the Tenderer will address the requirements of Section 2 of the Tender specifications.

**For Lot 2:**

The Tenderer must clearly state whether it fully, partially or not at all meets the technical specifications as described in Section 2 of the Tender specifications.

The Technical offer must as a minimum include:

**For phase I:**

- A filled in ANNEX 5 of the Tender specifications for the compliance of the SJU security systems for phase I (as per section 2.3.2 of the Tender specifications).

**For phase II:**

- The description of the means used for monitoring the alarm signals/messages;
- The description of the means used to comply with the scenarios and procedures communicated by the SJU following the alarm messages; the maximum delay for intervention on premises after alarm, in minutes;
- A standard intervention report that is used and transmitted after on-premises intervention;
- A standard maintenance package of the security systems in place;
- A scenario of replacement of the equipment not covered in the standard package including categories of malfunction and related response times.

And any additional information demonstrating how the Tenderer will address the requirements of Section 2 of the Tender specifications.

The technical offer is of great importance in the assessment of the tenders, the award and future execution of any resulting contract. The attention of Tenderers is specially drawn to the **award criteria** (section 4.5.1 of the tender specifications), which define those parts of the technical offer to which the tenderers should pay **particular attention**.

*Nota bene:* Tenders presenting a mere repetition of the tender specifications or source documentation as part of a technical offer will receive a score below the minimum required.

#### **d) Volume 3 - Financial offer**

Prices must be quoted:

- in EURO, including the countries which are not in the EURO area. Where applicable, the tenderer chooses the exchange rate and assumes all risks relating to the rate fluctuation,
- free of all duties and taxes (in particular VAT), as the SJU is exempt from such charges under Article 3 and 4 of the Protocol on the Privileges and Immunities of the EU.
- Inclusive of all costs and expenses directly and indirectly connected with the services to be provided.
- The price offer must comply with the format requested in Annex 4 (ad hoc Excel sheet for Lot 1 and Lot 2) of the Tender specifications.

#### **For Lot 1:**

- The “Total price” for the 4 years is the result of the hourly rates (“regular schedule” and “additional”, percentage of estimation based on consumptions of the contract currently in place) as indicated in Annex 4 (Lot 1) to Tender specifications.
- The total volume of hours of service requested by the SJU will be in accordance to Section 2.3.1 of the Tender specifications.

#### **For Lot 2:**

- The “Total price” for the 4 years is the result of the sum of the items listed in Annex 4 for Lot 2 related to **Phase II (monthly flat rate for: Monitoring signals/alarm messages; on-site intervention after alarm; maintenance of safety systems; price per intervention for: on-site intervention after intrusion signal and/or alarm signal related to the room temperature; additional on-site intervention; number of interventions have been estimated on the basis of consumptions on the contract currently in place)** and the price for **Phase I** (Security system compliance).
- The total volume of hours of service requested by the SJU for the implementation of Phase II will be in accordance to Section 2.3.2 of the Tender specifications.

As mentioned in Annex II to the Tender specifications, the amended public holidays of the SJU do not always correspond with the Belgian public holidays and vice versa. Tenderers are invited to take this into account in their financial offer.

The financial offer should be completely unambiguous. The offer will be disqualified if it contains any statements preventing an accurate and complete comparison of the offers (such as “to be discussed”, “depending on”, etc.).

Any doubt in the wording of the financial offer may result in the rejection of the offer in its entirety.

Tenderers shall be aware of Point 23 of Annex 1 of the Financial Regulation (Regulation 2018/1046 of 18/07/18) on abnormally low offers.

**Please ensure that the information related to the financial quotation is given nowhere else in the offer.**

#### **4. Contacts during the procurement procedure.**

Contacts between the contracting authority and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

##### 4.1 Submission phase (before the time-limit for receipt of tenders)

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only through the above TED eTendering website in the "Questions & answers" tab, by clicking "Create a question" (registration on TED eTendering is required to be able to create and submit a question).

The contracting authority is not bound to reply to requests for additional information received less than six working<sup>8</sup> days before the time-limit for receipt of tenders.

The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the procurement documents.

Any additional information will be published on the above TED eTendering website. The website will be updated regularly and it is the economic operator's responsibility to check for updates and modifications during the submission period<sup>1</sup>.

**A mandatory on-site visit for Lot 1 and 2 is set for the following dates and times:**

- 1) 20/04/2021**
- 2) 21/04/2021**
- 3) 23/04/2021**

The timing is to be agreed with each tenderer individually in order to respect the Covid-19 restrictions in place and distancing.

The address for the visit:

**4<sup>th</sup> floor**

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<sup>8</sup> Working days at the contracting authority's location indicated under Heading I.1 of the contract notice.



**SESAR Joint Undertaking**  
**100, Avenue de Cortenbergh**  
**1000 Brussels, Belgium**

Should the Tenderer not participate in the visit, his offer will be rejected as inadmissible at the opening stage.

The Tenderer shall register for the visit by sending to [facility@sesariju.eu](mailto:facility@sesariju.eu) a request by **13/04/2021** containing the following information:

- The preferred date of the visit as per the schedule above,
- The name of the legal entity,
- The name and function of the legal representative who will attend (**max. 2 attendees**).

The scanned dully filled-in Declaration of Confidentiality as per Annex 6 of the Tender specifications. The **original** thereof shall be delivered to the SJU on the day of and before the start of the visit.

Should the Tenderer not be available during the three proposed dates and times, the Tenderer shall send a request for reschedule of the visit no later than **7 days before the date of the visit scheduled**. The acceptance of such request is subject to the availability of places on the new date.

#### 4.2 Opening of tenders

Tenders will be opened in public at the time and place indicated under Heading IV.2.7 of the contract notice. A maximum of two representatives per tender may attend the opening session. For organisational and security reasons the tenderer must provide the full name, date of birth, nationality and ID or passport number of the representatives<sup>9</sup> at least two working days in advance to: [procurement@sesariju.eu](mailto:procurement@sesariju.eu). The representatives will be required to present the submission receipt generated by eSubmission and to sign an attendance sheet. The contracting authority reserves the right to refuse access to its premises if the above information or the submission receipt are not provided as required.

The public part of the opening session will be strictly limited to the following aspects:- verification that each tender has been submitted in accordance with the submission requirements of the call for tenders;

- announcement of the tenders received: the names of the tenderers (all members in the case of a joint tender) will be announced;

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<sup>9</sup> This data is necessary to ensure access to Commission buildings. Details concerning the processing of personal data for visitors to the European Commission are available in the privacy statement at: [https://ec.europa.eu/info/files/data-protection-notice-visitors-european-commission\\_en](https://ec.europa.eu/info/files/data-protection-notice-visitors-european-commission_en).

Tenderers not present at the opening session may send an information request to [procurement@sesarju.eu](mailto:procurement@sesarju.eu) if they wish to be provided with the information announced during the public opening.

Once the contracting authority has opened the tenders, they shall become its property and will be treated confidentially.

#### 4.3 Evaluation phase (after the opening of tenders)

Except in duly justified cases, tenderers who have failed to submit evidence or to make statements as required in the procurement documents, shall be contacted by the contracting authority to provide the missing information or clarify supporting documents.

The contracting authority may correct obvious clerical errors in the tender after confirmation of the correction by the tenderer.

Such information, clarification or confirmation shall not substantially change the tender.

#### 4.4 Award phase

Tenderers will be notified of the outcome of this procurement procedure by e-mail. The notification will be sent to the e-mail address provided in the eSubmission application for the tenderer (group leader in case of a joint tender) under the section *Contact Info*. The same e-mail address will be used by the contracting authority for all other communications with the tenderer. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

### **5. Data protection.**

If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725<sup>10</sup> of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the call for tenders by the European Commission acting as data controller. Details concerning the processing of personal data are available in the privacy statement at: [https://ec.europa.eu/info/data-protection-public-procurement-procedures\\_en](https://ec.europa.eu/info/data-protection-public-procurement-procedures_en).

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, you can contact the data controller at [sju.data-protection@sesarju.eu](mailto:sju.data-protection@sesarju.eu) by explicitly specifying your request.

The tenderer's personal data may be registered in the Early Detection and Exclusion System (EDES) if the tenderer is in one of the situations mentioned in Article 136 of the Financial Regulation<sup>11</sup>.

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<sup>10</sup> OJ L 295, 21.11.2018, p. 39

<sup>11</sup> 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, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013,



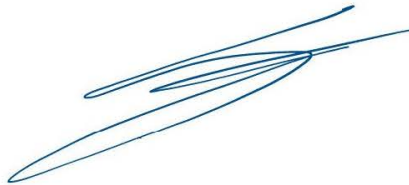
For more information, see the privacy statement:  
[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm).

## 6. Means of redress.

Tenderers may submit any observations concerning the procurement procedure to the contracting authority using the contact details under Heading I.1 of the contract notice. If tenderers believe that there is maladministration, they may lodge a complaint to the European Ombudsman within two years of the date from which they become aware of the facts which form the basis for the complaint (see <https://www.ombudsman.europa.eu>).

Within two months of notification of the outcome of the procedure (*award decision*), tenderers may launch an action for its annulment. Any request tenderers may make and any reply from the contracting authority, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment nor open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated under Heading VI.4.1 of the contract notice.

Yours sincerely,



Mr Florian Guillermet  
Executive Director

Annexes to the invitation to tender:

- Annex I – Tender specifications and annexes
- Annex II – Draft contract and annexes

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(EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).