

Tender specifications

Attached to the Invitation to tender

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Invitation to tender N°EMSA/OP/11/2017 for the Development of Studies on Port Reception Facilities

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. According to its founding regulation, EMSA activities may also include the provision of technical assistance to the EU neighbouring partner countries.

Since June 2013, EMSA has been involved in the provision of technical assistance in the area of maritime safety, maritime security, marine pollution prevention, preparedness and response to European Neighbourhood Policy (ENP) partner countries through Grant Contracts financed by the European Neighbourhood Instrument (ENI). EMSA is currently assisting Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia in the Mediterranean region and Azerbaijan, Georgia, Islamic Republic of Iran, Kazakhstan, Moldova, Turkey, Turkmenistan and Ukraine in the Black and Caspian Sea regions.

2. Objective, scope and description of the contract

The objective of this procurement procedure is the conclusion of a framework contract for the provision of studies on the assessment of the adequacy of Port Reception Facilities (PRF) and potentially the development of Waste Reception and Handling Plans (WRHP) in either one or more ports of the Southern and Eastern ENP countries. The studies should test that the PRF fulfil the requirements of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (the Convention, MARPOL) and its guidance. MARPOL has been developed by the International Maritime Organization (IMO) with the overall aim to minimize pollution of the oceans and seas. In this context the Convention establishes strict conditions for the discharge of certain types of waste generated on ships, and the provision of PRF by the parties to the convention. This study should also test whether the provision of PRF fulfil the requirements of the Directive 2000/59/EC on Port Reception Facilities for Ship-Generated Waste and Cargo Residues (or of its future revised version). The development of WRHPs would only be required when there is no existing Plan and/or existing PRF.

3. Contract management responsible body

Unit B.3, in charge of Environment and Capacity Building, will be responsible for managing the contract.

4. Project Planning

4.1 Introduction

MARPOL provides a blanket ban on the discharge of waste produced during the normal operation of a ship to the sea, but also provides specific conditions where limited non-polluting wastes can be discharged. The wastes covered by MARPOL are:

¹ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p.1.).

- MARPOL Annex I: oil, oily waste, oily mixtures, oily bilge water, slops, sludge, oily tank washings, oily cargo residues, ballast water containing oily mixtures;
- MARPOL Annex II: tank washings and cargo residues containing noxious liquid substances (NLS) as defined in MARPOL Annex II;
- MARPOL Annex IV: sewage;
- MARPOL Annex V: garbage as defined in MARPOL Annex V (see paragraph 8), including cargo residues not governed by Annex I or II (such as dry/bulk cargo residues) and operational waste (such as dunnage and packaging); and,
- MARPOL Annex VI: ozone depleting substances and exhaust gas cleaning residues.

As ships cannot discharge their wastes to the sea MARPOL places an obligation on Parties to the Convention to provide adequate reception facilities in their ports (a table of the ratification date of MARPOL by the Southern and Eastern ENP Countries has been provided in Annex 1). The following regulations stipulate this requirement for each type of identified MARPOL residue/waste:

- regulation 38 of Annex I;
- regulation 18 of Annex II;
- regulations 12 and 12bis of Annex IV;
- regulation 7 of Annex V; and
- regulation 17 of Annex VI.

In addition to the basic rules in the MARPOL Annexes, individual port States have implemented national and regional requirements which may mandate that ships discharge certain types of MARPOL residues/wastes to PRF. Individual port states also specify the means of disposal to meet quarantine and other regulatory requirements.

The Directive 2000/59/EC on Port Reception Facilities for Ship-Generated Waste and Cargo Residues provides further requirements on the provision of PRF, such as the notification of waste by the ship prior to entry to the port, the need for the administration to review the notification, the need for ports to provide and initiate an operational plan (the waste reception and handling plan –WRHP) for the reception of all waste from ships, the need for ships to land all their waste (unless they have adequate storage space on board), the open provision of information on available PRF's and charges for their use and the need to provide adequate PRF and to enforce these requirements.

4.2 Objective of the study/ies

The overall aim and objective of the studies subject to this framework contract shall be to undertake individual assessments of the adequacy of the PRF provided in either one or more ports of an individual country in the Southern and Eastern ENP programme, based on the requirements of international, regional, European Union and national legislation/guidance as appropriate. Should there be no PRF and/or WRHP then the contractor

may be tasked to develop a WRHP, subject to the agreement, support and commitment to develop PRF from the State concerned.

Study A - If the port[s] have a WRHP the study/ies should assess the adequacy of the PRF according to the plan, and assess whether the plan itself is adequate based on the requirements of international, regional, European Union and national legislation/guidance.

Study B- If the port[s] does not have a WRHP then the adequacy of PRF should be assessed based on the requirements applicable to international, regional, European Union and national legislation/guidance only. Subsequently the contractor may be tasked to develop a WRHP.

Study C- In those cases where it is known that, or research shows at an early stage that, there is no WRHP and/or PRF, then the study will focus on the development of a plan rather than the assessment of the adequacy of PRF.

In Studies A and B above recommendations should be given to mitigate any shortfalls with respect of the PRF and/or the WRHP, with respect to these requirements. In addition these study/ies should assess whether the provision of the PRF fulfils the requirements of the Directive 2000/59/EC (or of its future revised version).

4.3 Requirements of the study/ies

4.3.1 Studies A and B

In order to assess the adequacy of the PRF in the port/ports in question each study should aim to cover at least the following :

- an assessment of the WRHP (if there is one in place) of the port/ports in question to ensure it:
 - Is fit for purpose;
 - has made an assessment of the type of wastes likely to be delivered to the port;
 - has assessed the maximum demand to use the PRF in the port;
 - has consulted with the relevant administrations in the Port State;
 - includes corporate and social responsibility principles in order to assure the waste is delivered, treated in line with waste minimisation principles and disposed of in an environmentally sound manner; and,
 - covers all the principles and issues listed in EMSA's Technical Recommendations on the implementation of the PRF Directive² available at <http://www.emsa.europa.eu/implementation-tasks/environment/items.html?cid=96:environment&id=2875>.
- an assessment of whether the WRHP (if there is one in place) is accessible to users of the port, is audited and revised regularly and is referenced on the internet and the IMO GSIS database;
- an assessment of whether the provision of PRF is integrated with ship-board and waste management practices, including those for segregated and recyclable waste;
- an assessment of whether the location and provision of PRF are easy to source and use by ships.
- an assessment of whether procedures for reception of segregated residue/waste parallel the standards for the Management and Handling of Shipboard Garbage as specified in ISO 21070;

² Until its revised version enters into force.

- an assessment of whether the port has worked with State Parties, national and local government officials, regional administrators, commercial interests, and local waste disposal infrastructure managers to develop landside waste disposal strategies, including waste segregation, that encourage reduction, reuse and recycling of waste generated on ships that are landed ashore at PRFs;
- an assessment of whether that in the case of oil, noxious liquid substances, other dangerous goods or harmful or hazardous substances, that the PRF adhere to the guidance provided in relevant publications such as the International Safety Guide for Oil Tankers and Terminals (ISGOTT) or the International Maritime Dangerous Goods (IMDG) Code;
- an assessment of whether the PRF are adequately prepared to receive waste in line with any national quarantine laws;
- an assessment of whether, following delivery, the PRF provides the master with a Waste Delivery Receipt;
- an assessment of whether the costs of using PRF services are reasonable and do not provide mariners with a disincentive to use them;
- an assessment of whether any other requirements for adequacy of port reception facilities as stipulated in IMO Resolution MEPC.83(44) Guidelines for Ensuring the Adequacy of Port Waste Reception Facilities have been met (special consideration should be taken where the port lies in a special area as stipulated in the Annexes of MARPOL).

In order to assess whether the port/s meets the requirements of the Directive 2000/59/EC³, the study/ies should check if:

- there is a notification procedure, preferably electronic, for ships to notify their waste prior to entry to the port;
- the administration reviews the notification to assess if the vessel has to land all its waste;
- the port/s have provided and initiated an operational plan for receiving all waste from ships;
- the port/s have provided adequate PRF; and,
- the Administration has a mechanism to enforce the requirement to land waste from ships.

When the PRF are found to be inadequate the contractor should provide recommendations so mitigation measures can be taken by the port or the Administration to upgrade the PRF as appropriate.

If the initial research shows that there is no WRHP and/or PRF, then the contractor may be task to undertake study C as indicated below.

4.3.2 Study C

Where a new or existing port has no WRHP and/or PRF, then the contractor will be asked to develop a WRHP that adequately meets the requirements of international, regional and European law. Therefore Study C will focus on the development of a plan rather than the assessment of the adequacy of PRF. Please note that this Study will only take place when there is a commitment from the State involved to actually develop the PRF identified in the Plan.

³ Should there be different or/and new requirements introduced with the revised version of the Directive, those should be addressed in the aforementioned checks *mutatis mutandis*.

4.4 Language

The final study delivered by the contractor shall be in English. For some beneficiary countries French or Russian versions of the study **may be** requested as well if appropriate.

4.5 Timelines

After discussion with the ENP partner countries, a port or ports will be nominated by EMSA for inclusion in the PRF assessment programme. EMSA will then request the successful candidate to undertake a study. The successful candidate will then provide a timescale and methodology for the study. Once this is agreed by EMSA the contractor can begin the work. A tentative timeline is provided below:

Time	Description
X	Request by EMSA to the successful candidate to undertake a Study A,B or C.
X+ 1 week	Response sent to EMSA including methodology and timescale.
X+ 2 weeks	EMSA approval – work on the project begins. However, if the original research shows that there is no WRHP and PRF in the port in question, then the contractor may be tasked to undertake Study C instead.
X + 2 to 3 weeks	Initial research by the contractor on the port(s) in question.
X + 3 to 4 weeks	Audit of the port(s) (visit in the case of Study C) including a one day visit to the port(s) in question.
X + 4 weeks to 5 weeks	Analysis of results and Report Writing.
X + 5 weeks (end of)	Draft Final Report to be submitted to EMSA.
X + 6 weeks	Response to Draft Final Report from EMSA.
X + 7 weeks	Four copies of the Final Report in Word and PDF format.

Note: All meetings with EMSA concerning the project will be held by video-conference. EMSA expects these to be at the following times:

- on submission of the proposal
- on acceptance of the proposal
- immediately prior to leaving to visit the port
- immediately after returning from the visit
- after EMSA has reviewed the final report.

5. Timetable

The estimated date for signature of the contract is March 2018.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 500 000.00 excluding VAT.

The above maximum budget is expected to be distributed over numerous studies and ports. Therefore, within the limit of the maximum budget available for the contract, each study of the port reception facilities may be performed for one or several ports/port areas located in different Southern or Eastern ENP beneficiary countries, covering all ship types, including fishing vessels and recreational crafts.

The tenderers are also expected to provide a quote for a flat “Administrative Fee” to be paid for each study irrespective of the size of the port. This should cover all administrative elements, such as travel expenses and subsistence. Figures (in percentages) should also be given for how this administrative fee will rise if an additional port was added to a study of a port in one particular country, irrespective of its size.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft framework service contract** available in the Procurement Section under the call to tender EMSA/OP/11/2017 on EMSA's website:(www.emsa.europa.eu). Payments will be made on completion of each study. No interim payments will be made during the period of each study.

8. Terms of contract

This tender will result in a signature of a single framework service contract between EMSA and the successful tenderer, to be implemented by order forms that will define the assigned studies concerning particular ports to the contractor. The contract will be concluded for 48 months without a possibility of renewal.

When drawing up a bid, the tenderer should bear in mind the terms of the draft framework service contract.

EMSA may, before the contract is signed cancel the award procedure without the tenderers being entitled to claim any compensation.

9. Financial guarantees

N/A

10. Subcontracting

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. It should be noted that the overall responsibility for the work remains with the tenderer.

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and, when applicable, on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria⁴. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.

11. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, bids should preferably be submitted in English and should in particular include an English version of the documents requested under points 14.5 and 15 of the present tender specifications.

The tenderer must comply with the minimum requirements provided for in these tender specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.⁵

The tenderer shall complete the Tenderer's Checklist.

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners (Joint Offers) he shall indicate it in his offer by completing the form "Information regarding joint offers and subcontracting".

The tender must be presented as follows and must include:

- a) **A signed letter** indicating the name and position of the person authorised to sign the contract and the bank account to which payments are to be made.
- b) **The Financial Form** completed, signed and stamped. This document is available on the Procurement Section (Financial Form) of EMSA's website (www.emsa.europa.eu).
- c) **The legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

⁴ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

⁵ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already previously been completed and sent either to EMSA or any EU Institution. In this case the tenderer should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

Part A: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **10, 13, 14.2 and 14.6** of these specifications (part of the exclusion criteria).

Part B: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point **14.4** of these specifications.

Part C: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Technical and professional capacity** (part of the Selection Criteria) set out under point **14.5** of these specifications.

Part D: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point **15** of these specifications.

Part E: Setting out **prices** in accordance with **point 12** of these specifications.

12. Price

- a) The price for the study shall cover the completion of the study. The tenderers are expected to provide quotes for the following studies:
- Study A, for one port irrespective of its size;
 - Study B for one port irrespective of its size;
 - Study C for one port irrespective of its size;

These quotes should only include the costs of undertaking the study. The tenderers are also expected to provide a quote for a flat "Administrative Fee" to be paid for each study. This should cover all administrative elements, such as travel expenses and subsistence.

Figures (in percentages) should also be provided for how this administrative fee will rise if a second, third or fourth port was added to a study of a port in one particular country. This figure will not be taken into account for the evaluation of the price of the tender but will be considered as an additional element in the evaluation of the quality of the bid.

- b) Prices must be quoted in Euro.
- c) Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
- d) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation (EC) No 1406/2002. These duties, taxes and other charges can therefore not enter into the calculation included in the bid. The amount of VAT must be shown separately.

The tenderers shall provide prices under all categories above (Studies A,B and C plus an administrative fee). Should they fail to do so, this may result in the rejection of their bid during the evaluation.

13. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

14. Information concerning the personal situation of the tenderer and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required

14.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** and requested accompanying documentation, available in the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

14.2 Grounds for exclusion - exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract ;
- c) it is subject to a final judgement or a final administrative decision establishing that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii. entering into agreement with other persons with the aim of distorting competition;
 - iii. violating intellectual property rights;

- iv. attempting to influence the decision-making process of the contracting authority during the award procedure;
- v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure ;
- d) it is subject to a final judgement establishing that the person is guilty of any of the following:
 - i. fraud
 - ii. corruption
 - iii. participation in a criminal organisation
 - iv. money laundering or terrorist financing
 - v. terrorist-related offences or offences linked to terrorist activities
 - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it is subject to a final judgement or a final administrative decision establishing that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
 - i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
 - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
 - iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
 - iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
 - v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Requirements: The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

14.4 Economic and financial capacity – Selection criteria

14.4.1 Requirements:

- a) The tenderer must be in a stable financial position and must have the economic and financial capacity to perform the contract

14.4.2 Evidence:

- a) Financial statements or their extracts for the last three years for which accounts have been closed.
- b) Statement of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years available.
- c) Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and the provided documents are up-to-date. In this case the tenderer should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- d) If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, he may prove its economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Requirements:

- i. Knowledge of the legislation and guidance controlling waste generated on ships and the provision of PRF as developed by the IMO, the EU and ISO, gained through experience of working in the waste and the shipping industry. Specifically on waste practices utilised on-board, technologies and methods being used to receive waste in ports and the varied waste produced by different types of ships;
- ii. Knowledge of the Health and Safety risks of working in port;
- iii. The ability to collate information and form conclusions from evidence gathering from a wide range of sources in different languages;
- iv. Experience of auditing and the development of operational plans in different countries, preferably in the field of waste management; and,
- v. Experience of the practical implementation of IMO and EU legislation in the field of the provision of adequacy of PRF.

13.5.2 Evidence:

The tenderers should provide evidence:

- i. of projects in the waste industry, specifically on the planning and provision of PRF, assessing the adequacy of PRF, waste from shipping or waste practices used in ports (preferably during the last three years);
- ii. of their in-house health and safety policy;
- iii. of successfully completed projects that involve auditing, the collection, handling and analysis of large amounts of data;

14.6 Declaration of Honour

For this purpose the Declaration of Honour available on the Procurement Section of EMSA's website (www.emsa.europa.eu) shall be completed and signed.

Please note that **only upon request** and within the time limit set by EMSA the tenderer shall provide information on the persons that are members of the administrative, management or supervisory body, as well as the following evidence concerning the tenderer or the natural or legal persons which assume unlimited liability for the debt of the tenderer:

For exclusion situations described in (a), (c), (d) or (f) of point 14.2 above, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.

For the exclusion situation described in (a) or (b) of point 14.2 above, production of recent certificates issued by the competent authorities of the State concerned is required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

If the tenderer already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

When the tenderer to be awarded the contract has already submitted relevant evidence to EMSA, it remains valid for 1 year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the tenderer is required to submit a statement confirming that its situation has not changed.

15. Award criteria

The contract will be awarded to the tenderer who submits the most economically advantageous bid (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1: Quality of the proposed methodology for the conduct of the studies. The proposed methodology must include detailed proposals of how the project as a whole would be carried out key milestones and a detailed timeline. ($W_3 = 50\%$)
2. Quality criterion 2: Quality of the proposal for the implementation of the health and safety standards in the waste and the port industry in accordance with the provisions of the waste legislation in the IMO and the EU: ($W_2 = 5\%$)
3. Quality criterion 3: Quality of the team being proposed for undertaking the work ($W_4 = 10\%$)

4. Price of the bid ($W_{\text{Price}} = 35\%$) calculated as the sum of the following prices will be considered for evaluation of the tenderer's proposal:

1.	Price of undertaking a Study 'A' on a port irrespective of its size (as described in detail in the point 12.a))
2.	Price of undertaking Study 'B' on a port irrespective of its size (as described in detail in the point 12.a))
3.	Price of undertaking Study 'C' on a port irrespective of its size (as described in detail in the point 12.a))
4.	Administrative Fee (as described in detail in the point 12.a))
Total price:	$\Sigma = 1+2+3+4$

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion i is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

$$SP = \sum_i \frac{\text{lowest Price}_i \text{ of all bids}}{\text{Price}_i} * 100 * W_{\text{Price}_i}$$

Only bids that have reached a minimum of 60 % for each of the quality criteria: Q_1 , Q_2 and Q_3 , will be taken into consideration when calculating the score for quality SQ , score for price SP and score S .

Only bids that have reached a minimum of 70% for the score S will be taken into consideration for awarding the contract.

16. Rejection from the procedure

Contracts will not be awarded to tenderers who, during the procurement procedure, are in one of the following situations:

- a) are in an exclusion situation;
- b) have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- c) were previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.

17. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.

If the results are not fully created for the purpose of the contract this should be clearly pointed out by the tenderer in the tender. Information should be provided about the scope of pre-existing rights, their source and when and how the rights to these rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.

18. Special negotiated procedure under Article 134(1)(e) RAP

EMSA may at a later stage exercise the option to increase the estimated value of the contract via negotiated procedure with the successful tenderer in accordance with Article 134(1)(e) of the Rules of Application to the Financial Regulation.

Annex 1

Parties to the MARPOL Convention

State	MARPOL	Annex III	Annex IV	Annex V	Annex VI
Algeria	Yes 31/5/89	1/7/92	27/9/03	9/4/07	No
Egypt,	Yes 17/11/86	1/7/92	27/9/03	31/10/88	No
Israel,	Yes 2/10.83	1/1/97	No	3/11/12	No
Jordan,	Yes 2/9/86	2/9/06	2/9/06	2/9/06	11/11/15
Lebanon,	Yes 2/10/83	1/7/92	27/9/03	31/12/88	No
Libya,	Yes 28/7/05	28/7/05	28/7/05	28/7/05	No
Morocco,	Yes 12/1/94	12/1/94	27/9/03	No	3/8/11
Palestine	No	No	No	No	No
Tunisia	Yes 2/10/83	1/7/92	27/9/03	31/12/88	No
Azerbaijan	Yes 16/10/04	16/10/04	16/10/04	16/10/04	19/5/05
Georgia,	Yes 8/2/95	8/2/95	27/9/03	8/2/95	No
Islamic Republic of Iran,	Yes 25/1/03	29/8/09	29/8/09	25/1/03	29/8/09

Kazakhstan,	Yes 7/6/94	7/6/94	27/9/03	7/6/94	No
Moldova,	Yes 11/1/06	11/1/06	11/1/06	11/1/06	No
Turkey,	Yes 10/1/91	14/01/15	14/01/15	10/1/91	4/2/14
Turkmenistan	4/5/09	4/5/09	4/5/09	None	20/2/15
Ukraine	25/1/94	25/1/94	Date of ratification 25/10/93 - no entry into force date	25/1/94	29/1/10