

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/7/2021 for Provision of box pick-up and off-site storage services

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. More information is available at: <http://emsa.europa.eu>. Objective, scope and description of the contract

The scope of the tender is the provision of box pick-up/delivery and off-site storage services. In addition, the tenderer should be able to supply boxes (via pricelist) and the seals. The successful tenderer shall be required to provide the following services:

(a) secure pickup / drop-off, transportation and storage of back-up tapes from/to the Reception of the EMSA Headquarters at Praça de Europa nr. 4 in Lisbon, on a predefined schedule created by EMSA.

(b) timely access and media retrieval services.

(c) online web-based inventory and reporting with the possibility to request return boxes.

(d) seal boxes of different sizes.

Description of the boxes.

The secure boxes normally contain LTO tapes, but can also contain other media such as DVD, flash drives etc.

The bidder should provide the necessary material for the sealing of the boxes (i.e., plastic strip/tag). The seal provides a means of security (box has not been opened/tampered with).

The bidder may use their own identifier with barcode which can be applied to each box. EMSA currently owns boxes of different sizes which can hold up to 50 tapes.

Description of delivery & transportation.

The bidder is required to provide a regular pick-up / delivery and storage service, as well as an “on call return” service.

Receipt.

Upon pick-up of the box, the contractor must provide a signed receipt.

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.).

The Receipt shall be submitted to the Reception of EMSA on the day of the delivery/pick-up.

The receipt for each box should be viewable via the web-based system.

Inventory.

A full inventory must be available to EMSA in a viewable and manageable online via a web-based system. EMSA should be able to manage the inventory, adding tags and descriptions to each box as well as assigning boxes for return.

2. Contract management responsible body

EMSA Unit 3.2 in charge of Digital Infrastructure - will be responsible for managing the contract.

3. Timetable

The estimated date for signature of the contract is December 2021.

4. Estimated Value of the Contract

The maximum budget available for this contract is EUR 20,000.00 excluding VAT.

5. Terms of payment

Payments will be made in accordance with the provisions of the draft **Framework Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/7/2021** on EMSA's website (www.emsa.europa.eu).

6. Terms of contract (purchase order)

When drawing up a bid, the tenderer shall 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.

7. Financial guarantees

Not applicable

8. Subcontracting

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners it shall indicate in its 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 criteria. 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. However, the selection criteria may apply individually where it is relevant in view of their nature.

9. 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 shall in particular include an English version of the documents requested under points 13.5 and 14 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.

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 (Join Offers) it shall indicate it in its offer by completing the form "Statement of Subcontracting / Joint Offer". This document is available on the Procurement Section / Calls for Tenders (Documents for tenderer) of EMSA's website (www.emsa.europa.eu).

The tender must be presented as follows and must include:

- a) A signed **cover letter** indicating the name and position of the person authorised to sign the contract/purchase order, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure.
- b) **The Financial Identification Form completed**, signed and stamped. This document is available on the Procurement Section (Financial Identification Form) of EMSA's website (www.emsa.europa.eu).
- c) **The Legal Entity Form** completed, signed and stamped along with the requested accompanying documentation, including recent proof of that authorisation (not more than one year old). This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu)

Tenderers are exempt from submitting the Legal Entity Form and Financial Identification 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 shall 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 11 and 14.2 of these specifications (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 **Award Criteria** set out under point 16~~14~~ of these specifications;

Part D: Setting out prices in accordance with point 10 of these specifications.

10. Price

- a) Price must be quoted for the annual Provision of box pick-up and off-site storage services including 12 standard pick-ups/returns and 5 on-calls per year and the box sealing. In addition, a price list must specify the cost of the various box sizes including up to 50 tapes. Prices for pick-ups and returns

besides the ones included (12 per year and on-calls above the included 5 per year), as well as the cost per box in storage per month besides the ones included shall be inserted in Appendix.

- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. Therefore, price and the amount of VAT must be shown separately.

11. 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 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 group 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 group will be checked to ensure that the group as a whole fulfils the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature.

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

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

12.1 Legal position – means of proof required

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

12.2 Grounds for exclusion – Exclusion criteria

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

12.3 Legal and regulatory capacity – Selection criteria

12.3.1 Standards / Prerequisites

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

12.4 Economic and financial capacity – Selection criteria

12.4.1 Standards / Prerequisites

Not applicable

12.4.2 Evidence

Not applicable

12.5 Technical and professional capacity – Selection criteria

12.5.1 Standards / Prerequisites

- a) The tenderer has to have at least 4 years of experience in providing similar services.
- b) The tenderer has to have web-based interface.

12.5.2 Evidence:

- a) List of clients/companies of the last 4 years.
- b) Evidence in the form of screenshots from the web-based interface showing:
 - 1) Inventory overview
 - 2) History with transactions
 - 3) Receipts, scanned from delivery and returns
 - 4) Requesting a box to be returned
 - 5) Adding a description to a specific box

13. Declaration of Honour (DoH)

Please note that the tenderer shall provide information with regards its situation and on the natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control and beneficial owners.

Upon request and within the time limit set by EMSA, the tenderer shall provide the following evidence concerning itself, the natural or legal persons as listed under the first paragraph, and concerning the natural or legal persons which assume unlimited liability for the debt of the tenderer:

For the exclusion situations described in points (a), (c), (d), (f), (g) and (h) of the Declaration of Honour, 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 situations described in (a) and (b) of the Declaration of Honour, production of recent certificates issued by the competent authorities of the country of establishment 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.

The successful tenderer must provide the documents mentioned as supporting evidence before signature of the contract and within the deadline given by EMSA. This requirement applies to each member of the group in case of joint tender.

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.

14. Award criteria

The contract will be awarded to the tenderer that offers the lowest price. For the purposes of evaluation, the total of all items in Appendix 1 shall be considered. The price list must include the price for:

- a) One (1) box that can hold 50 tapes.
- b) Price for one (1) on call with 4 hours response.
- c) Price for one (1) extra box in storage per month.
- d) Price for one (1) additional pick-up / return per month.
- e) Price for annual base services including: 12 standard pick-ups/returns and 5 on-calls per year, the box sealing, storage of 15 boxes offsite (to be considered for evaluation purposes).

15. 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 used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.

16. 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 shall be clearly pointed out by the tenderer in the tender. Information shall 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.

Appendix 1

Service/Supply	Cost
Base service including 12 pickups/returns per year and storage of up to 15 boxes and 5 on call per year	
Price for 1 box that can hold 50 LTO Tapes.	
Price for 1 extra on call box.	
Price for 1 extra box in storage (monthly rate)	
Price for 1 additional pickup/return a month (monthly rate)	
Total for Evaluation purposes	