

**Provision of training services in the fields related to Maritime Safety**

**Procurement Procedure**

**EMSA/OP/01/2014**

**Questions & Answers**

**Question 01** (dated 31.01.2014, 10h25):

*"We are interested in participating in the tender (...) hence want to get more information about the same. Considering the geographical constraint of personally reviewing the document, I request you to provide us the following details before we buy the document:*

- 1) List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.*
- 2) Soft Copy of the Tender Document through email.*
- 3) Names of countries that will be eligible to participate in this tender.*
- 4) Information about the Tendering Procedure and Guidelines*
- 5) Estimated Budget for this Purchase*
- 6) Any Extension of Bidding Deadline?*
- 7) Any Addendum or Pre Bid meeting Minutes?*

*We will submit our offer for the same if the goods or services required fall within our purview. Also we would like to be informed of future tenders from your organization. Hence, we request you to add our name to your bidder's list and do inform us about upcoming Projects, Tenders. We will be highly obliged if you can send us your complete & latest contact information. This will help us reaching to you faster. Please revert back to this same mail."*

**Answer to Question 01:**

All information related to procurement procedure EMSA/OP/01/2014 - Provision of training services in the fields related to Maritime Safety can be found at: <http://emsa.europa.eu/work/procurement/calls.html>

**Question 02** (dated 05.02.2014, 10h29):

*"Dear Sir*

*Please confirm the estimated cost and required supporting documents of the tender as per document attached.*

*Request for earlier reply. Tender Document attached for your reference."*

**Answer to Question 02:**

"As stated in Point 5 of the Tender Specifications, the maximum budget available for this contract is EUR 160.000,00 excluding VAT, over a maximum period of 4 years.

Please refer to Point 10 of the Tender Specifications which lists all the documents required to submit under this procurement procedure.

All information related to procurement procedure EMSA/OP/01/2014 - Provision of training services in the fields related to Maritime Safety can be found at: <http://emsa.europa.eu/work/procurement/calls.html>"

**Question 03** (dated 07.02.2014, 09h33):

*"Good morning (...),  
I write to you to enquire after further information on this opportunity (...)  
Thank you."*

**Answer to Question 03:**

Please, refer to the answer to Question 1.

**Question 04** (dated 13.02.2014, 15h32):

*"Dear Sir/Mdm, Please receive our questions re named procurement.*

- What knowledge level is asked for after a course? General knowledge or special knowledge?*
- What is the estimated knowledge level of those entering any course?*
- Is it asked for International Certification on specific courses? If not for all courses, please specify for which.*
- It's mentioned in Tender para 2.2 that distance learning may be possible. Will this be accepted in full for all courses?*
- In Appendix 1 it's asked for price from 1 hour to 5 days. Is it wanted that every course shall be possible to deliver for 5 days?"*

**Answer to Question 04:**

For a better clarification each question will be answered separately:

*"What knowledge level is asked for after a course? General knowledge or special knowledge?"*

Answer: In accordance with Point 2 of the Tender specifications, the bidder may present its proposals regarding course content and duration which will be evaluated in accordance with Point 14 of the Tender specifications. The bidder should take into account that training courses will be delivered to EMSA staff, having a good knowledge of maritime sector and may be interested in attending training courses in order to deepen knowledge in a specific field.

*"What is the estimated knowledge level of those entering any course?"*

Answer: Please refer to the answer to provided to the previous question.

*"Is it asked for International Certification on specific courses? If not for all courses, please specify for which."*

Answer: In accordance with Point 2 of the Tender specifications, bidders may present content for the courses which is considered relevant. Though not specified in the Tender specifications, internationally certified courses may be presented if considered relevant by the bidder.

*"It's mentioned in Tender para 2.2 that distance learning may be possible. Will this be accepted in full for all courses?"*

Answer: As stated in Point 2.2 of the Tender specifications *"Courses shall normally take place at EMSA's premises in Lisbon. When applicable, or in the case of a small number of participants (e.g. training only for one staff member), training may be held in an open course delivered at a different locations suggested by the contractor or through a distance learning computer based tool of online training are available and requested"*.

*"In Appendix 1 it's asked for price from 1 hour to 5 days. Is it wanted that every course shall be possible to deliver for 5 days?"*

Answer: In accordance with Point 2 of the Tender specifications, courses described as *"standard market versions"* or *"tailor-made"*, should be understood as short term training courses for professionals. No particular time duration for each course has been set by the Tender specifications. However, the duration of each course should be reasonable for its content.

**Question 05** (dated 18.02.2014, 16h40):

*"Dear Madam, dear Sir,*

*In the hereunder mentioned invitation to tender, it doesn't seem clear to us how much is the maximum available budget.*

*Our question:*

- is there an amount of 160,000.00 € for one year ["...a framework contract for a period of 12 months..."] (ie the maximum total amount could be 640,000.00 € for 4 years),*
- or is there an amount of 160,000.00 € for 4 years (ie the maximum yearly amount is 40,000.00 €) ? "*

**Answer to Question 05:**

In accordance with Point 5 of the Tender specifications, the maximum budget available for this contract is EUR 160.000 excluding VAT for the whole duration of the contract (being maximum 4 years). However, please note that *"Signature of the FWC imposes no obligation on EMSA to purchase. Only performance of the FWC through order forms is binding on EMSA"*, as per Art I.1.2 of the Contract.

**Question 06** (dated 19.02.2014, 14h24):

*"Dear Sir/Madam,*

*with regard to the Invitation to tender N. EMSA/OP/01/2014 for the Provision of training services in the fields related to maritime safety for EMSA staff, (...) I would like to ask you some clarifications concerning the tender specifications, in particular:*

- At page 5 in the tender specifications you mention that the tenderers are advised to organize their proposal in 5 parts and you give the necessary details regarding the documents to be included in each of the 5 parts*
- According to your instructions, Part C shall include "all the information and documents required by the contracting authority of the appraisal of tenders on the basis of the Technical and professional capacity (part of the Selection criteria) set out under point 13.5 "of the tender specifications". At pages 7 and 8, point 13.5 you detail the requirements for the Technical and professional capacity (Selection criteria) and you present the evidence which should be provided by the tenderer in order to prove its technical and professional capacity, among which we mention:*

- *Description of the approach/methodology to be used in some of the trainings, as well as other tools or materials to be employed in delivery (max. 3 pages)*
  - *Sample of the training material (max. 5 pages)*
  - *A description of the measures employed to ensure the quality of services provided and trainee feedback and support*
  - *Definition of the procedures for cancellation, monitoring of participation and continuity of services.*
- *According to the same instructions at page 5, Part D shall include "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 14.1" of the tender specifications. At pages 9 and 10, point 14.1 you detail the instructions (award criteria) which should govern the content of the Technical Offer, among which we highlight:*
- *Under b) Presentation of the approach and methodology used for training (max. 3 pages), containing a description of the approach/methodology to be used*
  - *Under b) Sample of the course material (max. 10 pages) of standard and tailor-made courses*
  - *Under c) Definition of the procedures and policies for cancellation, postponement and substitution of trainees*
  - *Under c) Description of the measures employed to ensure the quality of services and trainee support*

*According to our understanding, the 4 points highlighted under Part C correspond to the 4 points highlighted under Part D and presented above. Could you please clarify whether our interpretation is correct and, if so, which part (C or D) should contain the evidence related to the 4 points? Shouldn't our understanding be correct, could you please provide us further details regarding what exactly should we include in each of the two parts in order to avoid content overlaps between parts C and D?"*

#### **Answer to Question 06:**

*As stated in point 10 of the tender specifications, "In order to simplify and harmonise the presentation and harmonise the presentation of the proposals, tenderers are advised to organise their proposal by:*

*(...)*

*Part C: all the information and documents required by the contracting authority for the appraisal of the tenders on the basis of the Technical and professional capacity (part of the Selection Criteria) set out under point 13.5 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 14.1 of these specifications;"*

The interested tenderers are advised to submit a bid that complies with point 10 of the tender specifications; even if this would mean the duplication of certain information.

**Question 07** (dated 24.02.2014, 15h47):

*"Dear Sir/Madam,(...) I would like to ask you some clarifications concerning the tender submission, in particular:*

- *At page 5 in the Tender Specifications, you mention that tenderers are advised to organize their proposal in 5 parts*
- *At page 2 in the Invitation to tender, you mention that bids must be submitted in two envelopes, one inside the other.*

*Could you please inform us whether we should submit parts A, B, C and D in one envelope, separately from part E? If so, should the inner envelope contain two separate envelopes? Shouldn't that be the case, could you please give us instructions about the submission of the financial offer?*

*Also, could you please specify where should the checklist be included?  
(...)With kind regards,"*

**Answer to Question 07:**

According to point 2 and 3 of the Invitation to Tender,

*"2. Tenderers who wish to submit an offer are invited to send to the Agency a bid duly signed by their authorised representative, together with three copies of their bid, strictly identical to the original bid (total: 1 original and 3 copies).*

*(...)*

*3. Bids must be submitted in two envelopes, one inside the other. Both envelopes are to be sealed (...)"*

Hence, the complete bid (1 original and 3 copies) consisting of all parts as described in the Tender Specifications under Point 10 *"must be submitted in two envelopes, one inside the other. Both envelopes are to be sealed"* (Point 3 of the Invitation to tender). The inner and the outer envelope must be marked in accordance to the Point 3 of the Invitation to tender.

The check list shall preferably be included at the beginning of the tenderer's bid.

**Question 08** (dated 27.02.2014, 15h05):

*"I am writing to you regarding the Invitation to Tender for the Provision of training services in the fields related to maritime safety for EMSA staff. We would like to make the following enquiries:*

- 1. Within the Questions and Answers document currently posted in the procurement section of your website the answer to Question 4 regarding the level of knowledge of staff requiring training is noted. However, we would be grateful to know if the training is required to deepen the knowledge of experts in the relevant field or to provide familiarisation for those not directly involved in the subject matter but who wish to broaden their maritime sector knowledge. So, for example, is the ISPS training to be aimed at your security inspectors or other staff? Similarly, is the hull inspection and new ship construction training aimed at those who undertake the monitoring of recognised organisations or other staff?*
- 2. What is the difference between "Maritime Security" training and ISPS training?*
- 3. What is 'Risk Based' training? Does this refer to training in Risk Assessment?"*

**Answer to Question 08:**

1) As stated in answer to Question 4 *"The bidder should take into account that training courses will be delivered to EMSA staff, having a good knowledge of maritime sector and may be interested in attending training courses in order to deepen knowledge in a specific field"*. Trainings delivered are mostly for those staff members not directly involved in the field of expertise, though requests for specialized training must not be excluded.

Tenderers should understand the *"Maritime Security"* training mentioned in point 2 of the tender specifications, as focusing on the following elements:

1. Maritime Security Awareness and Developments;
2. Relevant International Convention, Codes and Recommendations;
3. European Maritime Security Framework;
4. Terrorism and political violence conducted by non-state actors;
5. Counter-terrorism and other responses by the state;
6. Security Responsibilities (Contracting Governments, Company, Ship, ...);
7. Security Plan Requirements;
8. Threat Identification, Recognition, and Response;
9. Reporting suspicious persons, activities or objects;
10. Actions required by different security levels;

11. Implementing Emergency Procedures and contingency plans;
  - 2) Tenderers should understand the “*International Ship and Port Facility Code (ISPS)*” training mentioned in point 2 of the tender specifications, as focusing on the following elements:
    1. Introduction
      - the international legislation on security (UNCLOS, SOLAS)
      - the ISPS Code and related background information
      - relevant IMO resolutions and circulars including those on piracy and stowaways, EU legislation)
      - role of the IMO
    2. The European legislation
      - introduction to the European legislation on security focusing on differences with the international legislation (Regulation (EC) 725/2004, Directive 65/2005/EC, Commission Regulation 324/2008)
      - need and scope of ISPS Code related national legislations
      - importance of the ISPS Code in the supply chain and the concept of the inter-modal security policy
      - role of the EU and EMSA
    3. Roles and Responsibilities
      - link between ISM and ISPS Codes
      - the role, tasks and responsibilities of the flag administrations
      - the role, tasks and responsibilities of the Recognized Security Organizations
      - the role, tasks and responsibilities of the port (PSCO’s – DAO’s) and coastal States
      - the role, tasks and responsibility of the security personnel
        - Company Security Officer
        - Ship Security Officer
    4. Operational issues
      - Declaration of Security
      - verification and certification for ship
      - security levels
      - drills and exercises
      - sanctions
      - training requirements
      - auditing (types of audits) and inspection in relation to ISPS Code
      - ship security assessment (for instance: identification of existing security measures, procedures and operations; identification and evaluation of key ship board operations that it is important to protect; identification of possible threats to the key ship board operations and the likelihood of their occurrence, in order to establish and prioritize security measures; identification of weaknesses, including human factors in the infrastructure, policies and procedures; prioritization of the threats)



- ship security plan (for instance: contents; plan documentation and control; periodic review procedures; plan security and control; etc.)
- control and compliance measures

3) Tenderers should understand the "Risk Based" Training mentioned in point 2 of the tender specifications, as focusing on the following elements:

- 1) Principles of risk based inspections
- 2) Important differences between compliance auditing and risk based inspections.
- 3) Risk-based approach to audit planning.
- 4) Effective preparation of a risk based inspection incl. checklists, aid-de-memoire etc.
- 5) Conducting risk-based inspections.
- 6) Verification of the effectiveness of corrective actions and required follow-up.
- 7) Assembling data for use in risk analyses.
- 8) Addressing issues defined as low risk.
- 9) Information and basic principles of ISO standards:
  - 9000 series - Quality management;
  - 17000 series and ISO Guides - Conformity assessment;
  - 31000 series (& ISO Guide 73) - Risk management.

This list of topics is not exhaustive and should be observed as guidance. The tenderer may include other topics, which might be considered.

**Question 09** (dated 28.02.2014, 09h26):

*"(... )we have the following requests for clarification:*

- *At page 10, paragraph 14.2, you explain that "the price of the bid will be calculated by making an average calculation of the totals" with the following formula:*
  - o *(sum of all items' subtotals in Table 1/number of items) + (sum of all items' subtotals in Table 2/number of items) + (Table 3) Broker percentage /3*

*Given that the average numbers calculated for Table 1 and for Table 2 will be prices indicated in EUR and that Table 3 will contain a percentage, could you please clarify how will the average be calculated between two integer numbers and one percentage? Or could you please clarify how should we express the 3 prices in order to be able to calculate the price of the bid according to the above mentioned formula, having at the same time a final price that reflects equally the advantage of each of the 3 prices?*

- *Regarding the tailor-made courses that might be requested by EMSA within the framework contract, you mention that "EMSA wishes to be able to order other courses in fields related to maritime safety training when required". We understand that the training provider should be able to cover as much as possible all fields related to maritime safety; however, for a better understanding of EMSA's training needs, it would be useful if you could provide more details regarding the objectives of the tailor-made courses.*

### **Answer to Question 09:**

As stated in point 14.2 of the Tender Specifications; *"The price of the bid will be calculated by making an average calculation of the totals. (Sum of all items' subtotals in Table 1 / number of items) + (Sum of all items' subtotals in Table 2 / number of items) + (Table 3) Broker percentage / 3".*

*According to Annex I -Proposal – Conditions and Cost Summary:*

*"Tenderers must complete and use the following tables to submit pricing.*

- *Table 1: Standard Courses (delivered at EMSA Headquarters)*
- *Table 2: Tailor-made Courses (delivered at EMSA Headquarters)*
- *Table 3: Broker percentage*

*All prices are to be indicated:*

- *In EUR*
- *VAT free*
- *All inclusive (All delivery costs must be included in the price, such as; manuals and other training material, administrative costs, such as enrolment fee, etc...)"*

*Table 3: Broker Percentage, should reflect a percentage value (e.g "X" %), which as stated in Point 14.2 of the tender specifications:"(...)Table 3: Broker percentage - on total fee of the course that the contractor will charge for using another company to deliver a specific training or service (in addition to the price offered by the other company)."*

According with Point 2 of the tender specifications, tailor-made courses are those which are developed or adapted in order to meet specific training needs detected by EMSA staff in fields related to Maritime Safety.

**Question 10** (dated 07.03.2014, 10h00):

"(...)

1. *According to our understanding, the course on "Maritime Security" should include roughly the same elements as the course on ISPS Code. Could you please explain which are EMSA's expectations with regard to the topic of Maritime Security?*
2. *In the ToR, when you list the 10 topics that should be provided as a minimum, at point 6 you mention "Risk based". However, in the template for the Financial offer, for the same topic, you mention "Risk based inspections". Could you please clarify which exact topic should we address in our offer?*

(...)"

**Answer to Question 10:**

- 1- Please refer to the answer to Question 8;
- 2- The course "*Risk based*" listed in point 2 of the Tender Specifications and "*Risk based inspections*" course mentioned in table 1 "*Standard Courses*" of "*Appendix I – Proposal – Conditions and Cost Summary*" is to be considered as the same course.

**Question 11** (dated 07.03.2014, 12h32):

"(...):

- *Maritime Security and ISPS Code are very similar. Can you define the learning objectives of both courses in order to be capable to distinguish both courses?*
- *Can you give more detail information about the target group of all courses? Is this operating personnel, ship personnel or office personnel of shipping companies, oil and chemical companies and/or government? This determines the depth of the courses regarding to safety.*
- *Can you give more detail into what frequency of training services per subject will be asked? Are dates already set?*
- *Can you give more detail information about the time periods, like the minimum and maximum time for registration, the time between end of registration and start of the course?*
- *Can you give me more detail information about the learning objectives of the courses Ship construction – damage and repair and Ship construction?*

(...)"

**Answer to Question 11:**

For a better clarification each question will be answered separately:

*" Maritime Security and ISPS Code are very similar. Can you define the learning objectives of both courses in order to be capable to distinguish both courses?"*

Answer: Please refer to the answer to Question 8;

*"Can you give more detail information about the target group of all courses? Is this operating personnel, ship personnel or office personnel of shipping companies, oil and chemical companies and/or government? This determines the depth of the courses regarding to safety."*

Answer: Please refer to the answer to Question 4;

*"Can you give more detail into what frequency of training services per subject will be asked? Are dates already set? "*

Answer: Requests for training will be made based on the training needs detected. Hence, it not possible to foresee the frequency of such training services.

*"Can you give more detail information about the time periods, like the minimum and maximum time for registration, the time between end of registration and start of the course?"*

Answer: As stated in point 2 of Tender Specifications *"Training will be ordered by EMSA with a resasonable notice allowoing the provider to plan and organise the courses, particularly of any adpatations to the course content or special logistics are required."* the Requests for training will be made based on the training needs detected;

*"Can you give me more detail information about the learning objectives of the courses Ship construction – damage and repair and Ship construction?"*

Tenderers should understand the *"Ship New Construction"* training mentioned in point 2 of the tender specifications, as focusing on the following elements:

- Stel preparation, fabrication and block erection;
- Typical defects in steel ship construction;
- Basic non-destructive testing;
- Main engine installation;

- Shaft alignment;
- Rudder and propeller fitting;
- Electrical installation and testing.

This list of topics is not exhaustive and should be observed as guidance only. The tenderer may include other topics, which might be considered.

**Question 12** (dated 11.03.2014, 17h31):

"(...)

- *At page 2 in the ToR, you mention that the future contractor may be requested to act as broker in order to offer training courses organized and delivered by other companies when required. In such cases, the contractor will be responsible for the overall quality of the provided courses and the capabilities of the **subcontractor**. Could you please confirm if this means that the training providers presented in our technical proposal (according to your requests) will be considered subcontractors?*
- *At page 4 in the ToR, chapter 9 "Sub-contracting", you mention the conditions for subcontracting. If the training providers mentioned above are considered subcontractors, according to our understanding, they don't have to present the required evidence for the exclusion and selection criteria, as we are not relying on their capacities to fulfill the selection criteria as specified in section 13.5, but only in case of specific request from EMSA. Could you please confirm if this is correct?*
- *Also, as at this stage EMSA didn't provide information regarding the exact quantity of the services foreseen within this FWC, we cannot mention at this stage the percentage of work eventually carried out by one of our training providers, no which part will be subcontracted, as this depends on the specific requests of EMSA. As a consequence, we understand that at this stage we only have to provide you with the names and qualifications (intended as presentation of the training providers) of our subcontractors.*
- *Could you please confirm if our understanding is correct and, if not, give us further details regarding the documents that the training providers should eventually submit at this stage?*

(...)"

**Answer to Question 12:**

The main contract objective is to provide a selection of standard courses in the fields related to maritime safety. The minimum selection of courses are listed in Point 2 of the Tender Specifications. The tenderer has to fulfill the requirements stated in Point 13.5 of the Tender Specifications. In addition to that,

*"The future contractor may be requested to act as broker in order to offer training courses organized and delivered by other companies when required". The role of a broker will depend on future training courses not yet identified, which may be required at a later stage by EMSA. In such case, the contractor shall comply with the Technical and professional capacity – Selection criteria (Point 13.5) in relations to the companies who would deliver the requested courses, as stated in point 2 of the Tender Specifications, "the contractor will be responsible for the overall quality of the provided courses and the capabilities of the subcontractor".*

*According to point 9 of the Tender Specifications, " If the tenderer relies on the capacities of subcontractors to fulfil the selection criteria as specified in section 13.5 (technical and professional capacity), then each subcontractor must provide the required evidence for the exclusion and selection criteria. To rely on the capacities of a subcontractor does not mean that the contractor has to use deliveries or services of another company, but that this company and its special capacity are central to the capacity of the contractor to fulfil the contract and that it cannot be easily changed or replaced. The exclusion criteria and the selection criteria for "economic and financial capacity" will be assessed in relation to each economic operator individually. Concerning the selection criteria for "technical and professional capacity", the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria."*

Should the tenderer fall into the above mentioned point, each subcontractor must provide the required evidence.



European Maritime Safety Agency

**Requests for additional information regarding this tender should be sent by e-mail to the following address**

**[OPEN012014@emsa.europa.eu](mailto:OPEN012014@emsa.europa.eu). Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.**

**The deadline for submission of the bids of this tender is 19/03/2014.**

**Responsibility for monitoring the Agency's website for replies to queries and/or further information remains with potential applicants.**