

**Tender specifications**  
**Attached to the Invitation to tender**

**Invitation to tender N° EMSA/OP/04/2014 for Data Centre Equipment and  
Associated Services**

**1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC, as amended, for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency should facilitate cooperation between Member States and the European Commission in the field of European Vessel Traffic Monitoring and Information System in the context of Directive 2002/59/EC.

EMSA contributes to the enhancement of the overall maritime safety system in the European Union. Its goals are, through its tasks, to reduce the risk of maritime accidents, marine pollution from ships and the loss of human lives at sea.

The Agency develops and operates software applications that support member states in implementing European maritime legislation. In order to achieve its tasks the Agency has the need to be supported by a solid ICT infrastructure.

Further information about EMSA can be obtained on its website: [www.emsa.europa.eu](http://www.emsa.europa.eu)

**2. Objective, scope and description of the contract**

This procurement will result in the award of a **Multiple Framework IT Contract with re-opening of competition to a minimum of three (3) and a maximum of ten (10) successful tenderers.**

The purpose of this procurement is to establish an acquisition channel for data centre equipment and associated services. This will enable EMSA to acquire new equipment, extend maintenance on its existing equipment and call on consultancy services relating to the setup, configuration and support of this equipment.

This call for tender covers the following:

- The supply of Hardware and Software in conformity with the below-given (in point 2.1 of this document) mandatory minimum vendor list and associated equipment (including options and extensions);

In this respect, tenderers are requested to:

- **Complete and submit the scenario for price calculation of Hardware and Software of Appendix 1.** It should be noted that this Appendix shall be used for the evaluation of the bids;
  - Additionally **submit a current full catalogue of hardware, software and associated equipment in a digital version (CD/DVD)**. Tenderers are further more encouraged to add price lists for other products and vendors, not detailed in point 2.1 of this document, in the technical area of data centre infrastructure management. EMSA may decide to request hardware, software and services from the full catalogue.
  - If/when available, the bidder is requested to present the vendors public price lists and indicate the fixed discount that the bidder will provide to EMSA on these vendors public price lists.
- Associated Services (maintenance, professional services, delivery, installation and assembly services, consultancy...);
  - In this respect, tenderers are requested to **complete and submit the scenario for price calculation for associated services in Appendix 1** which shall be used for evaluation purposes.
  - Additionally **submit a current full catalogue of associated services in a digital version (CD/DVD)**. Tenderers are further more encouraged to add price lists for associated services not detailed in point 2.2 of this document, in the technical area of data centre infrastructure management. EMSA may decide to request such services from the full catalogue.

### **2.1. Hardware and Software Supply**

The **mandatory minimum vendor list** currently composes an integral part of EMSA's infrastructure. EMSA currently has:

- a) Schneider Electrics/APC;
- b) ROCA (Chillers)

Tenderers should, as a minimum, be able to supply hardware and software from the vendors mentioned above.

## **2.2.Associated Services**

Associated services for the Agency's current and new equipment configurations will be requested. Within this context, the tenderer must be able to **offer maintenance, delivery, installation and assembly services, on the mandatory minimum vendor list, as well as, on the full catalogue as mentioned in point 2 above.**

## **3. Contract management responsible body**

The European Maritime Safety Agency – Unit A.3, in charge of Operations Support – will be responsible for managing the contract.

## **4. Meetings**

The following meetings are envisaged:

- **Signature of the contract:** Work shall not start before the signature of the framework contract.
- **Kick-off meeting:** Within four weeks after the signature of the framework contract and each Order Form, a kick-off meeting will be held in order to present a work break down structure of the tasks and to define the details of the work to be undertaken.
- **Final meeting:** Prior the end of the framework contract a final meeting shall be held to mark the end of the contract and enable the contracting parties to discuss the work accomplished.
- **Regular management meeting:** regular meetings to be held between EMSA and the contractor. The regularity of these meetings is to be agreed and defined in the kick-off meeting.

EMSA may call for additional meetings if this should be considered necessary for the better execution of the project.

Meetings will be held in EMSA premises in Lisbon, Portugal, although some meetings could take another form (e.g. virtual) if mutually agreed by EMSA and the contractor. EMSA will not reimburse any travel and subsistence expenses to the contractor, which may be incurred in relation to the attendance of the above meetings.

## **5. Duration and timetable for signature of the Contract**

An initial duration of two (2) years as from the date of signature, renewable up to two (2) times each for an additional period of one (1) year.

The estimated date for signature of the framework contract is mid June 2014.

## **6. Value of the Contract**

The maximum budget available for this contract is of 350.000€ excluding VAT for the entire maximum duration of the contract covering a 4 year period.

## **7. Terms of payment**

Payments shall be issued in accordance with the provisions of the **draft Multiple Framework IT Contract with reopening of competition** available on the Procurement Section under the call to tender EMSA/OP/04/2014 on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

## **8. Terms of contract**

In drawing up a bid, the tenderer should bear in mind the terms of the draft Multiple Framework IT Contract (including the model Order Form).

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

### **The contract will be designed as follows:**

The contract follows the "Multiple Framework IT Contract with reopening of competition system", since the exact nature, quantities, subject and the precise timing of delivery or execution of the services cannot be specified in advance.

The purpose of this system is to put contractors of the Framework Contracts into competition at later stages. The Framework Contracts, as the result of the present public procurement procedure – if successful – will be awarded without any declared or effective priority or ranking amongst them.

EMSA, as the contracting authority, will conclude Framework Contracts with at least three (3) contractors. In the event that Multiple Framework IT Contract with reopening of competition cannot be awarded to at least three (3) tenderers, EMSA may decide to conclude the Multiple Framework Contract with two (2) contractors only.

The terms of the Framework Contracts will be the same for each contractor. When preparing the offers tenderers must take it into consideration the conditions laid down in the draft Framework Contract and its annexes, submitting an offer means that tenderers accept them.

### **Procedure for Order Forms:**

The present tender specifications for awarding Framework Contracts set out a general description of the tasks. According to the detailed needs, when EMSA would like to purchase specific supplies (or associated services), a '*Request for offer with reopening of competition*' shall be sent (by email) to all Contractors of the Multiple Framework Contract specifying the following:

- supplies or services needed;
- the deadline for submitting a specific offer;
- the terms of reference for the service to be provided (if applicable);
- the deliverables to be provided (if applicable);
- the duration of the service and the performance deadlines (if applicable);
- the number of meetings between EMSA and the contractor (if applicable);
- the exact form of reporting (if applicable);

Within 3 days, the contractors of the Multiple Framework Contract shall acknowledge the receipt of the '*Request for offer with reopening of competition*'.

The contractors are obliged to respond in writing to each request received from EMSA. Within the deadline specified in the request for offers, the contractors will provide EMSA with a written specific offer (by email).

If the contractor is not in the position to make a specific offer, a written justification must be provided by the deadline for submission of the offer at the latest.

EMSA will examine the specific offers received, and the Order Form shall be awarded in accordance with the award criteria stated in Point 14.2 of these Tender Specifications.

## **9. Sub-contracting**

If the tenderer intends to either sub contract 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. (NB: overall responsibility for the work remains with the tenderer).

If the tenderer relies on the capacities of subcontractors to fulfil selection criteria as specified in section 13.5 (Technical and professional capacity – Selection criteria), 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 is 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 fulfils the criteria.

## **10. Requirements as to the tender**

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English. Bids must include an English version of the documents requested under point 13.5 & 14 of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

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

The tender must be presented as follows and must include:

**Signed cover letter** indicating the name and position of the person authorised to sign the contract and the bank account on which payments are to be made.

**Financial Form** completed, signed and stamped; available on the Procurement Section (Financial Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

**Legal Entity Form** completed, signed and stamped and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent either to EMSA or any EU Institution previously. 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 **9, 12, 13.2 and 13.3** 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 **13.4** 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 **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** of these specifications;

**Part E:** setting out **prices** in accordance with **point 11** of these specifications.

## **11. Price**

- A price list of Appendix 1 must be dully completed for the **Data Centre Equipment and Associated Services**. The prices shall be all inclusive (i.e. travel, delivery and transportation cost should be included in the price). Please note that the net prices should already incorporate the indicated discount (if applicable).
- Prices must be quoted in Euro.
- The Tenderer should indicate in its offer the discount that will be applicable for the hardware and software as well as associated services appearing in the vendors public price lists. This discount shall remain applicable throughout the duration of the contract.
- As per Article 3.4 of the draft Multiple Framework IT Contract, the Contractor must commit itself to updating the prices at least once every six months, and to providing models and their options and extensions at a price whose relationship to the prevailing market price for equivalent items remains constant. In updating its price list, prices may be reduced at any time, but never increased.
- Prices are not subject to indexation.
- 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 1406/2002/EC. 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.

## **12. 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 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 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.

### **13. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required**

#### **13.1. 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 on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

#### **13.2. Grounds for exclusion - Exclusion criteria**

To be eligible for participating in this contract award procedure, tenderers must not be in any of the following exclusion grounds:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;



- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union financial interests;
- f) they have been the subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

### **13.3. Evidence to be provided by the tenderers**

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) shall be completed and signed.

Please note that the tenderer to whom the contract is to be awarded shall provide additional proof evidencing eligibility.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are 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.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

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 Contractor is required to submit a statement of confirmation that their situation has not changed.

#### **13.4. Economic and financial capacity – Selection criteria**

Requirements:

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

Evidence:

- Financial statements for the last three years for which accounts have been closed.
- Statement of overall turnover and turnover relating to the relevant services for the last three financial years.
- 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 still complies with the requirements. In this case the tenderer should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- 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 his 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 any other document enabling it to verify the tenderer's economic and financial capacity.

#### **13.5. Technical and professional capacity – Selection criteria**

Requirements:

- The tenderer must have a very good level of technical and professional capability in the provision of data centre equipment and associated services, namely know-how, efficiency, experience and reliability in this domain.

Evidence:

- the Curriculum Vitae (CV) with the educational and professional qualifications of the proposed team for implementation of the contract ;
- a list of the principal services similar to the ones identified in this tender that have been delivered by the Tenderer in the past three years;
- a description of the measures employed to ensure the quality of supplies and services;

## **14. Award criteria**

### **14.1. Criteria for the award of the Multiple Framework contract:**

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The contract will be awarded to the tenderers who submit the most economically advantageous bid (those with highest score) based on the following quality criterion and their associated weightings:

#### **1. Quality criterion 1 (Q<sub>1</sub>) (W<sub>1</sub> = 50%) – Definition of the approach, quality measures and time of delivery**

The tenderers should submit the following information:

- Proposed approach used for the provision of the supply and services as detailed in Point 2 of these Tender Specifications.
- Description of the measures employed to ensure the quality of supplies and services;
- Definition of the expected time for delivery of the hardware and software as detailed in Point 2.1 of these Tender Specifications.

and the price criteria and associated weighting based on the scenario for price calculation in Appendix 1:

- 2. Price for the provision of supplies (W<sub>Price 1</sub> = 25%)** - sum of the prices of the mandatory minimum vendor list for hardware and software of Appendix 1;
- 3. Price for the provision of services (W<sub>Price 2</sub> = 25%)** - sum of the prices of the mandatory minimum vendor list for maintenance of Appendix 1.

As outlined in Point 11 of the Tender Specifications, the tenderers are requested to complete and submit the scenario for price calculation in Appendix 1. It should be noted that failure to complete Appendix 1 may lead to the rejection of your offer.

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  $Q_1$  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.

## 14.2. Criteria for the award of the Order Forms:

The following criteria and procedure will be used in case of awarding the Order Form:

### • Admissibility

Only admissible specific offers will be evaluated. The criteria of admissibility of the offers are the following:

- the deadline for submission of offers has been respected;

### • Award criteria

Taking into account the use of Multiple Framework Contracts with reopening of competition, the following award criteria are set to determine the best offer to which the Order Form will be awarded: **the cheapest price.**

Each specific offer will be assessed in terms of the total price offered for all the items listed in the 'Request for offer with reopening of competition'.

The specific offers must respect the conditions stated in the Framework contract (including Annex V – tenderer's offer), and especially the discounts on public price lists indicated in the tenderer's offer.

● **Order Form award**

The Order Form will be awarded to the specific offer providing the cheapest price for all the supplies/services requested.

**15. Contracts will not be awarded to tenderers who, during the procurement procedure:**

- a) are subject to a conflict of interest
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

**16. False declarations**

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 14 and 15 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

**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.