

## **Tender Specifications**

### **Attached to the Invitation to tender**

## **Invitation to tender No. EMSA/NEG/12/2021 for Replacement of standard lighting tubes with LED type tubes**

### **1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup> for the purpose of ensuring a high, uniform and effective level of maritime safety.

Article 15.2(c) of Regulation 1406/2002 establishes that the Executive Director “*shall take all necessary steps (...) to ensure the functioning of the Agency in accordance with provisions of this Regulation.*”

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

The objective of this tender is to find suitable contractors to supply a wide range of LED technology tubes and bulbs, and/or new LED compatible lighting systems.

The contractor shall also be responsible for the connected services, namely installation and replacement of the existing types, currently used in EMSA.

EMSA's premises consist of two buildings:

- Headquarters (including underground parking);
- Conference Centre.

In order not to bring any detriment to the general functioning of EMSA, the replacement of the existing types with the new LED tubes, bulbs and/or LED compatible lighting systems, shall be made gradually and the contractor shall be responsible for any damage caused to the buildings and external areas. Some tasks may have to be carried out on weekends or outside the Agencies' working hours.

The replacement for the more efficient and economic systems must be based on specific technical studies, in order to find the most suitable replacement solution.

The contract shall comprise the following activities:

- 1) When receiving a request for a quotation under the framework contract, the contractor shall:
  - perform a survey of the existing tubes, bulbs and lighting systems on site;
  - perform lumino-technical and other technical studies to select the best LED tubes, bulbs or LED compatible lighting systems for replacement (these studies must validate the energy and maintenance

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<sup>1</sup> 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.).

savings by the longer life hour and lower power consumption versus the investment to be made, underlining the best potential solutions to be used), and

- provide a quotation containing the best potential types of products to be used for the replacement, the prices for these products (price shall be all inclusive, including transport & transport related insurance (DDP Incoterms), recycling and maintenance costs) and price for replacement & installation services (including the adaptation of electrical circuits).
- 2) After an order form is signed by the contracting authority, the contractor shall:
- supply the new Led tubes, bulbs and/or lighting systems;
  - proceed to the gradual replacement of the tubes, bulbs and/or lighting systems types currently used in EMSA building;
  - verification of the dimming function and DALI controlling;
  - after each replacement the contractor must carry out a verification of the luminous flux and its complying with the norms and Portuguese building regulations (the outcome of this activity shall be a Verification report);
  - adapt electrical circuits to the new tubes and bulbs, if applicable;
  - remove old tubes, bulbs and/or lighting systems that must be recycled;
  - protect the area of intervention to avoid any damage.

All replacements must be in line with the European Norm EN 12464-1 Lighting of workplaces - Part 1: Indoor work (or equivalent).

All materials removed, like old tubes, bulbs and/or lighting systems, must be recycled by the contractor. The contractor is obliged to present a certificate of the recycling process.

All technical studies must be performed by the contractor and are to be included in the contract as part of the replacement process, not to be subject to extra costs.

The new lamps and bulbs, and new lighting systems to be supplied must have as a minimum:

- Energy efficiency class: min. A+;
- Average lifetime: min. 30.000 hours;
- Colour temperature: neutral 4000K +/- 200K.
- External control gear ENEC Certified, SELV, DALI and Push-dimming.
- Compatible with existing control appliances.
- 3 years warranty (minimum)

The bid shall include a product catalogue containing a wide range of LED tubes, bulbs or LED compatible lighting systems, together with the price list for the products.

The product catalogue may be in paper version or from the online catalogue. In case of online catalogue, the tender should provide the relevant website and/or link. EMSA should have access to this catalogue during performance of the contract.

The successful tenderer shall provide a quotation upon request from the Agency within maximum 10 working days.

### 3. Contract management responsible body

EMSA Unit 4.2 in charge of Legal, Finance & Facilities - will be responsible for managing the contract.

### 4. Project Planning

Following the signature of the contract, a kick-off meeting shall be scheduled in EMSA premises in order to start the implementation of the contract.

Over the maximum contract duration, a meeting with the contractor shall be held in EMSA premises every time the services shall be required.

### 5. Timetable

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

The contract will be concluded for an initial duration of 12 months with the possibility of renewal up to three times by 12 months on each occasion.

### 6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 30,000.00 excluding VAT.

### 7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Framework Supply Contract** available in the Procurement Section under the call to tender **EMSA/NEG/12/2021** on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

### 8. Terms of contract (purchase order)

When drawing up a bid, the tenderer shall bear in mind the terms of the draft Framework Supply 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 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<sup>2</sup>. 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.

## 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 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.<sup>3</sup>

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](http://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](http://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](http://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 13 and 14.2 of these specifications (exclusion criteria).

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<sup>2</sup> To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

<sup>3</sup> 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).

**Part B:** 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 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 1616 of these specifications;

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

## 12. Price

- a) Prices must be quoted for the supply of LED technology tubes and bulbs, and/or new LED compatible lighting systems and shall be all inclusive, including transport & transport related insurance (DDP Incoterms), technical studies, price of replacement & installation services (including adaptation of electrical circuits), recycling and maintenance costs. The price shall also include all items indicated in the **Appendix 1 – Price grid - Evaluation scenario**.
- 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.

## 13. Joint Offer

Groups, irrespective of their legal form, may submit bids. Tenderers may, after forming a group, submit a joint bid on condition that it complies with the rules of competition. Such groups 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.

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.

## 14. 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.

### 14.1 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](http://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 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](http://www.emsa.europa.eu)) shall be completed and signed.

## 14.3 Legal and regulatory capacity – Selection criteria

### 14.3.1 Standards / Prerequisites

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

### 14.3.2 Evidence

For this purpose, the Declaration of Honour available on the procurement section of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) must be completed and signed as per section 14.2 above.

## 14.4 Economic and financial capacity – Selection criteria

### 14.4.1 Standards / Prerequisites

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

### 14.4.2 Evidence

Declaration of Honour, please refer to section 14.2 above

## 14.5 Technical and professional capacity – Selection criteria

### 14.5.1 Standards / Prerequisites

- The contractor shall have at least 5 years of experience in providing the same products and services.
- The contractor shall be ISO 9001 certified for commercialization of lighting products and/or the lighting installation services, or equivalent certification.
- The contractor shall be ISO 14001 certified for production and commercialization of high-performance lighting commercialization and/or the lighting installation, or equivalent certification.
- The contractor shall be registered on the Associação Nacional para o Registo de Equipamentos Eléctricos e Electrónicos or equivalent registration with national body competent in the environmental control of the supplied electrical products ensuring the correct recycling manner

### 14.5.2 Evidence

- List of main clients and services provided in the last 5 years (minimum 3 clients).
- Copy of the ISO's certificates or equivalent certification proof.

- Copy of the “Registo da Empresa for the gestão de resíduos de equipamentos elétricos e eletrónicos (ANREEE)” or equivalent national registration proof.

## 15. Declaration of Honour (DoH)

Please note that the successful tenderer may be requested by EMSA to 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 by EMSA and within the time limit set by EMSA, the successful 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.

If requested by EMSA, 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 a 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.

## 16. 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 ( $W_1 = 20\%$ ) – period of warranty for delivered products and executed services proposed by the tenderer (where the required minimum period is 3 years); every additional year of guarantee will be positively scored.

The bids that offer only the required minimum of 3 years of warranty will receive 6 points. For all bids that offer extra years of warranty on top of the minimum 3 years, the evaluators will give marks between 7 - 10 as per the table below:

Minimum requirement: 3 years	6 points
4 years	7 points
5 years	8 points
6 year	9 points
7 years and more	10 points

2. Quality criterion 2 ( $W_2 = 20\%$ ) - Energy efficiency classification of the main proposed product – LED tube T5 / 1449 mm, DALI, 15W,  
(minimum required class 'A+' – score of 6 points will be given, class 'A++' – score of 10 points will be given)

and the price criterion and associated weighting:

3. Price of the bid ( $W_{price} = 60\%$ ).

The price of the bid shall be calculated based on the following scenario, taking into account the prices provided in **Appendix 2 Price grid - Evaluation scenario**, namely:

“Scenario based price” – The total price of the products and the connected services (replacement & installation) for the replacement of the fluorescent lamps, bulbs or lighting equipment in 4 standard offices of the EMSA Headquarters.

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

$$PP = \sum_i \frac{\text{lowest } Price_i \text{ of all bids}}{Price_i} * 100 * W_{Price_i}$$

Only bids that have reached a minimum of 60 % for  $Q_1$ , a minimum of 60 % for  $Q_2$ , 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 60 % for the score  $S$  will be taken into consideration for awarding the contract.

## 17. 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.

## 18. 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.