

Tender Specifications Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/9/2022 for Branded Promotional Material

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.

EMSA is applying the environmental management systems ISO 14001:2015 and EMAS (Environmental Management and Audit Scheme of the EU), aiming to continuously improve its environmental performance. EMSA complies with all applicable legal requirements relating to the environment and endeavours to ensure that suppliers comply with its environmental policy within the remit of the activities carried out for the contract. EMSA invites tenderers to consult the document and consider it when preparing bids.

2. Objective, scope and description of the contract

2.1 Objective

As part of its awareness-raising, communication, training, and promotional activities, EMSA regularly organises conferences, meetings, and seminars, in presentational, hybrid, and online mode in its headquarters in Lisbon and abroad. The Agency also attends events, exhibitions, meetings, and seminars held in its headquarters in Lisbon and abroad. Consequently, EMSA requires the provision of services related to this activity.

Sought under this contract is **the occasional provision of branded goods** (for example, notebooks, pens, lanyards, bags, and conference-related stationery). The Agency also requires the provision of conference display material, such as roll-ups, backdrops, stands, and other items, for themed conferences in its Lisbon headquarters, and at exhibitions and fairs elsewhere in the EU. Similarly, EMSA also requires **promotional material** linked to the activities of some of its projects.

For larger conferences and events at its Lisbon headquarters, EMSA occasionally requires the provision of **branded conference display material**, understood here as made to order conference backwalls, display stands, banners, and other conference-related material, which on occasion could be ordered with LED light illumination. This material will be made based on designs provided by EMSA.

In addition, during the exercise of its mandate, EMSA's personnel regularly carry out tasks that require the use of **branded work clothing** such as high-visibility jackets, fleeces, safety helmets, high-visibility tabards,

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.).

and other items which can be branded with the EMSA logo, to identify personnel during the course of their on-site work.

Therefore, this contract has the objective of covering the provision of branded goods (including work clothing) and conference material, which can be supplied to EMSA's headquarters in Lisbon, or to any point within the EU designated by the contracting authority.

Notably, EMSA is registered under the EU Eco-Management and Audit Scheme (EMAS) scheme, and as such, the Agency's commitment to sustainability is reflected in this call for tender.

2.2 Scope and description

The scope of this contract covers the following services:

Service 1: the provision of branded goods and promotional material

In the context of EMSA's requirements for conferences, events, visits, promotional materials, or other occasions, the tenderer shall:

- Provide a comprehensive inventory of products for EMSA's use that comprises, at least in part, items that are *sustainable* and *local*. *Sustainable* is understood here as made entirely from, or for the most part from, recycled materials or materials produced sustainably (for example, using wood from sustainable forests, attested by a relevant certification). *Local*, in this context, means goods that are produced within the European Union. Appreciated too would be a *social dimension* (understood here as goods the sales of which partially or wholly benefit registered NGOs or social enterprises, or which are attested by a certification scheme such as the [Fairtrade label](#)).
- Adapt the items chosen by EMSA to the Agency's corporate image by incorporating the design/s provided onto the goods (usually the EMSA logo) while respecting the corporate identity guidelines of EMSA.

For information, the types of branded items required by EMSA will include, but will not be limited to, the following:

- Bags with the Agency's logo and a specific logo or phrase associated with a conference or seminar/ project (bags could be of recycled cotton, jute, and/or cork, etc.).
- Pens and pencils with the Agency's logo and a specific logo or phrase associated with a conference or seminar/ project (pens could be of recycled plastic, seed, wheat straw, etc.).
- Notebooks with the Agency's logo and a specific logo or phrase associated with a conference or seminar/ project (paper proposed must be recycled).
- Digital items, which could include small power banks or wireless chargers, made with at least some sustainable components, e.g., wood or recycled materials.
- Glass/recycled material-based bottles/ cups with the Agency's logo, or those of its projects
- Lanyards with the Agency's logo and a specific logo or phrase associated with a conference or seminar.

Service 2: the provision of branded conference display material

In the context of conferences and events held at EMSA's headquarters in Lisbon and elsewhere in the EU, the contractor shall:

- Provide a service upon request for the creation, delivery, assembly, and disassembly of branded conference material in EMSA's headquarters, located in central Lisbon. This service should include:
 - Assessment of the available conference and seminar space (pre-order site visit).
 - The production of banners, backdrops, and other material requested by the contracting authority to decorate the conference space, using visual and graphic material provided by the contracting authority.
 - Assembly of said materials (if requested) at a date and time directed by the contracting authority.
 - Disassembly of said materials (if requested) at a date and time directed by the contracting authority.
- Provide a service upon request for the creation and delivery of easily assembled and disassembled portable conference material for seminars, events, exhibitions, trade fairs, etc., held outside Lisbon. This service should include:
 - A preliminary assessment of the available space through viewing plans, outlines of proposed exhibition spaces, online material, etc.
 - The production of banners, backdrops, and other material requested by the contracting authority to decorate the required space, using visual and graphic material provided by the contracting authority.
 - On request the transportation of any such ordered items to an address elsewhere in the EU-27 or internationally should be included in the cost of the production of these items.

Service 3: the provision of branded work clothing

For visits to ports, ships, or other areas which require protective work clothing, the contracting authority requires the provision of a catalogue of appropriate items which can be branded with the EMSA logo, enabling EMSA staff members carrying out visits, inspections, or other missions that require protective work clothing, to be clearly identified while at the same time ensuring safety.

This catalogue shall include, but should not be limited to, high visibility rainproof jackets, fleeces, high-vis tabards, and safety helmets featuring the Agency's logo. Where relevant, items proposed must meet applicable EU standards and be CE marked.

For all three services, upon receipt of the order form, the contractor shall prepare and deliver the requested goods to EMSA's premises, at the following address: **Praça Europa 4, Cais do Sodré, 1249-206 Lisbon, Portugal, or to another address within the EU as directed by the contracting authority.** The time from request to delivery should be no longer than six weeks (30 working days).

3. Contract management responsible body

EMSA's Executive Office will be responsible for managing the contract.

4. Project Planning

Not applicable.

5. Timetable

The estimated date for signature of the contract is in the fourth quarter of 2022.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 136,000.00 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/9/2022** on EMSA's website (www.emsa.europa.eu).

8. Terms of contract

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

Not applicable.

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 criteria². 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

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

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.³

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, 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 by the person authorised to sign the contract 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 13 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 Technical and Professional capacity (part of the selection Criteria) set out under point 14.5 of these specifications.

Part D: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point 1616 of these specifications;

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

³ 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).

12. Price

- a) Price must be quoted for Branded Promotional Material by filling in the table provided in Appendix 1 and shall include the total cost of the goods **covering the addition of EMSA's logo** (i.e., the unit cost of each item shall include the cost of branding) **and delivery to EMSA's headquarters**.
- b) Prices must be fixed amounts and non-revisable unless otherwise specified in the contract.
- 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

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.

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).

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) 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

n/a

14.4 Economic and financial capacity – Selection criteria

14.4.1 Standards / Prerequisites

- a) The tenderer must be in a stable financial position and must have the economic and financial capacity to perform the contract.
- b) The tenderer must not be subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) substantially affecting the performance of the contract (e.g., asset freezes and/or a prohibition on making funds or economic resources available). The prohibition applies throughout the whole performance of the contract.

14.4.2 Evidence

- a) Financial statements or their extracts for the last three years for which accounts have been closed.
- b) Statement of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years.
- c) Self-declaration that the tenderer is not subject to restrictive measures (e.g., asset freezes and/or a prohibition on making funds or economic resources available) substantially affecting the performance of the contract.

Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and the provided documents are up to date. In this case the tenderer shall 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, it may prove its economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

- A. The tenderer must have previous experience on three (3) projects related to the provision of branded material and conference material performed in the past three years.
- B. The tenderer shall propose the following profiles:
 - Key account manager: at least five (5) years of working experience managing client requests and acting as an interface between the contractor and clients. The ability to work in English is a prerequisite, therefore an equivalent standard of B2 English under the Common European Framework of Reference for Languages is required.
 - A backup for the above profile, to ensure uninterrupted service during periods of holidays or sickness

14.5.2 Evidence

- A. For substantiating the experience as requested in point 14.5.1 above, the tenderer shall submit as evidence a list of three (3) projects in similar services in which it has participated and worked in the last three years. The list shall include the following:
 - i. A description of the services included in each project;
 - ii. The duration of the project;
 - iii. Where relevant, the budget associated with each project.
- B. The tenderer shall also provide detailed curriculum vitae for both the key account manager profile referenced in point 14.5.1 above and for the proposed backup.

15. 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.

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:

Quality criterion 1 ($W_1 = 30\%$) - Approach and strategy:

Bids will be evaluated on the **completeness and quality** of the services offered and the methodology applied to support a successful contract implementation. This will be presented in a document which must include:

- An inventory of all products available from the tenderer (section 2.2 – Service 1), which could be presented in the form of a catalogue, to ensure the completeness of each bid.
- A detailed methodology on the proposed workflow including representative timeframes (including how to support last minute/time sensitive requests) and potential risks and mitigation measures.

Quality criterion 2 ($W_2 = 15\%$) - Organisation of work and functioning of the proposed team:

Bids will be evaluated on the **completeness and quality** of the work organisation methodology and of the quality, composition, and functioning of the proposed team. This will be presented in a document which must include:

- Details of the team allocated to the contract and team members' distribution of tasks.
- In the interests of business continuity and assured service throughout the lifetime of this contract, a methodology for contract management to ensure uninterrupted service including backup cover in times of holidays, sickness, or other absences.
- Details of any quality assurance mechanisms used by the tenderers in the course of their daily work.

Quality criterion 3 ($W_3 = 5\%$) - Environmental strategy:

Bids will be evaluated on a document which contains a relevant environmental statement relating to the products proposed in the catalogue, and a statement of environmental actions carried out to mitigate environmental impact during the performance of the tasks stated above.

and the price criterion and associated weighting:

Price of the bid ($W_{Price} = 50\%$) – For evaluation purposes, the price of the bid shall be quoted in Appendix 2 - Price Scenario for Evaluation.

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

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

Only bids that have reached a minimum of 60% for Q_1 , and 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.