

Tender Specifications Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/11/2026 for Maintenance of Automatic Doors

1. Introduction	3
2. Objective, scope and description of the contract	3
2.1 Preventive maintenance	3
2.2 Corrective and emergency maintenance	3
2.3 Execution	3
3. Contract management responsible body	4
4. Project Planning	4
5. Timetable.....	4
6. Value of the Contract.....	4
7. Terms of payment	4
8. Terms of contract.....	4
9. Financial guarantees	5
10. Subcontracting	5
10.1 Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria....	6
10.2 Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria	6
11. Joint Offer.....	7
12. Requirements as to the tender.....	8
13. Price	9
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	10
14.1 Legal position – means of proof required.....	10
14.2 Grounds for exclusion – Exclusion criteria	10
14.3 Legal and regulatory capacity – Selection criteria	10
14.3.1 Standards / Prerequisites	10
14.3.2 Evidence	10
14.4 Economic and financial capacity – Selection criteria	11
14.4.1 Standards / Prerequisites	11
14.4.2 Evidence	11
14.5 Technical and professional capacity – Selection criteria	11
14.5.1 Standards / Prerequisites	11

14.5.2	Evidence	12
15.	Evidence on Declaration of Honour (DoH)	12
16.	Award criteria.....	12
17.	Evaluation and award.....	13
18.	Rejection from the procedure	14
19.	Intellectual Property Right (IPR)	14

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EU) No 2025/2434 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety that aims at a maximum reduction of accidents, a high, uniform and effective level of maritime security, the reduction of greenhouse gas emissions from ships and the environmental sustainability of the maritime sector as well as the prevention of and response to pollution caused by ships and the response to marine pollution caused by oil and gas installations. Among its tasks, the Agency is responsible for the proper maintenance and functioning of its buildings and facilities, for which a relevant contract is necessary.

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 policy² within the remit of the activities carried out for the contract. EMSA invites tenderers to consult the document and consider it when preparing tenders.

2. Objective, scope and description of the contract

The objective of this procedure is to establish a Service Contract for preventive and corrective maintenance services of EMSA's main entrance's circular revolving door and 10 units of sliding doors, placed in EMSA's headquarters in Lisbon.

2.1 Preventive maintenance

The contractor is requested to carry out the technical inspections according to the intervals referenced in Appendix A and the instructions of the manufacturers. The preventive maintenance shall include hands on maintenance services, such as (at least): necessary control of doors' equipment and any necessary update of software.

After each visit, a report shall be provided including a description of equipment condition and all works undertaken during the maintenance visit.

2.2 Corrective and emergency maintenance

The contractor is requested to address any defects or breakdowns detected in the doors' equipment, in order to render these fully functional. The prices per one hour of work for the corrective and emergency maintenance shall be indicated in Appendix A.

The price for spare parts used for repairs will be charged based on the contractor's quotation for corrective maintenance only.

In the case of the corrective and emergency maintenance, the quotation for cost estimation shall be sent to EMSA for approval before undertaking the services.

In the case of emergency maintenance, the repairing of defects or breakdowns in the doors' equipment must be carried out without delay (on call – also if out of standard working hours).

2.3 Execution

The contractor shall ensure that tasks are carried out without detriment to the general functioning of EMSA services and shall be responsible for any damage caused to the buildings or external areas. Some tasks may

¹ REGULATION (EU) 2025/2434 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 November 2025 on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 (ELI: OJ L, 2025/2434, 29.12.2025).

² Which can be found at <http://emsa.europa.eu/about/environmental.html>

have to be carried out on weekends or outside the Agency's working hours (i.e. Monday to Friday, 09h00 – 17h00). The contractor shall be responsible for the removal and appropriate disposal of any waste related to the interventions (damaged, lose or surplus materials) and cleaning the area after execution.

a) Acceptance / Hand-over

When the contractor declares the services finished, EMSA shall be invited to an acceptance inspection. The contractor is responsible for solving possible defects, imperfections, and non-conformities. EMSA accepts the services via a dedicated document - 'Works/Services Handover Protocol'.

b) Quality guarantee

After acceptance by EMSA, the quality guarantee period offered by the Contractor starts running.

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

A kick-off meeting is foreseen after signature of the contract where the details regarding reporting and deliverables and any further meetings will be agreed.

5. Timetable

The estimated date for signature of the contract is Q3 2026.

6. Value of the Contract

The maximum budget available for this contract is EUR 40,000.00 excluding VAT.

Non-compliance with the previous paragraph will lead to rejection of the bid.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Framework Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/11/2026** on EMSA's website (<https://emsa.europa.eu/procurement.html>).

Order forms for the purchase of services shall be established based on the prices indicated in the financial offer. However, EMSA may request the contractor to propose supplementary services to be ordered on the basis of a quote provided by the contractor as per Article I.5.1 of the FWC. The purchase of supplementary services shall not exceed 20% of the contract value.

The successful tenderer(s) shall take the appropriate measures to be compliant with the e-invoicing conditions as set out in the draft contract.

8. Terms of contract

When drawing up a tender, the tenderer shall bear in mind the terms of the draft Framework Service Contract.

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

9. Financial guarantees

Not applicable

10. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders.
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the *List of identified subcontractors* available on the Procurement Section of EMSA’s website (<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as identified subcontractors):

- subcontractors on whose capacities the tenderer relies on to fulfil the selection criteria³;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 20%.

³ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the attached model *Commitment letter by identified subcontractor* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>), and signed by its authorised representative.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement and is not in an exclusion situation,
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

10.1 Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the attached model *Commitment letter by an entity on whose capacities is being relied* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>), signed by the authorised representative of such an entity.

The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

10.2 Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed above (see list under section 10) and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

The tenderer must provide required evidence for the exclusion on its own behalf, on behalf of any subcontractors identified in the *List of identified subcontractors*, and on behalf of any other entities (not subcontractors) on whose capacities is being relied on.

The tenderer must provide required evidence for selection criteria on its own behalf and on behalf of any subcontractors on whose capacities the tenderer relies on to fulfil the selection criteria as identified in the *List of identified subcontractors*, and on behalf of any other entities (not subcontractors) on whose capacities is being relied on.

The evidence on 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 / any other entities (not subcontractors) as a whole fulfil the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature, if specified so in selection criteria relevant section of these Tender Specifications.

Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

11. Joint Offer

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the *Agreement Power of attorney (joint tender)* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>).

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following case(s):

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
- the new entity is not subject to restrictive measures, has access to procurement and is not in an exclusion situation,
- all the tasks assigned to the former entity are taken over by the new entity member of the group,
- the group meets the selection criteria,
- the change must not make the tender non-compliant with the procurement documents,
- the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,

- the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

Each member of the group must provide the required evidence for the exclusion and selection criteria. The evidence on 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 specified so in selection criteria relevant section of these Tender Specifications.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the *Agreement Power of attorney (joint tender)* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

12. Requirements as to the tender

Tenders can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, tenders should preferably be submitted in English and shall in particular include an English version of the documents requested under sections 14.5 and 16 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.⁴

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 relevant forms *List of identified subcontractors / Agreement/Power of attorney (joint tender)*. These documents are available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

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, including up-to-date proof of that authorisation, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure. The cover letter shall be accompanied by the **Authorised Signatory Form** duly completed and signed. This document is available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).
- b) **The Legal Entities and Bank Accounts Form**⁵, completed, stamped and signed by the representative of the tenderer and of each member of the group in case of joint tender, along with the requested accompanying documentation. This document is available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

Tenderers are exempt from submitting the Legal Entities and Bank Accounts Form requested if such a form has already previously been completed and sent to EMSA. 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.

- c) All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the sections 10, 11 11 and 14.2 of these Tender Specifications.

⁴ 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).

⁵ In case of joint tender, if the group is composed of non-Portugues companies, only completion of the information regarding the legal entity is mandatory.

- d) All the information and documents required by EMSA for the appraisal of tenderers on the basis of the **Legal and Regulatory capacity** (part of the selection criteria) set out under section 14.3 of these Tender Specifications, as applicable.
- e) All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the **Economic and Financial Capacity** (part of the selection criteria) set out under section 14.4 of these Tender Specifications, as applicable.
- f) All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the **Technical and Professional capacity** (part of the selection criteria) set out under section 14.5 of these Tender Specifications, as applicable.
- g) 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 section 1616 of these Tender Specifications;
- h) Setting out prices in accordance with section 13 of these Tender Specifications.

13. Price

- a) Price must be quoted for Maintenance of Automatic Doors (revolving & sliding) and shall be all inclusive: labour, materials and tools to be used during the intervention, personal protective equipment, costs of transport (materials and personnel), protection and marking of the intervention area, removal and disposal of construction waste, cleaning after the intervention, etc.
- b) Prices shall be detailed in Appendix A and shall be expressed based on the type of maintenance:
 - Preventive: Single price per year for the preventive maintenance services, which includes all the elements mentioned in section 2.1 above.
 - Corrective/emergency: Prices per one (1) hour of work (within and outside EMSA working hours) for the corrective and emergency maintenance services, which includes all the elements mentioned in section 2.2 above.
- c) Prices must be fixed amounts and non-revisable and remain valid for the duration of the contract unless otherwise specified in the contract.
- d) Prices must be quoted in euro.
- e) 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 (EC) No 1406/2002. These duties, taxes and other charges can therefore not enter into the calculation included in the tender. The amount of VAT must be shown separately.

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 tender, tenderers and each of the group in case joint tender are requested to complete and enclose the Legal Entities and Bank Accounts Form⁶ available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

14.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, the tenderers, each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on 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 (<https://emsa.europa.eu/procurement.html>) shall be completed and signed.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Standards / Prerequisites

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

The tenderer must be duly registered with the National Public Body that authorizes the intervention of companies in works of non-structural profiles (Instituto dos Mercados Públicos do Imobiliário e da Construção-IMPIC in Portugal or equivalent within the European Union).

- B. The tenderer, each member of the group in case of joint tender, any subcontractors (including those which do not need to be identified), and any other entities (that are not subcontractors) on whose capacity the tenderer relies on must ensure that are not 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)⁷, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

14.3.2 Evidence

- A. Copy of the Permit issued by the Instituto dos Mercados Públicos do Imobiliário e da Construção -IMPIC or equivalent if issued outside Portugal.
- B. Duly completed and signed Declaration of Honour available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

⁶ In case of joint tender, if the group is composed of non-Portuguese companies, only completion of the information regarding the legal entity is mandatory.

⁷ Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the <https://www.sanctionsmap.eu/#/main>.

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.

The yearly turnover⁸ for the last three years must be minimum 20,000.00 EUR

14.4.2 Evidence

Duly completed and signed Simplified Financial Statement available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>), and the following evidence for the period mentioned above depending on the legal form:

- For Profit Organisations (whose primary goal is making a profit): copy of the profit & loss account and balance sheet for which accounts have been closed.
- For non-Profit Organisations (formed for the purpose of serving a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors): copy of the statement of financial activities and statement of the financial position for which accounts have been closed.
- For Public sector entities (including public universities and international organizations), which according to the law of the country in which they are established are NOT required to publish balance sheets: extracts from their last two budgets (including the current one) as evidence of their average budget. Complete line 14 (Revenue) of the Simplified Financial Statement only (version for non-profit organisations).
- For Individuals: provide extracts from any available documents (e.g. income tax returns) as evidence on their average income. Complete line 14 (Revenue) of the Simplified Financial Statement only (version for non-profit organisations).

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

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

The tenderer must have at least 5 years of previous experience on the market in areas relevant to the subject of the contract such as: the maintenance services of circular, revolving automatic door and other sliding doors.

⁸ For individuals and public sectors entities the "turnover" corresponds to the "revenue".

14.5.2 Evidence

a) List of at least 3 clients (company name, location, scope of services) where similar services (maintenance of revolving and sliding doors) have been carried out and finalised during the last 5 years.

15. Evidence on Declaration of Honour (DoH)

At any time during the procurement procedure⁹, EMSA may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence), namely:

- For the exclusion situations described in points (1) (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 (1) (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.

EMSA may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All tenderers are invited to prepare in advance the documentary evidence, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer(s) proposed by the Evaluation Committee for the award of the contract will be requested to provide such evidence. This requirement applies to each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on.

If the tenderer does not provide valid documentary evidence within the deadlines set by EMSA, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

The tenderer, each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on, must not be subject to professional conflicting interests which may negatively affect the contract performance.

16. Award criteria

The contract will be awarded to the tenderer who submits the most economically advantageous tender (the one with highest score) based on the following quality criteria and their associated weightings:

⁹ The obligation to provide the supporting evidence is waived in the following situations:

- if the same documents have already been provided in a previous award procedure of EMSA, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

1. Quality criterion 1 ($W_1 = 50\%$) - Quality of the proposed plan for execution of services, including scheduling of preventive maintenance (mandatory + complementary scope of services), means of communication with EMSA and response time in case of need for corrective/emergency maintenance.

The bidder shall present:

- a) Proposed preventive maintenance time schedule of the services, including:
 - Mandatory scope of services described in Section 2 and listed in Appendix A;
 - Complementary set of services proposed by the tenderer (additional scope of works with frequency of their proposed execution).
- b) Means of communication with EMSA and response time in case of need for corrective/emergency maintenance (during standard working hours and out of working hours).

and the price criterion and associated weighting:

2. Price of the tender ($W_{Price} = 50\%$): Total price of all items as per formula in Appendix A.

For all tenders, evaluators will give marks between 0-10 (half points are possible) for the 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

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

Only tenders 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 tenders that have reached a minimum of 60% for the score S will be taken into consideration for awarding the contract.

17. Evaluation and award

The evaluation of the tenders that comply with the conditions as per Invitation to tender will consist of the following elements:

- Check if the tenderer - including each member of the group in case of joint tender, any subcontractors (including those which do not need to be identified in the tender), and any other entities (not subcontractors) on whose capacity the tenderer is being relied on - is not subject to EU restrictive measures and has access to procurement;
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Verification of the absence of professional conflicting interests;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

EMSA will evaluate the above-mentioned elements in the order that it considers to be the most appropriate. The successful tenderer(s) must pass all the above-listed elements to be awarded the contract.

18. 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.
- D. Has professional conflicting interest which may negatively affect the performance of the contract.

19. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.