

## **TENDER SPECIFICATIONS**

### **ATTACHED TO THE INVITATION TO TENDER**

#### **INVITATION TO TENDER N° EMSA/OP/15/2015 – ACQUISITION CHANNEL FOR ALL-PURPOSE, LIGHTWEIGHT AND 2-IN-1 LAPTOPS AND THEIR ASSOCIATED EQUIPMENT AND EXTENDED WARRANTY.**

## **1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC of the European Parliament and of the Council to contribute to the enhancement of European maritime safety. Among its tasks, the Agency needs to ensure the efficient internal functioning of the organization; in this scope it is important to assure the channels to acquire IT equipment for staff on missions such as laptop computers.

## **2. Objective, scope and description of the call for tender**

The objective of this call for tender is to provide the Agency with an acquisition channel for the purchase of all-purpose, lightweight and 2-in-1 laptops and its accessories. The Agency has currently around 150 laptops assigned to staff and used for mission and other events.

The tenderer is to give a price per reference configuration (that meets at least the minimum mandatory specifications as laid out in Appendix I), its associated equipment and extended warranty (as mentioned in Appendix I). A Technical Compliance Matrix (Appendix II) and a Price Matrix (Appendix III) are to be filled out by the tenderer with details for each proposed model.

The tenderer shall also provide details on each of the proposed models regarding used technology, performance and environmental impact, e.g. compliance with ecological standards, power consumption and emissions.

Although EMSA will predominantly purchase laptops per requested reference configuration, tenderers are however further more encouraged to add their full catalogue to their bid as EMSA may request laptops and their associated equipment from the full catalogue.

## **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. Timetable**

The estimated date for signature of the contract is August 2015.

## **5. Project Planning**

Not applicable.

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

The maximum budget available for this Framework Contract is 300.000 Euro excluding VAT. Nevertheless, the actual value of the purchases under Framework Contract will depend on the quantities EMSA will order by means of Order Forms.

## **7. Terms of payment**

Payment will be made in accordance with the provisions of the draft Framework Contract available in the Procurement Section under the call to tender EMSA/OP/15/2015 on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

## **8. Terms of the contract**

In drawing up a bid, the tenderer should bear in mind the terms of the draft Framework Supply Contract. 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.

## **9. Financial guarantees**

Not applicable.

## **10. Subcontracting**

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).

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>1</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.

## **11. 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.

The tenderer shall complete Tenderer's checklist.

---

<sup>1</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.

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/ Purchase Order 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 **10, 13, 14.2 and 14.3** 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 **15** of these specifications;

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

## 12. Price

- Price must be quoted for **All-purpose, Lightweight and 2-in-1 Laptops and their associated equipment and extended warranty** and shall include all costs for transportation. For this purpose, a Price Matrix (Appendix III) shall be filled in.
- Prices must be fixed amounts and non-revisable and remain valid for the duration of the contract.
- Prices must be quoted in euro.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, 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 (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.

## 14. Information concerning the personal situation of the service provider 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 on the EMSA Website at the following address: [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, 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 Communities' financial interests;

(f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

### **14.3 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.

### **14.4 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.

#### 14.5 Technical and professional capacity – Selection criteria

Tenderers are required to prove that they have sufficient technical and professional capacity to provide the services under the framework contract. To that end they should provide supporting documentation as to the following criteria:

- (1) **Organisation structure** and staff involved in logistic area (i.e. ordering & delivering)
- (2) **Certification of Partnership** with offered laptops manufacturers
- (3) **A list of principal clients** over the past three years to whom similar equipment has been supplied

### 15. Award criteria

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 tenderer who submits the most economically advantageous bid (the one with highest score) based on the following quality criteria and their associated weightings:

#### a) Quality of the proposed models

All offers will be evaluated based on the following quality criteria of the proposed Reference Configurations outlined in Appendix I.

No	Qualitative criteria (60%)	Weighting
1	Technology	20%
2	Performance	25%
3	Environmental impact	5%
4	Enhancements and Extensions	10%

#### b) Total price as weighted by percentage

Tenderers are requested to complete the Price Matrix (Appendix III) of the Tender Specifications. All offers will be evaluated based on the below price criteria.

Price (40%)	
Sum of a) prices of the proposed Reference Configuration	a)
Sum of b) prices of the mandatory Enhancements and Extensions	b)
<b>Total Price= (3xa)+(1xb)</b>	<b>40%</b>

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  $Q_1$ , a minimum of 60 % for  $Q_2$ , etc. 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.

## 16. 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.

## 17. 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 12 and 13 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure 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.

## **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 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 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