

Tender specifications

Attached to the Invitation to tender

Invitation to tender N° EMSA /OP/20/2015 for Provision of Interim Services for the European Maritime Safety Agency (EMSA) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC, as amended, for the purpose of ensuring a high, uniform and effective level of maritime safety. More information is available at: <http://www.emsa.europa.eu>.

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) was established by Council Regulation (EEC) No. 302/93 of 8 February 1993, as recasted by Regulation (EC) No. 1920/2006 of the European Parliament and of the Council of 12 December 2006. The EMCDDA is the central reference point for drug information in the European Union. More information is available at: <http://www.emcdda.europa.eu>

Both agencies are situated in Praça Europa, Cais do Sodré, 1249-289 Lisbon (Portugal).

2. Objective, scope and description of the contract

2.1 Objective of the contract

The European Maritime Safety Agency together with the European Monitoring Centre for Drugs and Drug Addiction (hereafter “the Agencies”) are launching an invitation to tender in order to find a suitable contractor for the provision of interim services.

With this call for tender, EMSA and EMCDDA aim to conclude two framework contracts covering interim services for each agency: Lot 1 - EMSA and Lot 2 – EMCDDA.

The tenderers can apply for only one Lot or to both Lots (Lot 1 – EMSA and/or Lot 2 – EMCDDA).

EMSA and EMCDDA are multicultural and multilingual European Agencies. EMSA currently has around 230 staff and the EMCDDA 100 staff members. Staff employed by both Agencies are subject to the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities (Council Regulation Nr. 259/68 of 29 February 1968, last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013.

Both Agencies may need interim personnel, in addition to their staff, for the following reasons:

- to replace staff absent;
- to cope with peak periods which require an additional workforce for a limited period of time;
- to carry out, on a temporary basis, additional tasks resulting from specific projects;
- to carry out, on a temporary basis, tasks which require specific competencies which are not available within the Agency.

The overall objective of the tender is to provide EMSA and EMCDDA with the necessary interim personnel in a timely manner and in line with the job profiles requested.

The contractor/s shall comply with all the relevant national laws on employment, taxes, health insurance, social and pension contributions. The contractor shall ensure the fulfilment of all legal and financial obligations towards the worker, which include the gross salary and all social and pension contributions foreseen by the law for the employer.

All service-related expenses, such as salaries of contracted personnel including social security, holidays, holidays allowances, sickness allowances and untaken leave payments¹, insurance, and all other administrative costs should be covered by the Contractor.

2.2 Scope of the contract

The variety of activities for which EMSA and EMCDDA might request interim personnel in the context of this tender may include, amongst others, the following categories:

- Receptionist and switchboard operator
- Secretarial support
- Filing and archiving assistance
- General administrative support
- Data input assistance
- Support to the organisation of meetings, conferences and events
- Financial and human resources support
- Clerical support
- IT infrastructure assistance
- Technical and operative assistance

Should further needs be identified by the Agencies, the contractor may be requested to provide other types of profiles in addition to the ones listed above.

¹ For example "subsídio de férias" in Portugal

The working language used in the Agencies is English. The interim personnel will thus be requested to have a very good command of English. For specific activities, the knowledge of other EU languages might also be required.

2.3 Description of the contract

The Agency will request the contractor to propose possible candidates for an assignment. The Agency will specify the job description, the skills required and the expected timeframe (starting date and duration) of the assignment.

Within five working days, the contractor shall provide the Agency with a proposal submitting appropriate candidates' CVs whose profile matches to the profile requested. The Agency reserves the right to invite for interview one or more of the proposed candidates. The Agency shall then confirm to the contractor its choice of the candidate for assignment.

A point of contact for the provision of interim personnel will be appointed for each of the Agencies (EMSA and EMCDDA). The contractor should also provide a point of contact, a dedicated e-mail and a telephone number for the contacts with the Agencies.

2.4 Contract duration

The contract concluded under Lot 1 with EMSA will be awarded for a period of one year with the possibility of renewal up to three times each time for an additional period of 12 months.

The contract concluded under Lot 2 with EMCDDA will be awarded for a period of two years with the possibility of one renewal for an additional period of 24 months.

3. Contract management responsible body

Lot 1: The European Maritime Safety Agency: Unit A.1 in charge of Human Resources & Internal Support will be responsible for managing the contract

Lot 2: The European Monitoring Centre for Drugs and Drug Addiction: ADM unit – HR management sector will be responsible for managing the contract.

4. Project Planning

n/a

5. Timetable

The estimated date for signature of the contract for Lot 1 and Lot 2 is October 2015.

6. Value of the Contract

The maximum budget available for each Agency for the maximum duration of 4 years per each contract is as follows:

| LOT | Agency | Ceiling |
|-------|--------|------------|
| Lot 1 | EMSA | 80.000 EUR |
| Lot 2 | EMCDDA | 80.000 EUR |

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft framework contracts** available on the Procurement Section under the call to tender EMSA/OP/20/2015 on the EMSA website at the following address: www.emsa.europa.eu

8. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft framework contracts. EMSA and EMCDDA respectfully 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

n/a

10. Sub-contracting

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the tenderer).

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.

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.

11. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the Agencies is English. Bids must include an English version of the documents requested under point 14.5 & 15 of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

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

The tender must be presented as follows and must include:

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

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

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

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 **13, 14.2-14.3** of these specifications (part of the Exclusion criteria)

Part B: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point **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

- Prices for provision of Interim Services must include all service-related expenses, such as salaries of contracted personnel including social security, holiday and sickness allowances, untaken leave payments³, insurance, in particular all social and pension contributions foreseen by the applicable law for the employer and all other administrative costs;.
- The tenderer must fill in the Appendix 1 – “Price Grid per Category of Interim personnel”.

³ For exemple “subsídio de férias” in Portugal

- Prices must be quoted in Euro.
- Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. These duties, taxes and other charges can therefore not enter into the calculation included in the bid. The amount of VAT must be shown separately.

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 will be assessed in relation to each economic operator individually. Concerning the selection criteria 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 and technical 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** and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

14.2 Grounds for exclusion - Exclusion criteria

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

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;

- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union financial interests;
- f) they have been the subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

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) shall be completed and signed.

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:

For lot 1 (EMSA):

- 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 the Agencies 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 the Agencies consider 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 the Agencies consider appropriate. In any case, the Agencies must at least be notified of the exceptional reason and its justification in the tender. The Agencies reserve the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

For lot 2 (EMCDDA):

To proof their financial and economic capacity, tenderers are requested to submit, with their tender, the '*Financial Capacity Form*', available on the Procurement Section on the EMSA Website (www.emsa.europa.eu), for the last 2 financial years (one form for each year) for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the tenderer is established.

14.5 Technical and professional capacity – Selection criteria

Requirement: The tenderer must have technical and professional capacity to perform the contract.
The tenderers shall provide evidence of expertise in the field of Interim personnel services.

Evidence: Tenderers are required to provide:

- a company portfolio presenting the company;
- references of companies or organisations (or equivalent) to which the tenderers have provided interim services in the last 3 years;
- at least 1 CV of individuals currently available per each compulsory category (categories with an asterisk listed in Appendix 1) and for each period of relevant experience: 0-4 years and 4+ years; (names and contact details to be erased).

15. Award criteria for Lot 1 and Lot 2

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:

1. **Quality criterion 1** ($W_1 = 20\%$) **Methodology**; Description of a methodology that the tenderer uses to evaluate the skills (including language skills: English and any other language) and qualifications of individuals for the different categories of interim personnel to include them in their database.
2. **Quality criterion 2** ($W_2 = 20\%$) **Database**; Number and type of profiles of individuals currently available in their system, presented by the categories and periods of relevant experience listed in Appendix1.
3. **Quality criterion 3** ($W_3 = 10\%$) **Responsiveness**; Description of how the administrative formalities for entry into service, replacement and exit of interim personnel are fulfilled. Shorter timelines will be evaluated higher.

and the price criterion and associated weighting.

4. **Price of the bid** ($W_{Price} = 50\%$) – total of the price per person day of each compulsory category (categories with an asterisk listed in Appendix 1) and for each period of experience.

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion i is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

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

Only bids that have reached a minimum of 60 % for each quality criterion 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 14 and 15 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

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 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.

19. Special negotiated procedure under Article 134(1)(f)

The Agencies may at a later stage exercise the option to increase the estimated value of the contract via negotiated procedure with the successful tenderer in accordance with Article 134(1)(f) of the Rules of Application to the Financial Regulation.