

## **Tender specifications**

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

**Invitation to tender no. EMSA /OP/07/2016 for study on the use of Fuel Cells in Shipping**

#### **1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) 1406/2002 of the European Parliament and of the Council<sup>1</sup> for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency shall assist the Commission, where appropriate, in the preparatory works for updating and developing Community legislation in the field of maritime safety and prevention of pollution by ships, in particular in line with the development of international legislation in that field.

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

The main objective of the contract is to provide EMSA with a technical study on the use of Fuel Cells (FCs) in shipping that, being supported by a technology overview and risk-based analysis, will evaluate their potential and constraints as prime movers and energy sources in shipping. In addition, the study shall provide a detailed description of the current applicable standards, as well as the on-going regulatory development for FCs, at both national and international level. From the evaluation of the current regulatory and standardization context a gap analysis shall be performed, with the objective of identifying regulatory, harmonization and relevant knowledge gaps.

The Agency is assisting the Commission in its work on the implementation of Directive 1999/32/EC as amended by Directive 2012/33/EU as regards the sulphur content of marine fuels (revised Sulphur Directive) and in particular the use of alternative fuels. The entry into force of the revised Sulphur Directive on 1st January 2015 has generated an increasing interest from the shipping industry to the potential of using alternative fuels and energy technologies, such as FCs, to comply with the low sulphur requirements. Although being highly recognised as one of the most potentially attractive research areas, with regards to clean power, safety related issues are still to be overcome particularly whenever low-flashpoint fuels are considered. At an international level, and driven by the MARPOL Annex VI sulphur content limits, particularly in designated Sulphur Emission Control Areas (SECAs), EMSA has been following the development of the IMO International Code of Safety for Ships using Gases or other Low-Flashpoint Fuels (IGF Code).

Requirements for FCs installations are currently under deliberations for a future IGF Code revision, as prime movers, using Liquefied Natural Gas (LNG) as fuel. Reforming technologies, risk and safety aspects or energy efficiency, are only some of the key areas where knowledge consolidation is required to assist development of minimum safety requirements. Experience and lessons learnt from recent or existing pilot projects and first movers are essential in the process of developing an adequate regulatory frame for FCs applications in

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<sup>1</sup> Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p.1.).

shipping. A structured contribution to international discussions is only possible if comprehensive information is compiled, with significant references and sufficient technical quality. EMSA, as part of the working group for the development of the IGF Code is particularly interested in the differences between FCs technologies and arrangements, for a defined range of ship types, considering not only risk & safety but also economic aspects of FCs applications in shipping.

With the significant variety of FCs applications, transversely through the transport sector, the aim of the study subject to this procurement is also to identify where the most promising technologies are, from a minimum collection of relevant published studies and research work, together with the more recent FC pilot projects. Interchangeable experience and developments from other transport sectors and relevant research is to be identified within the frame of this study. In consequence, in addition to contributing to regulatory development, the study shall also aim at the identification of those areas which, through further investment in research, can best represent promising upcoming FC practical applications in shipping.

In the light of the above, EMSA would like to have a better understanding of the research and development status of FCs applications, as prime movers and alternative clean power technologies, while recognising the need to study some elements in depth in order to facilitate, but also to safeguard, the use of FC technology on-board ships. For these reasons, the Agency has decided to launch an open call for tender for a technical study covering the following tasks:

**Task 1: Provide a state of play on Fuel Cells technology and applications and Research & Development Activities.**

The aim of Task 1 is to provide a general overview of FCs applications, primarily focusing on shipping but, including as a secondary focus, all those projects from other transport sectors, aerospace or land-based applications that have the potential to represent future applications on board ships.

The first task shall therefore provide a set of information regarding the potential use of FCs by the shipping sector and shall contain:

1. An inventory of past, current and future projects (including the different types of FCs), particularly in the EU domain. This inventory shall contain
  - a. a list of contacts of the companies or research centres involved in the projects.
  - b. An overview of the identified projects and summary regarding the outcomes of these projects including at least:
    - i. Indicative Cost (EUR/W), with indication to current EU prices.
    - ii. Market availability (with references)
    - iii. Evidence of market application
    - iv. Block diagrams representing each FC type working principle, main elements, and process flows.
  - c. The different types of FCs used in each project;
  - d. An overview of the technology used by each project considering the following minimum elements:
    - i. Electrolyte
    - ii. Fuel (including fuel storage)
    - iii. Catalyst
    - iv. Reforming technology



- v. Emissions (NO<sub>x</sub>, CO<sub>2</sub>)
- vi. Qualified Power (W)
- vii. Working Temperature (°C)
- viii. Efficiency (cell)
- ix. Efficiency (system)
- x. Stacking capability
- xi. Power Density (system) (W/m<sup>3</sup>)

The contractor should consider, at least, the following sources:

- **FCSHIP study**, FP5 EC funded project, concluded in 2004. Comprehensive study on the technical feasibility, efficiency, cost benefit and environmental aspects related to application of Fuel Cell systems in ships. The project objective was to provide, a roadmap for further K&D on FC application on ships taking into account safety, operational, environmental, cost, infrastructure and market aspects. Results from the work aimed at the first rules on safety and operation, design methodologies, sample designs and specification for demonstrator projects for future exploitation of the fuel cell technology in shipping.
- **METHAPU project** set out to evaluate solid oxide fuel cell technology running on methanol for ship auxiliary power: a 20 kW fuel cell system from Finnish company Wärtsilä was installed on the deck of the car carrier MV Undine owned and operated by Wallenius Wilhelmsen Logistics. The 2009/2010 trial showed that the use of fuel cell technology and an alternative fuel poses no more of a risk to a commercial vessel than conventional equipment and fuel, laying the foundation for further deployment. Wallenius has published a roadmap to emission-free ships for its future fleet, with fuel cell APU included from 2030.
- **Large-scale marine concepts** already tested:
  - US Ship Service Fuel Cell (SSFC) project (ended 2011)
  - FELICITAS (2005-2008), in particular Subproject II (Mobile Hybrid SOFC) structured into four work packages:
    - i. *Development and marinization of a 250kW SOFC unit.*
    - ii. *Testing of marinized 60kW sub-system and stationary power 250kW generator module.*
    - iii. *Fuel processing.*
    - iv. *SOFC power management, controller design, and simulation.*
  - MC-WAP (2005-2011): The main objective of the MC-WAP project was the development, construction, installation on board ship and testing of a 500 KWe APU based on molten carbonate fuel cells (MCFC).
- **FellowSHIP project**. FellowSHIP (Fuel Cells for Low Emission Ships): joint industry R&D project experimenting with fully integrated fuel cells on board vessels and offshore platforms with the goal of making them commercially viable. Funded solely by the Research Council of Norway, the FellowSHIP project is made up of industry partners including Eidesvik Offshore, providing the ship, Wärtsilä, providing the power, and DNV, providing the class rules

- **Zero Emission Fuel Cell Powered Ferryboat (ZEF)** - Fuel Cells and Solar Cells powered small ferry, crossing San Francisco Bay (Bay Water Authority). 49 PAX ferry crossing over 5nm island cross.

In addition to the mentioned projects above, the contractor shall list a minimum of 5 (five) additional research initiatives (including the different types of FCs), studies, pilot projects, potentially relevant to the maritime sector, to be included in the technology review. Demonstration shall be made on how these additional studies contribute to the knowledge development in the area of FCs applications in shipping.

2. A summary of all the FC technologies described in the form of a comparison table is to be produced, allowing for the comparison of the main elements from the above list.
3. From all the presented FC technologies in the comparison table, a selection of the 3 (three) most promising ones shall be made, considering criteria relevant for application in shipping. Criteria for the selection to include as a minimum:
  - a. Design criteria in assistance to ship design (location, stacking arrangement, ventilation, structural protection, insulation, fuel storage).
  - b. Availability, sustainability and suitability of FC technology, having in mind their related emission reduction potential (mainly for SOx but also in relation to NOx, PM, GHG and Black carbon) as well as any other impact related to FC life-cycle, including production, in-service operation and end-of-life disposal.
  - c. Economic aspects considering capital/investment and operational/running costs.
  - d. Safety analysis.

**Task 2: Provide a detailed description of the existing standards/regulations/guidelines related to Fuel Cells installations**

The second task shall include a complete overview of current applicable standards/ regulations/ guidelines for bunkering and on-board use of such fuels (GAP-analysis), at both national and international level. These standards/regulations/guidelines should encompass goal/functional, technical/design, operational, training and related certification and approval aspects.

The contractor should consider, at least, the following sources:

- DNV (2008). DNV Rules for classification of Ships, Pt.6 Ch.23: "Fuel cell installations" July 2008. Any other existing ships' national/international rules (e.g. Classification Societies Rules).

**Task 3: Provide a safety assessment of Fuel Cell applications on a cargo ship and a passenger ship engaged in international voyage. Assessments should tackle the 3 (three) most promising FC technologies selected under point 2 of Task 1**

Reference is made to the IMO's Formal Safety Assessment Consolidated Guidelines (IMO MSC 83/INF.2, 2007) on which the 'simplified' safety assessment shall be based on.



The completion of the present task is aimed at providing information regarding potential hazards associated to FCs installations on board ships. The cases to study, and specific considerations to be made, are presented below:

Scenario	Ship Type	Fuel Cell Type	Fuel arrangement	Trade pattern
Scenario1	Passenger Ship/ RO-PAX	Selected 1	Consideration regarding fuel arrangement. Aspects to be considered: Fuel storage, distribution, reforming.	Considerations to be made regarding trade pattern for the vessels which are likely to impact on the safety of FC installations (e.g. fuel storage)
Scenario2		Selected 2		
Scenario3		Selected 3		
Scenario4	Cargo Ship (Chemical carrier)	Selected 1		
Scenario5		Selected 2		
Scenario6		Selected 3		

For each of the above described 6 (six) scenarios the 'simplified' safety assessment shall contemplate the following steps:

- 3.1. Perform a Hazard Identification (HAZID), identifying and qualitatively evaluate the risks from those safety hazards considered to be the most critical events. This analysis shall be presented and summarised in a risk matrix where the most critical events will be evaluated in terms of likelihood of occurrence and consequence<sup>2</sup>. This analysis, while considering safety procedures as well as training and qualification/certification of all staff engaged in ships' operations (e.g. bunkering, maintenance, loading/unloading, etc.), shall differentiate new-builds and retrofits and cover risks related to the on-board personnel (crew) and third-party (passengers or shore personnel). As a minimum, the team performing the Hazard Identification to be convened should include 1 (one) Team Leader with HAZID, secretariat and experts from Class, Industry and Research. Provisions must be considered for the participation of 1 (one) EMSA expert, as an observer.
- 3.2. After having performed the HAZID, the main findings shall be listed preferably in a table format, clearly identifying the hazards, causes, possible consequences, safeguards and barriers, risk control/reducing measures and finally the risk screening (to be found in the risk matrix).
- 3.3. Provide recommendations on the basis of the outcomes of Tasks 3.1 and 3.2 so as to optimize the levels of safety, and assess the need to perform further risk-based analysis or an FSA (formal safety assessment).

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<sup>2</sup> Consequence categorization to be followed:

- Catastrophic - Multiple Deaths; Critical - One Death or Multiple Severe Injuries; Marginal - One Severe Injury or Multiple Minor Injuries; Negligible - One Minor Injury
- The probability of harm occurring shall be categorized as 'Certain', 'Likely', 'Possible', 'Unlikely' and 'Rare'.

#### **Task 4: Present the outcome of the study**

The results of the study shall be presented to different stakeholders and EU Member States in a draft final report. This should be done within the present framework set up as part of the European Sustainable Shipping Forum<sup>3</sup>. The meetings will be arranged by EMSA/European Commission and most probably be held in Brussels. The cost for the tenderers participation to these events should be covered within the bid.

### **3. Contract management responsible body**

EMSA– Unit B.3.2, Marine Environment will be responsible for managing the contract.

### **4. Project Planning**

Signature of the Contract	Early May 2016
Kick off Meeting (either in Lisbon or via video/telephone conference).	Not later than 1 (one) week after signature of the contract
1 <sup>st</sup> Interim Report (completion of Tasks 1 and 2)	No later than 10 weeks after the signature of the contract
1 <sup>st</sup> Interim Meeting (tele or videoconference)	At a date agreed conveniently between the contracting parties during the execution of the contract to discuss the first interim report.
2 <sup>nd</sup> Interim Report (completion of Task 3)	No later than 20 weeks after the signature of the contract
2 <sup>nd</sup> Interim Meeting (tele or videoconference)	At a date agreed conveniently between the contracting parties during the execution of the contract to discuss the second interim report.
Draft Final Report (total completion of Tasks 1 to 3)	No later than 22 weeks after the signature of the contract.
External Meeting with Stakeholders and Regulators (Presentation of results as envisaged in Task 4)	(December 2016, at the latest to be decided during the course of the project, having in mind the ESSF meetings scheduled for 2016)
Final Report (overview of the completion of all tasks, taking into account the feedback received from the meeting/presentation to industry/regulatory stakeholders)	No later than 25 weeks after signature of the contract.

### **5. Timetable**

The estimated date for signature of the contract is May 2016.

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<sup>3</sup> Commission Decision of 24.9.2013 on setting-up the group of experts on maritime transport sustainability - The European Sustainable Shipping Forum (ESSF) - C(2013) 5984 final.

The timetable for the delivery of milestones, deliverables shall be in consistency with the project plan.

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

The maximum budget available for this contract is EUR 80,000.00 excluding VAT.

## **7. Terms of payment**

Payments shall be issued in accordance with the provisions of the **draft service contract** available in the Procurement Section under the call to tender EMSA/OP/07/206 on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

## **8. Terms of contract**

When drawing up a bid, the tenderer should bear in mind the terms of the draft contract.

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

## **9. Financial guarantees**

Non-applicable.

## **10. Subcontracting**

If the tenderer intends to either subcontract 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. It should be noted that the overall responsibility for the work remains with the tenderer.

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and, when applicable, on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria<sup>4</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. However, as the main working language of the Agency is English, bids should preferably be submitted in English and should in particular include an English version of the documents requested under points 14.5 and 15 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

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<sup>4</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.



Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council<sup>5</sup>.

The tenderer shall complete the Tenderer's Checklist.

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

The tender must be presented as follows and must include:

- a) **A signed letter** indicating the name and position of the person authorised to sign the contract and the bank account to which payments are to be made.
- b) **The Financial Form** completed, signed and stamped. This document is available on the Procurement Section (Financial Form) of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu))
- c) **The legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu))

Tenderers are exempt from submitting the Legal Entity Form and Financial 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 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 and 14.6** 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

- a) Prices for the study **the use of Fuel Cells in Shipping** shall be all inclusive

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<sup>5</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).



- b) Prices must be quoted in Euro.
- c) Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract. Estimated travel and daily subsistence allowance expenses must be indicated separately.
- d) 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 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 in the Procurement Section (Legal Entity Form) of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

#### **14.2 Grounds for exclusion - exclusion criteria**

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract ;
- c) it is subject to a final judgement or a final administrative decision establishing that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an

impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

- i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
  - ii. entering into agreement with other persons with the aim of distorting competition;
  - iii. violating intellectual property rights;
  - iv. attempting to influence the decision-making process of the contracting authority during the award procedure;
  - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure ;
- d) it is subject to a final judgement establishing that the person is guilty of any of the following:
- i. fraud
  - ii. corruption
  - iii. participation in a criminal organisation
  - iv. money laundering or terrorist financing
  - v. terrorist-related offences or offences linked to terrorist activities
  - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it is subject to a final judgement or a final administrative decision establishing that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
- i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
  - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
  - iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
  - iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
  - v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

#### **14.3 Legal and regulatory capacity – Selection criteria**

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

#### **14.4 Economic and financial capacity – Selection criteria**



#### 14.4.1 Requirements:

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

### 14.5 Technical and professional capacity – Selection criteria

#### 14.5.1 Requirements:

- a) The tenderer must fulfil the following requirements:
  - i. Technical and professional capacity to perform the contract
  - ii. Knowledge in ship design, construction, operation, approval and certification;
  - iii. Knowledge of national (EU MS) and international standards/regulations/guidelines, as well as of the ongoing regulatory development for the use of Fuel Cells onboard ships, as prime movers,
  - iv. Experience from previous research projects in the field of alternative fuels, fuel cells and the encountered challenges in this area. Special focus to be made to specific evidence in addressing the barriers to full-scale applications of Fuel Cells in shipping.
  - v. Ability to conduct cost and other economic analysis.
  - vi. Ability to perform risk and safety analysis/assessment.
  - vii. Professional experience gained throughout the professional career in the sector. Project Leader should have a minimum of 5 years of practical-professional experience related to shipping sector, marine fuels and Fuel Cell applications.

#### 14.5.2 Evidence:

- a) To evidence all the above points, tenderers should provide, within their bid, detailed curriculum vitae of each member of the team responsible for carrying out each part of the work, including his or her educational background, degrees and diplomas, professional experience (including references to previous studies and projects), research work and publications.

### 14.6 Evidence to be provided by the tenderers

For this purpose the Declaration of Honour available on the Procurement Section of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) shall be completed and signed.

## 15. Award criteria

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

1. Quality criterion 1: **Quality of proposed methodology** for the different tasks (1-4) referred to in section 2 of this document. It must include detailed proposals of how the project as a whole would be carried out, including key milestones, deliverables and date by which the tenderer will have completed each of the tasks. ( $W_1 = 30\%$ )
2. Quality criterion 2: **Quality of the proposed team** based on professional merit of the team, team structure, and the distribution of the tasks within the team. ( $W_2 = 40\%$ )

and the price criterion and associated weighting:

3. Price of the bid ( $W_{Price} = 30\%$ ).

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  $Q_1$  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 70 % for the score  $S$  will be taken into consideration for awarding the contract.

## 16. 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 where this entails a distortion of competition that cannot be remedied otherwise.

#### **17. 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.

#### **18. Special negotiated procedure under Article 134(1)(e) RAP**

NA.