

Tender Specifications

attached to the Invitation to tender

Invitation to tender N° EMSA/NEG/19/2016 for Purchase of corporate and financial information on companies and legal entities worldwide

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. More information is available at: <http://emsa.europa.eu>.

2. Objective, scope and description of the contract

2.1. The data source shall cover the acquisition of detailed information on companies worldwide and across all economic sectors. It should include, as a minimum, the following information:

- Company name
- Complete address – registered and physical
- Street name
- Number
- Postal code
- City/municipality
- Country
- Region
- Legal form
- Telephone/fax/electronic mail address
- National ID number
- VAT number
- Names of directors/senior managers
- Type of business according to Standard Industrial Code (SIC and NACE and/or other)
- Number of employees
- Balance sheets
- Financial information – Key financials [3years back]
- Full profit and loss accounts
- Last update of the data in the report
- Other companies at the same address
- Whether the company is active or not

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

- If not: reason why trading has ceased
- Start date of the company
- Original documents filed by companies
- If ceased: end date of the company
- Details of directors/senior managers
- Name
- Birth date
- Involvement in other companies
- Shareholders and stakes: controlling shareholders, % shares, direct and indirect ownership
- Corporate structure
- Connections with other companies

The information requirements listed are a minimum. Any additional information or function which can be provided by the supplier should be indicated in the offer for consideration in the assessment process. The following data are considered as additional assets:

- Trade name
- Liquidator
- Language
- Sentences or fines
- Recent press articles
- Main competitors
- Financial analysis toolkit

This will entail acquisition of an appropriate amount of credits to ensure the continuity of the services over the entire duration of the contract.

2.2. Rating

Since most users in EMSA search information on the financial viability of companies in the scope of upcoming projects or contracts, the data source must include the financial strength of the companies and legal entities.

2.3. Update frequency

The information source should be updated on a daily basis. The system must indicate the date on which the information relating to each company was last updated.

2.4. User interface and search facilities

The information shall be presented in a user-friendly format. The possibility to conduct complex searches on the information is essential. The search interface should allow searching on a combination of any of the following criteria: General info on the company:

- Company name
- Complete address
- Street name
- Number
- Postal code
- City/municipality
- Country
- Region
- Telephone/fax/electronic mail address
- National ID number

- VAT number
- Size of business
- Number of employees
- Sales/turnover
- Industry sector
- Names of directors/ senior managers

The system must allow downloading, saving and printing the result of searches in different formats such as PDF, Excel for further processing of financial data.

The search facilities and printouts should be in English.

Furthermore the data provider should be able to provide assistance in tracing older historical information (at least 10 years back) about ceased companies or companies not yet included in the data source at the explicit request of EMSA.

2.5. Methods of access

The information must be accessible via the internet. The offer must indicate any IT requirement (in terms of software, hardware or telecommunication means) necessary for EMSA to access the information.

2.6. Reporting

The application should allow downloading detailed usage reports. The content and format of these reports will be determined in light of the pricing structure of the contract. They shall include at least the number of searches, downloads and details about the nature of those searches.

2.7. Services

The price must include a helpdesk facility, which should be available to the system's users during the normal office hours (Monday to Friday, from 8h30 to 17h30). If any major changes in the channel of delivery of the information occur during the contract period, the contractor must provide appropriate training for users at no additional cost to EMSA.

2.8. Languages

At the end of the procurement process and following the award of a contract, all official exchanges of information between EMSA and the contractor relating to the contract shall be made in English.

3. Contract management responsible body.

EMSA – Department A, in charge of Corporate Services - will be responsible for managing the contract.

4. Timetable

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

5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 60.000 excluding VAT.

6. Terms of payment

Payments will be made in accordance with the provisions of the draft contract or order form available in the Procurement Section under the call to tender EMSA/NEG/19/2016 on EMSA's website (www.emsa.europa.eu).

7. Terms of contract (order form)

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

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

8. 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 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

9. 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 13.5 and 14 of the present tender specifications. The tenderer must comply with the minimum requirements provided for in these tender specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.³

The tenderer shall complete the Tenderer's checklist.

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

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.

³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

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/purchase order and the bank account on 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).
- 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).

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 9, 12, 12.1 and 12.2 of these specifications (exclusion criteria).

Part B: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point **13** of these specifications;

Part C: Setting out prices in accordance with point 10 of these specifications.

10. Price

- a) Price must be quoted for Purchase of corporate and financial information on companies and legal entities worldwide and shall include two days training at EMSA's premises in Lisbon at the request of EMSA at a mutually agreed time.
- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) 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.

11. 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.

12. 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.

12.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section of EMSA's website (www.emsa.europa.eu).

12.2 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.

12.3 Evidence to be provided by the tenderers

For this purpose, the Declaration of Honour available in the Procurement Section of EMSA's website (www.emsa.europa.eu) shall be completed and signed.

13. 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:

1. Quality criterion 1 ($W_1 = 30\%$), the quality of the ordered reports as defined in point 2.1.
2. Quality criterion 2 ($W_2 = 20\%$), the assurance that reports are available for companies and entities worldwide and comprise their financial strength as defined under point 2.2.
3. Quality criterion 3 ($W_3 = 20\%$), the monthly reporting as defined under point 2.6.

and the price criterion and associated weighting:

4. 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

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

Only bids that have reached a minimum of 60% for Q_1 , Q_2 , Q_3 and 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.

14. 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.

15. 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.