

## **Tender specifications**

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

**Invitation to tender no. EMSA /OP/18/2016 for Provision of Personal and Professional Development Training Services for EMSA Staff**

#### **1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 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.

The EMSA is a multi-cultural and multi-lingual European organisation and currently has 240 staff members. Training of EMSA Staff is under the remit of Unit A.1 – Human Resources & Internal Support.

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

The purpose of the contract is to provide EMSA staff with Personal and Professional Development Training Services. Depending on the needs detected, training courses shall be either standard or tailor-made, though other related services may be requested, such as consultancy related to training and staff development (e.g. Training Needs Analysis, etc..).

After the conclusion of the procurement procedure EMSA aims to conclude a Framework Service Contract with an economic operator for the delivery of the above mentioned services.

Trainings will be ordered providing reasonable notice for the planning and organisation of courses, especially where partial adaptation of the content or the special logistics may be involved.

The objective of this tender is to conclude a Framework Service Contract with one contractor for the provision of the following non exhaustive list of training courses. Courses may be requested either in their standard market versions or tailor made to EMSA's special needs.

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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.).

The list below contains a selection of standard courses in the area of Personal and Professional Development Training which the contractor should be able to provide as a minimum:

- Dealing with cultural differences
- Train the Trainers for occasional trainers
- Art of Networking
- Negotiation Skills
- Clear writing: Fight the Fog
- Creative thinking and problem solving
- Assertiveness
- Public speaking
- Speed reading and mind mapping
- Managing workload

In addition, EMSA also wishes to be able to order courses in the area of Personal and Professional Development for the special needs of its staff on an ad hoc basis. Therefore, the list mentioned above is not exhaustive and other trainings in this area may be requested from the contractor.

The contractor may be requested to act as a 'broker' in order to offer training courses organised and delivered by other companies when required. In such cases, the contractor will be responsible for the overall quality of the provided courses and the capabilities of those delivering.

The option of online and distance training solutions delivered by the contractor or through a certified partner will be considered advantageous.

EMSA welcomes tenders from economic operators capable of providing training courses on a short notice, on innovative topics, which may not be envisaged in the above list. In doing so, the future contractor may be prepared to act as a 'broker' able to offer tailor made training courses for the needs of EMSA staff.

## **2.1. Requirements for the contractor**

Courses shall be delivered in English. The contractor shall provide full courseware material, relevant manuals and make sure that the training environments, physical (room) and technical (virtual or else) are ready to deliver effectively any training before it begins. All course material shall be in English.

The contractor shall ensure:

1. A dedicated account manager responsible for bookings shall provide services during normal working hours 9-17 hrs (Lisbon Time), 5 days a week (Monday to Friday);

2. A proposed mechanism for requesting a training course (call log, written request, special order voucher, simple e-mail, online registration, etc.);
3. A response time between receiving EMSA's training request and it's acceptance by the account manager or another designated contact person;
4. A fixed response time between acceptance of the training request and delivery;
5. A booking, cancelation and discount policy;
6. The current training catalogue of the company with the current prices;
7. Using only the Tables under Appendix I, the tenderer shall be requested to provide quote/s for each of the standard courses listed above, tailor made courses, consultancy services, travel and subsistence costs and broking percentage.

## **2.2. What EMSA provides**

Suitable technical equipment and meeting rooms, including an ICT training room (max. capacity 14 trainees) are available at EMSA's Headquarters. If needed, additional equipment could be provided by EMSA if the request is submitted well in advance.

Courses shall normally take place at EMSA's premises in Lisbon. When applicable, or in the case of a small number of participants (e.g. training only for one staff member), trainings may be held in an open course delivered at a different location suggested by the contractor or through distance learning tools, such as online trainings, if available and/or requested.

A project officer will be assigned to the management of the contract.

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

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

## **4. Timetable**

The contract is expected to be signed towards the end of the year 2016. Courses and other requested services shall be ready for delivery as from then onwards.

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

The maximum budget available for this contract is EUR 195.000,00 excluding VAT.

## **6. Terms of payment**

Payments shall be issued in accordance with the provisions of the draft service framework contract available in the Procurement Section under the call to tender EMSA/OP/18/2016 on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

A training report will be required from the contractor together with every invoice. This training report should contain: presence list, training evaluation by trainees, course content.

## **7. 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.

## **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 criteria<sup>2</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.

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<sup>2</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.

## 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 shall preferably be submitted in English and shall in particular include an English version of the documents requested under points 12.5 and 13 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.<sup>3</sup>

The tenderer shall complete the Tenderer's Checklist available on this tenders' folder.

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.

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<sup>3</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).

**Part A:** All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **12.1, 12.2, 12.6** 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 **12.4** 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 **12.5** 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 **13** of these specifications.

**Part E:** Setting out **prices** in accordance with **point 10** of these specifications, using the relevant tables under Annex I (Proposal – Conditions and Cost Summary).

## **10. Price**

- a) Prices for the Provision of Management Training Services for EMSA staff shall include information on the Standard Courses, Tailor Made Courses, Consultancy Services , Travel and Subsistence Costs and Broking fee using the template available under Appendix I (Proposal – Conditions and Cost Summary);
- b) Prices must be provided for each of the items under Appendix I (Proposal – Conditions and Cost Summary). Failure to provide prices for any items may lead to a rejection of the bid;
- c) Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract. (All delivery cost must be included in the price, such as; manuals, enrolment fees, training materials) travel and subsistence costs shall be quoted separately;
- d) Prices must be quoted in Euro.
- e) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation (EC) No 1406/2002. These duties, taxes and other charges can therefore not enter into the calculation included in the bid. 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 and technical 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 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)).

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

#### **12.3.1. Requirements:**

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

#### **12.3.2. Evidence:**

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.

### **12.4. Economic and financial capacity – Selection criteria**

#### **12.4.1. Requirements:**

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

#### **12.4.2. Evidence:**

- a) Financial statements or their extracts for the last three years for which accounts have been closed;
- b) Statement of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years available;
- c) 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;
- d) 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 its economic and financial capacity by any other

document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

## **12.5. Technical and professional capacity – Selection criteria**

### **12.5.1. Requirements:**

- a) The tenderer shall have expertise in organising and delivering training courses in the field of Personal and Professional Development Training in English by including those listed under Point 2,;
- b) Instructors delivering the training courses should be qualified and shall have experience in delivering training on the topics listed under point 2 of the tender specifications and in delivering such courses or similar in English;
- c) Suitable quality assurance methodology in order to ensure the best standards of delivery shall be presented;
- d) The tenderers shall have capability to interface with several training providers;
- e) The tenderers shall have ability to respond quickly to a request for services and/or modification thereof;
- f) The tenderers shall have capacity in delivering services related to training, such as consultancy (e.g. training needs analysis, etc.);
- g) The tenderers' shall have experience in delivering to EU institutions and European public administration.

### **12.5.2. Evidence:**

- a) A list of Personal and Professional Development Training courses (maximum 2 pages) which the tenderer has provided in the past three years (titles of the courses, delivery dates, duration and type of recipient (private, public, national, international, etc...) to whom the courses were delivered). Should the list include some or all those courses listed under Point 2;
- b) Tenderers shall provide with their bid, curricula vitae of the instructors who will be delivering the courses under the proposed contract. The curricula vitae shall include the educational background, degrees and diplomas, accreditations and certifications, professional experience in delivering Personal and Professional Development trainings (minimum of three years training experience) and linguistic skills (English);
- c) A description of the measures employed to ensure the quality of services provided (including description on how will requests be processed), trainees feedback and its usage for future improvements and trainees support (max. 2 pages);

- d) List of other training providers with whom the tenderer has previously cooperated. (max. 2 pages);
- e) Description of the experiences and challenges in delivering training to an international organisation (max. 1 page), if applicable;
- f) List of other services related to training, such as consultancy (e.g. training needs analysis, etc..) Description of services provided in the past 3 years, duration, dates and type of organisation (public, private, international organisation), if applicable (max. 2 pages).

#### **12.6. 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.

### **13. Award criteria**

The presentation of the offers shall be based on the instructions below:

#### **13.1. Quality of the team ( $W_1 = 20\%$ )**

- a) Number of instructors available (including back-up instructors) per course and description of their profile;

#### **13.2. Content, methodology, quality of the training material and catalogue and organisation of trainings ( $W_2 = 25\%$ )**

- a) Detailed statement (max. 2 pages) of how the tenderer would endeavour to provide training that is suitable for the needs of EMSA staff and its relevance of the daily work of the EMSA staff, acknowledging the specific needs of the international work environment in an EU body;
- b) List of topics covered by each course (max. 2 pages per course in accordance to the list under point 2 of these tender specifications), learning objectives, prerequisites, work-related examples and course duration (1 Training day = 7 hours);
- c) Presentation of the approach and methodology used for training shall be included in the tender (max. 3 pages), containing a description of the approach/methodology to be used (online and distance learning training solutions will be considered as advantageous);
- d) Training schedule for the course delivery (e.g. starting, finishing times and breaks);
- e) Sample of the course materials (max. 10 pages) of standard courses mentioned under point 2 of the tender specifications;
- f) A list of training courses in the field of Personal and Professional Development Training (maximum 2 pages) which the tenderer has provided in the past three years (titles of the courses, delivery dates,

duration and type of recipient (private, public, national or international bodies, etc...)) to whom the courses were delivered. Should the list include some or all those courses listed under Point 2 of the tender specifications, this will be considered as advantageous;

- g) Description of the methods of training delivery, including online and distance learning solutions, if applicable;
- h) Description of other services related to training, such as consultancy (e.g. training needs analysis, etc...).

**13.3. Organisation of the training delivery ( $W_3 = 15\%$ );**

- a) Definition of the procedures and policies for cancellation, postponement and substitution of trainees (e.g.: deadlines, cancellation and postponement fees, etc.) (max. 2 pages);
- b) Minimum notice period, which would be required to deliver the standard courses (list under point 2 of the tender specifications) at EMSA Headquarters;
- c) A description of the measures employed to ensure the quality of services and trainee support;
- d) Description of the services delivered before, during and after the training is provided (e.g. dedicated account manager, on-line registration and others, if available);
- e) Description of the network of providers which allows the bidder to act as a 'broker';

**13.4. Price (Tables under Appendix I – Proposal – Conditions and Cost Summary) ( $W_{Price} = 40\%$ ):**

The price of the bid will be the sum of;

- ☐ Sum of all items' "totals" in table 1, (Standard Courses), divided by the number of items,
- ☐ Sum of all items' "totals" in Table 2, (Tailor Made Courses) divided by the number of items,
- ☐ Sum of all items' "totals" in Table 3, (Consultancy Services) divided by the number of items,
- ☐ Broking Fee in Table 5 - Applied on scenario of a training course with a value of 1.000 (one thousand) Euro.

**13.4.1. Table 1: Standard Course (Delivered at EMSA Headquarters to a maximum of 15 participants)**

- a) Number of Training Days (1 day = 7 hours);
- b) Cost of Course Delivery per day (all delivery costs must be included in the price, such as; manuals, enrolment fees, trainings materials);
- c) Cost of Certification or/and Examinations (if applicable).

**13.4.2. Table 2: Tailor-made course (Delivered at EMSA Headquarters to a maximum of 15 participants)**

- a) Cost for course development/adaptation per day (including all support materials);
- b) Cost of the Course Delivery (all delivery costs must be included in the price, such as; manuals, enrolment fees, trainings materials).

**13.4.3. Table 3: Consultancy Services (Delivered at EMSA Headquarters to a maximum of 15 participants)**

- a) Cost of consultancy delivered (Including final deliverables, e.g. reports, etc...);

**13.4.4. Table 4: Travel and Subsistence Costs (Delivered at EMSA Headquarters)**

- a) If applicable, this estimate will constitute the maximum amount of travel and subsistence costs to be paid by EMSA for one person delivering services required under these tender specifications at EMSA Headquarters in Lisbon, Portugal;
- b) Effective days of training delivered will be used as measurement unit to define the costs. Should the duration of the training or services be less than 1 day, the amount of travel and subsistence costs shall be calculated based on the minimum measurement unit of one day;
- c) Should more than one trainer/consultant be necessary to deliver the services required by EMSA, the costs will be calculated proportionally using as unit those under table 4.

**13.4.5. Table 5: Broking fee percentage**

The broking fee percentage on total fee of the course, is the percentage that the tenderer will charge for using another company to deliver a specific training or service, in addition to the price offered by the other company.

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

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

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

#### **16. Annexes – Price Quotation**

Annex I – Proposal – Conditions and Cost Summary

