

Tender specifications attached to the invitation to tender

Invitation to tender n° EMSA/NEG/41/2016 for the provision of insurance broking services

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 and prevention of pollution by ships. The Agency's main objective is to provide technical, operational and scientific assistance to the European Commission and EU Member States in the proper development and implementation of EU legislation on maritime safety, pollution by ships and security on board ships. To accomplish this, one of EMSA's most important tasks is to improve cooperation with, and between, Member States in all key areas.

2. Objective, scope and description of the contract

2.1. Contract objective

The objective of this procurement procedure is to establish a framework service contract for a period of four (4) years to ensure professional insurance coverage through insurance broking and consulting services for the following:

- Contents of the EMSA building
- EMSA's ICT equipment (fixed and mobile IT equipment, office automation equipment, audio-visual equipment)
- Contents of the EMSA garage
- Automobile insurance for the two cars owned by EMSA

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.).

The framework service contract will be implemented through order forms representing the yearly total insurance cost (premium cost including brokerage fee) for the above mentioned insurance cover.

2.2. Scope of the tasks

The successful tenderer is expected to use its knowledge of the insurance market and its professional experience to deliver best value for money with regard to the insurance cover for EMSA, bearing in mind the objectives set out under point 2.1 above.

The successful tenderer will be expected to deliver the following services:

- a) Independent professional advice on all insurance related matters, in particular:
 - the insurance programme suitable to EMSA
 - the current status of the insurance market and market security
 - the suitability and status of proposed insurers
- b) Marketing of EMSA's insurance requirements
- c) Placement of EMSA's insurance requirements with suitable insurers
- d) Ongoing management of EMSA's insurance cover and safeguarding of the Agency's interests
- e) Claims assessment and claims handling

Any insurance claim of EMSA shall be professionally and quickly dealt with.

Advice should be given regarding any possible reduction of EMSA's risk exposure beyond the contracted insurance cover, e.g. information about useful insurance services not yet contracted or advice on possible process or building improvements which could lower the Agency's risk exposure.

2.3. Requested insurance coverage and minimum requirements

The insurance shall cover the contents of the EMSA building, EMSA ICT equipment, the contents of the EMSA garage and automobile insurance for the two cars owned by the Agency, under the conditions stated below.

2.3.1 Contents of the EMSA building

CONTENTS EMSA BUILDING	
Content to be insured	<p>All goods and the whole of fixed or mobile elements constituting equipment, furniture, cargo lifting and cleaning gear whatsoever, materials, stocks of materials, office supplies, records and archives, furniture arrangements, fixtures and furniture installations of all kinds.</p> <p><u>Exclusions</u> from coverage: Please note that ICT equipment shall not be covered by this policy.</p>
Insured value (blanket cover)	<p>Acquisition value: € 918,794.00</p> <p>(N.B.: Complete asset lists will later be provided to the contractor awarded the contract.)</p>
Loss settlement	New replacement cost
Location	EMSA premises (indoor)
Loss history	To date, EMSA had no loss claims
Other	The content of the EMSA building is regularly maintained and renewed
Minimum required cover	<p><u>Total or partial damages as a result of:</u></p> <ol style="list-style-type: none"> 1. Fire and/or smoke - explosions of any kind - gas – steam 2. Electrical hazards 3. Falling equipment of air or space transport 4. Sound barrier 5. Vehicle collisions 6. Damages from water or oil spilling out 7. Labour disputes and attacks - riots - popular movements - acts of terrorism - sabotage - vandalism – malevolence 8. Theft / robbery and attempted theft / robbery 9. Broken windows 10. Machinery breakdown - consequential damage 11. Atmospheric conditions (rain, etc.) 12. Storms (incl. lightning strike), flood and inundation, earthquake (incl. landslide) and other extreme weather conditions
Advantageous cover	<ul style="list-style-type: none"> ▪ Cost of debris removal and demolition of damaged items ▪ Occasional transportation: damage or burglary during move, or occasional ground transportation ▪ Salvage costs: costs incurred by EMSA for urgent measures taken to prevent or mitigate damage which is covered by the insurance in place
Admissible deductibles	<p>€ 100.00 per insured event</p> <p>10% with € 100.00 as minimum for the theft/robbery or vandalism covers</p> <p>10% with € 750.00 as minimum in case of earthquakes (incl. landslide)</p>

2.3.2 EMSA ICT equipment

EMSA ICT EQUIPMENT	
Content to be insured	<ul style="list-style-type: none"> ▪ <u>Fixed and mobile IT equipment (hardware)</u>: PBX, automatic data processing equipment information, installation of network, server, computer, word processing, printer, modem, laptop, notebook, memory expansion, CD-ROM, scanner, etc. ▪ <u>Office automation equipment</u>: all electronic office equipment for professional use, e.g. fax machine, copier, small offset machine, telephone equipment, dictaphone, alarm system, detection and access control, system core, etc. ▪ <u>Audio-visual equipment</u>: any audio-visual electronics such as projectors, screens, hearing aids for interpretation, recording, sound and image transmission, combined broadcasting, signalling devices, etc. <p><u>Exclusions</u> from coverage: pagers and mobile phones</p>
Insured value (blanket cover)	<p>Acquisition value: € 4,560,798.00 (of which € 612,512.00 are located in the Madrid datacenter)</p> <p>(N.B.: Complete asset lists will later be provided to the contractor awarded the contract.)</p>
Loss settlement	New replacement cost
Locations	<p>EMSA premises (Lisbon), indoor</p> <p>Datacenter premises (Madrid), indoor</p>
Loss history	To date, EMSA had no loss claims
Other	The equipment is regularly maintained and renewed
Minimum required cover	<p><u>Total or partial damages as a result of:</u></p> <ol style="list-style-type: none"> 1. Fire and/or smoke - explosions of any kind - gas - steam 2. Electrical hazards 3. Falling equipment of air or space transport 4. Sound barrier 5. Vehicle collisions 6. Damages from water or oil spilling out 7. Labour disputes and attacks - riots - popular movements - acts of terrorism - sabotage - vandalism – malevolence 8. Theft and/or attempted theft 9. Machinery breakdown - consequential damage 10. Atmospheric conditions (rain, etc.) 11. Storms (incl. lightning strike), flood and inundation, earthquake (incl. landslide) and other extreme weather conditions
Advantageous cover	<ul style="list-style-type: none"> ▪ Cost of debris removal and demolition of damaged items ▪ Occasional transportation: damage or burglary during move, or occasional ground transportation between EMSA premises and datacenter premises ▪ Salvage costs: costs incurred by EMSA for urgent measures taken to prevent or mitigate damage which is covered by the insurance in place
Admissible deductibles	<p>€ 1000.00 per insured event</p> <p>5% of the insured amount in case of earthquakes (incl. landslide)</p>

2.3.3 Contents of the EMSA garage

CONTENTS EMSA GARAGE	
Content list to be insured	<p>All vehicles in the property of EMSA or EMSA staff members which are parked inside the EMSA garage: 105 cars with an estimated total value of € 3,000,000.00; 10 motorbikes with an estimated total value of € 50,000.00; 40 bicycles with an estimated total value of € 20,000.00. The total estimated value of all vehicles combined is therefore: € 3,070,000.00.</p> <p><u>Exclusions from coverage:</u></p> <p>The insurance needs to be applicable ONLY if and in so far as the individual proprietary insurance of the vehicle is missing or is insufficient.</p>
Insured value (blanket cover)	The maximum capital insured may be limited to € 1,000,000.00 per year and per claim.
Loss settlement	<p>New replacement cost OR current, effective value on the day of the damage event.</p> <p>The maximum indemnity per vehicle may be limited to € 25,000.00.</p>
Location content	EMSA premises (indoor)
Loss history	Up to date, EMSA had no loss claims
Other	The garage is closed. There is a CCTV system in place: cameras control the access from the street to the garage and the accesses from the garage to the attached buildings (8 doors).
Minimum required cover	<p><u>Total or partial damages as result of:</u></p> <ol style="list-style-type: none"> 1) Fire and/or smoke - explosions of any kind - gas – steam 2) Electrical hazards 3) Falling equipment of air or space transport 4) Sound barrier 5) Collisions with solid objects 6) Damages from water or oil spilling out 7) Labour disputes and attacks - riots - popular movements - acts of terrorism - sabotage -vandalism – malevolence 8) Theft and/or attempted theft or robbery of whole cars 9) Broken windows 10) Machinery breakdown - consequential damage 11) Atmospheric conditions (rain, etc.) 12) Storms (incl. lightning strike), flood and inundation, earthquake (incl. landslide) and other extreme weather conditions
Advantageous cover	<ul style="list-style-type: none"> ▪ Theft and/or attempted theft of single parts of cars ▪ Theft and/or attempted theft of any goods left inside a car or on a motorbike or bicycle (e.g. a helmet, gloves, dress) ▪ Theft and/or attempted theft or robbery of bicycles or motorbikes ▪ A higher maximum insured capital than € 1,000,000.00 per year and per claim ▪ Salvage costs: costs incurred by EMSA for urgent measures taken to prevent or mitigate

	damage which is covered by the insurance in place
Admissible deductibles	<ul style="list-style-type: none"> - Strikes, riots, civil disturbance, vandalism and acts of terrorism: 10% - Theft or robbery and attempted theft or robbery of whole cars: 10% - 5% in case of earthquakes (incl. landslide)

2.3.4 Automobile insurance for the Agency's two cars

AUTOMOBILE INSURANCE	
Vehicles to be insured	<ul style="list-style-type: none"> ▪A) BMW Serie 5 - 523 i (limousine) <ul style="list-style-type: none"> - 6 cylinders 2996cm3 - year of production: 2010 - alarm - parked in the EMSA garage - matricula: 206-CD-803 B) Mercedes-Benz Vito 115 CDI/32 8L (people carrier) <ul style="list-style-type: none"> - 4 cylinders 2148cm3 - year of production: 2007 - 8 seats - alarm - parked in the EMSA garage - matricula: 206-CD-802
Insured value (blanket cover)	The value stated in Eurotax/Automobile Guide or the calculated value based on the data published by the Portuguese Insurers Association (APS)
Loss settlement	The insured capital
Parking location	EMSA garage (Lisbon) (indoor)
Loss history	Up to date, EMSA had no loss claims
Other	The cars are undergoing scheduled maintenance
Minimum required cover	<p>A) Third Party Liability: € 50,000,000.00</p> <p>B) Own damage insurance:</p> <p>Occupants:</p> <ul style="list-style-type: none"> - Death and permanent disability (minimum € 10,000.00) - Treatment expenses (minimum € 1,000.00) - Funeral Expenses (minimum € 1,000.00) - Legal protection - Glass breakage - Crash, collision and rollover

	<ul style="list-style-type: none"> - Theft or robbery - Fire, lightning or explosion - Strikes, riots, civil disturbance, vandalism and acts of terrorism - Natural disasters and aircraft fall
Advantageous cover	<ul style="list-style-type: none"> - Damage to clothing and footwear - Deprivation of use due to an accident - Deprivation of use due to a fault - Daily allowance for medical treatment - Luggage and transported objects - Travel assistance
Admissible deductibles	<ul style="list-style-type: none"> - Crash, collision and rollover: 2% - Strikes, riots, civil disturbance, vandalism and acts of terrorism: 2% - Natural disasters and aircraft fall: 2%

Please note:

The proposed solutions by the tenderer fulfilling the requirements set out in this document will be subject to evaluation (see point 14 below). However, any offer for insurance coverage that does not meet the above described “minimum required cover” for points 2.3.1 and 2.3.2 and 2.3.3 and 2.3.4 may be rejected. For tenderers which do meet the “minimum required cover”, the “advantageous cover” will be taken into consideration for the evaluation of the award criteria and will allow a better score if it is offered as part of the overall bid without adding additional costs. If, on the contrary, the “advantageous cover” has an additional price attached, it will not be considered as favourable.

2.4. Safety and security features of EMSA’s premises and the datacenter premises

Both the EMSA premises in Lisbon and the datacenter premises in Madrid are maintained in good order, and are equipped with high standard safety and security features. All systems are monitored on a 24 hours / 7 days basis. The buildings are in conformity with the requirements of the applicable norms, both EU wide and in accordance with the Portuguese legislation, and with the standards in this area.

For more detailed information please request the **Appendix “Safety and security features of the EMSA premises and datacenter premises”** by sending an e-mail to the dedicated email address NEG412016@emsa.europa.eu.

2.5. Place of performance of services

The services under the framework contract are to be performed at the contractor’s premises. Exceptionally, when deemed necessary for the execution of the contract, the contractor shall be available for meetings (at EMSA’s premises or via video conference) at any time at the request of EMSA.

3. How the framework contract will work

The framework contract is implemented through order forms representing each one (1) year of insurance cover for the four categories set out under section 2.3 above. The first order form should start on 1st April 2017.

4. Contract management responsible body

EMSA Unit A.2, in charge of Legal, Financial & Facilities Support, will be responsible for managing the contract.

5. Timetable

The estimated date for signature of the contract is 15th March 2017.

Important dates in this procurement procedure are:

	Event	Due
1	Deadline for requests by tenderers to attend a site visit at EMSA's premises	11/12/2016
2	Site visits if requested by tenderers (for details, please see point 10 of the invitation to tender)	12/12/2016 - 16/12/2016
3	Deadline for submitting questions	23/01/2017 at 24h00
4	Deadline for submitting a tender	31/01/2017 at 24h00

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 134,999.00 excluding VAT.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft framework contract or purchase order available in the procurement section under the call for tender EMSA/NEG/41/2016 on EMSA's website (www.emsa.europa.eu).

8. Terms of contract

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

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

9. 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.

10. 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".

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 and the bank account on which payments are to be made.
- b) **The Financial Form** completed, **signed** and stamped. The form is available in all official languages of the Union 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. The form is available in all official languages of the Union on the procurement section ("Legal Entity Form") of EMSA's website (www.emsa.europa.eu).

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).

Tenderers are exempt from submitting the Legal Entity Form and Financial Form 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: The information and documents required by EMSA for the appraisal of tenders on the basis of the points 9, 12 and 13.2 of these tender specifications (“exclusion criteria”) as well as on the basis of point 13.3 (legal and regulatory capacity - part of the “selection criteria”); furthermore, the Declaration of Honour referred to under point 13.6.

Part B: The information and documents required by EMSA for the appraisal of tenders on the basis of the technical and professional capacity (part of the “selection criteria”) as set out under point 13.5 of these tender specifications;

Part C: The information and documents required by EMSA for the appraisal of tenders on the basis of the “award criteria” as set out under point 14 of these tender specifications;

Part D: Setting out prices in accordance with point 11 of these tender specifications.

Please note: Only the winning tenderer shall provide upon request and within the time limit set by EMSA the information and documents required for the appraisal of tenders on the basis of the economic and financial capacity (part of the “selection criteria”) as set out under point 13.4 of these tender specifications.

11. Price

The tenderer must complete **Annex C - Price Quotation** (attached to these tender specifications). Prices for the provision of insurance broking services must be quoted as: (1) the annual premium price (for each insurance coverage), (2) the price of the brokerage fee in percentage (%) as applied to the premiums, and (3) the total annual price (= the sum of all premiums for each insurance coverage, including the brokerage fees).

The percentage (%) of the brokerage fee (which is applied to the premium cost) must be equal for all the insurance coverage;

Prices must be fixed amounts and non-revisable.

No additional expenses incurred in the implementation of the contract will be reimbursed by EMSA. Estimated costs for participation in coordination meetings with the Agency or for performing tasks onsite at EMSA premises must be included in the price of the tender.

Prices (with the exception of the brokerage fee in %) must be quoted in Euro.

Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to Regulation 1406/2002/EC. Therefore the price and the amount of VAT must be shown separately.

The broker fee (%) on the premium may not be increased during the complete duration of the contract, i.e. four (4) years. However, EMSA is aware of the possibility that the price obtained from insurers may vary from the price and cover quoted prior to placement of any insurance order due to changes in facts that may occur between the initial quotation and the replacement of the insurance order with the recommended provider. Such a variance shall be disclosed to the Agency immediately when the insurance broker (contractor) becomes aware of such a potential or actual price or coverage revision. Any appropriate actions shall be agreed with EMSA prior to the placement of the insurance order with the recommended insurer.

The price which will be taken into consideration for the evaluation under point 14 of these tender specifications ("award criteria") is: the total annual price.

Please note: For purposes of the evaluation the price should be calculated without any deductibles ("franquia") with the exception of the "admissible deductibles" as stipulated under section 2.3 of these tender specifications. If the tenderer can only offer an insurance policy including deductibles higher than the "admissible deductibles" stipulated under section 2.3, they will be taken into consideration as unfavourable for the evaluation of the award criteria/price criterion and will result in a lower score. On the contrary, any deductibles below the "admissible deductibles" stipulated under section 2.3 (or no deductibles) will be taken into consideration as favourable for the evaluation of the award criteria/price criterion and will allow a better score.

12. 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 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 winning consortium upon request of EMSA 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.

13. Information concerning the personal situation of the tenderer and information and formalities necessary for the evaluation of the minimum economic, financial, technical and professional capacity required

13.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the "Legal Entity Form" which is available on the procurement section of EMSA's website in all official languages of the Union (www.emsa.europa.eu) (see also point 10[c] above).

13.2 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.

13.3 Legal and regulatory capacity – selection criteria

2.3.1 Requirements

The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract, i.e. to provide insurance broking services. Therefore, the tenderer must either be enrolled in a relevant professional or trade register (in Portugal for example the “registo de mediador de seguros” of the

Autoridade de Supervisão de Seguros e Fundos de Pensões) or must hold a particular authorisation proving that it is authorized to perform the contract in its country of establishment.

2.3.2 Evidence

The document proving the enrolment in the relevant professional or trade register, or a sworn declaration or a certificate proving a particular authorisation.

13.4 Economic and financial capacity – selection criteria

13.4.1 Requirements

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

13.4.2 Evidence

Please note that only the winning tenderer shall provide upon request and within the time limit set by EMSA the following evidence:

- a) Financial statements or their extracts for the last two 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 two financial years.
- 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 the provided documents are up-to-date. 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, it may prove his economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

13.5 Technical and professional capacity – Selection criteria

13.5.1 Requirements

- a) Organisational capacity to perform the contract at the required quality level as specified under point 2.2;
- b) At least three years of experience in the provision of services similar to the scope and nature of the services requested in this call for tender.

13.5.2 Evidence

- a) A brief company profile;
- b) Curriculum vitae of the staff members of the team to be assigned to this contract (describing their qualifications, professional experience and anticipated role within the team);
- c) An organisational chart showing the internal structure of the tenderer;
- d) Details of the quality assurance accreditation that the tender holds, if any, or alternatively a brief outline of the tenderer's quality assurance policy, if any;
- e) The naming of at least one contract performed in the past three years similar to the scope and nature of the contract to be concluded as a result of the present procurement procedure, describing the subject, the amount, the dates and the contracting parties. Please note that EMSA may choose to contact any of these contracting parties for reference. The permission of the tenderer to do so will be assumed unless the tenderer states an explicit objection in its tender.

13.6 Declaration of Honour on exclusion and selection criteria

In order to declare compliance with the exclusion and selection criteria specified above, the Declaration of Honour which is available in the procurement section of EMSA's website (www.emsa.europa.eu) must be completed and signed.

14. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria as well as the "minimum required cover" as specified under point 2.3 of these tender specifications 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 the highest score) based on the following award criteria and their associated weighting:

1. Quality criterion 1 ($W_1 = 30\%$): The completeness of the insurance coverage as declared by the tenderer in Annex A: Insurance Coverage. The evaluation of this criterion is based on the proposed insurance policies and point 2.3 of these tender specifications.
2. Quality criterion 2 ($W_2 = 10\%$): The service quality of the insurance broking services as declared by the tenderer in Annex B: Service Quality and in the other parts of the tender. The evaluation of this criterion is based on the information the tenderer provides on the administration of the contract and the service delivery.

And the price criterion and associated weighting:

3. Price of the bid ($W_{price} = 60\%$): The total annual price as provided by the tenderer in Annex C: Price Quotation.

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 and a minimum of 60% for Q_2 will be taken into consideration when calculating the score for quality SQ , the score for price SP and the score S .

Only bids that have reached a minimum of 60% for the score S will be taken into consideration for awarding the contract.

15. Rejection from the procedure

Contracts will not be awarded to tenderers who, during the procurement procedure, are in one of the following situations:

- a) 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.

16. Intellectual Property Rights (IPR)

Please consult the draft framework 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.

17. Special negotiated procedure under Article 134(1)(e) RAP

In accordance with Art. 104(4) of the Financial Regulation EMSA reserves the possibility to award a contract on the basis of the initial tender without negotiation.

EMSA 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)(e) of the Rules of Application to the Financial Regulation.