

Tender specifications

Attached to the Invitation to tender No. EMSA/OP/07/2017 for the provision of interpretation services for EMSA

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. Among its tasks, the Agency “shall provide the Member States and the Commission with the technical and scientific assistance needed and with a high level of expertise, in order to help them to apply Community legislation properly in the field of maritime safety and prevention of pollution by ships, to monitor its implementation and to evaluate the effectiveness of the measures in place”. In order to do so, the Agency normally requires the coordination and provisions of simultaneous interpretation services.

2. Objective, scope and description of the contract

2.1.) Objective and Scope

The procurement procedure shall result in the signature of a framework service contract with one successful tenderer for the provision of simultaneous interpretation services. The services shall be requested for simultaneous interpretation from and into EN-FR-ES-IT-DE. The interpretation services shall be used for the EMSA Administrative Board which takes place three times per year (in March, June and November), the Southern European Neighbourhood Policy (ENP) project meetings and trainings for the languages EN-FR and exceptionally EN-FR-AR and for the Eastern European Neighbourhood Policy (ENP) project meetings with interpretation of the languages RU-EN. The interpretation services could also be requested for other meetings and languages.

The meetings generally take place at the EMSA headquarters in Praça Europa 4, 1249-206 Lisbon – mainly at Loyola de Palacio Conference Center. Meetings may also take place in other locations or countries.

Tenderers must be able to organise provision of the interpretation services with a maximum of four interpreters recruited from abroad per meeting (for additional imported interpreter a prior approval is needed). As such, the offer shall include the proposed organisation and coordination of a meeting such as the one described in the Annex II - Scenario for evaluation.

2.2.) Description of contract:

The contractor shall receive a request for quotation with the description of the services required, languages, dates, and location. Based on these details the contractor shall be asked to submit a quotation which will include: daily interpreter fees, travel costs and any additional costs. If the proposal is accepted by EMSA a specific contract shall be launched for the services.

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.).

In case interpreters need to be recruited from abroad, EMSA shall cover the travel and accommodation costs and a daily allowance in line with Article II.22 “Reimbursements” stated in the draft Framework Service Contract and Annexes III and IV which can be found under the <http://emsa.europa.eu/work/procurement.html>.

The number of interpreters recruited from abroad is limited to four per meeting. In case that more than four interpreters need to be recruited from abroad, prior approval of EMSA shall be requested. For example, in case four interpreters are recruited from abroad for a meeting in Lisbon, they will receive a flat rate daily allowance of 84 EUR (for Lisbon) per meeting day; reimbursement of accommodation is based on actual costs of accommodation on production of an original invoice up to the ceiling 120 EUR (for Lisbon) per necessary overnight stay during which the tasks are executed.

3. Contract management responsible body

EMSA– Unit A.1.3, in charge of Events and Missions support shall be responsible for managing the contract.

4. Project Planning

EMSA may request meetings between the Agency and the contractor in order to follow up on the implementation of the contract.

5. Timetable

The estimated date for signature of the contract is July 2017.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 410,000.00 excluding VAT.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft contract** available in the Procurement Section under the call to tender EMSA/OP/07/2017 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 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 criteria. 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 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 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.²

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).
- 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, 13.2 and 13.6** 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 **13.4** of these specifications.

² 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 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 **13.5** 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 **14** of these specifications.

Part E: Setting out **prices** in accordance with **point 11** of these specifications.

11. Price

- a) Prices for the provision of interpretation services shall include the daily fees per language (Annex I – Price list).
- 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. This estimate should be based on Articles I.3 and II.16 of the draft contract.
- 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.

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 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.

13. Information concerning the personal situation of the tenderer and information and formalities necessary for the evaluation of the minimum economic, financial and technical 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** and requested accompanying documentation, available in the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

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

13.3.1 Requirements:

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

13.4 Economic and financial capacity – Selection criteria

13.4.1 Requirements:

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

13.4.2 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 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 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, 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.

13.5 Technical and professional capacity – Selection criteria

13.5.1 Requirements:

The technical and professional capacity shall be evaluated and verified in accordance with the elements here below:

a) Tenderer:

The tenderer must have experience of at least three years in provision of interpretation services and coordination of qualified teams of interpreters, capable to cover the requested languages and terminology.

b) Interpreters:

Interpreters must have at least three years of experience (with at least 150 working days) in providing interpretation services since obtaining the diploma giving access to the profession. Interpreters delivering the required services must be members of a recognised international organisation such as AIIC, Calliope or equivalent.

13.5.2 Evidence:

a) Tenderer:

- List of proposed interpreters/team;
- List of services provided in the last three years.

b) Interpreters:

- Curriculum Vitae (CV) with reference to current address, educational background, years of experience and number of working days per year;
- Proof of membership to the AIIC, Calliope or equivalent recognised organisation.

Advantageous:

Experience in working with maritime terminology and in meetings with European institutional terminology shall be considered an advantage.

13.6 Declaration of Honour

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

Please note that **only upon request** and within the time limit set by EMSA the tenderer shall provide information on the persons that are members of the administrative, management or supervisory body, as well as the following evidence concerning the tenderer or the natural or legal persons which assume unlimited liability for the debt of the tenderer:

For exclusion situations described in (a), (c), (d) or (f) of point 14.2 above, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.

For the exclusion situation described in (a) or (b) of point 14.2 above, production of recent certificates issued by the competent authorities of the State concerned is required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

If the tenderer already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

When the tenderer to be awarded the contract has already submitted relevant evidence to EMSA, it remains valid for 1 year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the tenderer is required to submit a statement confirming that its situation has not changed.

14. 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:

Quality criteria 1 ($W_1 = 25\%$) Quality of the tender in terms of the ability to coordinate a team of interpreters capable to carry out simultaneous interpretation services in the requested languages.

Quality criteria 2 ($W_2 = 25\%$) Quality and adequacy of the team proposed.

Quality criteria 3 ($W_3 = 5\%$) Number of interpreters fulfilling the advantageous requirements.

and the price criterion and associated weighting:

Price of the bid ($W_{Price} = 45\%$) Total price of the scenario.

Scenario for evaluation:

Cost of simultaneous interpretation services and coordination for a one day meeting in the languages: EN-FR-DE-IT-ES with 10 interpreters, of which four interpreters are recruited from abroad. For this scenario the meeting takes place at the EMSA headquarters in Lisbon from 09:00 to 18:00, with one hour lunch break.

Prices for the provision of interpretation services under the given scenario shall be quoted by filling in the Annex II - Scenario for evaluation. The tenderers are requested to duly complete, sign and date Annex II.

The quotation shall include:

- Costs of the administrative organisation per meeting;
- The individual interpreters fees per meeting;
- Other costs for example travel day allowances for interpreters recruited from abroad, if applicable.

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 , and 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 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) 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.

16. 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.

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

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.