

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/17/2017 for the Provision of Vessel Traffic Services (VTS) Training

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council for the purpose of ensuring a high, uniform and effective level of maritime safety. According to its founding regulation, EMSA activities may also include the provision of technical assistance to the EU neighbouring partner countries.

Since June 2013, EMSA is involved in the provision of technical assistance in the area of maritime safety, maritime security, marine pollution prevention, preparedness and response to ENP partner countries through Grant Contracts financed by the European Neighbourhood Instrument (ENI). EMSA is currently assisting Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia in the Mediterranean region and Azerbaijan, Georgia, Islamic Republic of Iran, Kazakhstan, Moldova, Turkey, Turkmenistan and Ukraine in the Black and Caspian Sea regions.

The Vessel Traffic Services evolved as a response to the increased complexity of modern shipping, the diversity and potential danger resulting from cargoes and the need to prevent congestion by maintaining a safe traffic flow. VTS is designed to provide support to seafarers in busy waterways where risks are deemed to be at their greatest. To minimise such risks, maritime and port authorities have developed means for monitoring the movements of shipping and for providing information and advice. This provides a service that interacts with shipping to organise traffic and minimise the risk to life and environment and helps ensure safer shipping. In light of the above it is a matter of great importance that VTS operators are competent and qualified to conduct all VTS operations.

The European Union shares the Mediterranean, Black and Caspian Seas with neighbouring countries. It consequently shares all the risks related to the potential accidents in this area. Therefore reducing such risks is of high priority for the Union. It is globally acknowledged (through SOLAS Chapter V Safety of Navigation, Regulation 12) that VTS contributes to safety of life at sea, safety and efficiency of navigation and protection of the marine environment and play important role in the prevention of accidents and pollution in areas which are congested or hazardous for shipping. VTS allows identification and monitoring of vessels, strategic planning of vessel movements and provision of navigational information and assistance. It can also assist in prevention of pollution and coordination of pollution/emergency response. The availability of sufficient, appropriately qualified, suitably trained and capable of performing the required tasks

staff in VTS is crucial to its proper functioning. The ENI Projects managed by EMSA foresee training in the field of vessel traffic monitoring and information systems for those beneficiary countries for which such needs have been identified.

2. Objective, scope and description of the contract

2.1. Objective of the contract

The overall objective of this service framework contract is to ensure that the beneficiary countries in the Mediterranean, Black and Caspian sea regions have sufficient number of suitably trained and appropriately qualified VTS operators, VTS supervisors and VTS On-the-Job Instructors that are capable of performing their duties at the respective level of responsibility in a VTS centre thus assisting the beneficiary countries to establish and operate properly functioning VTS centres.

2.2. Scope of the contract

Within the scope of the contract the contractor shall provide specialised training courses at the three levels of responsibility of VTS staff:

- VTS Operator (V-103/1)
- VTS Supervisor (V-103/2)
- VTS On-the-Job Training Instructor (V-103/4)

The training courses shall, as much as possible, reflect the guidelines set out in the relevant IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Recommendation V-103.

Each training course may involve the delivery of one or more training sessions (for further information, please, see point 2.4 below).

The training sessions shall ensure that participants are provided with theoretical and practical knowledge concerning the role and functions of the VTS. Moreover the courses shall stimulate a sense of responsibility, watchfulness and precision that characterises a competent VTS operator.

The proposed training syllabus for each of the trainings (VTS Operator, VTS Supervisor and VTS On-the-Job Training Instructor) shall be included in the tender.

Each VTS training session shall begin with a written assessment test and shall end with the evaluation to verify that the participants have acquired the knowledge delivered during the training. After each training session the participants will obtain either certificate of success or certificate of participation (the latter in case of being unsuccessful at the end-course evaluation test).

2.3. Profile of the participants

The participants to the trainings for VTS operators will be representatives of the ENI beneficiary countries and will have maritime background. They will be either working or expected to be employed in the VTS centres. Only participants with an adequate level of English will be invited.

The participants to the trainings for VTS supervisors will have already attended a VTS operators course and the participants to the VTS OTJ Training instructor will have attended both a VTS operators and supervisors course.

2.4. Organization and duration of the training sessions

EMSA shall give two months' notice for the planned training sessions by sending the relevant Order Form. The participants will be invited by EMSA. The list of participants will be provided to the contractor no later than one week before the beginning of each training session.

The minimum number of participants in each training session shall be 4 persons and the maximum shall be 10 persons.

Each training session duration shall not exceed two weeks (i.e., 10 working days) starting on Monday and finishing on Friday.

The number of sessions effectively ordered may vary depending on the exact needs of the beneficiary countries and the availability of funds.

2.5. Language of the training sessions

VTS trainings and all relevant training materials shall be delivered in English.

2.6. Location of the trainings, facilities and logistics

The VTS training sessions shall be delivered at appropriately equipped premises of the contractor located within the territory of the European Union.

When delivering the VTS trainings the contractor shall:

- provide adequate lecturing facilities;
- conduct part of the trainings with the use of a VTS simulator;
- provide relevant equipment for the delivery of the lectures such as computers, beamer, flipchart, etc.;
- provide stationery (notepads and pens for each participant);
- provide relevant training materials (textbooks, technical papers, training syllabus and training programme) to the participants;
- provide all the relevant training materials on CD (or DVD or USB stick) to the participants.

3. Contract management responsible body

EMSA – Unit B.3, in charge of Environment and Capacity Building - will be responsible for managing the contract.

4. Project Planning

The contractor shall provide EMSA with a report within 3 weeks after each training session is completed. The training session report shall contain as a minimum the following information:

- the number and names of participants,
- daily signed by the participants' attendance list,
- type of training,
- topics covered,
- detailed course evaluation based on the assessment of participants and results of the evaluation tests (including comparison with the entry written assessment).

5. Timetable

The estimated date for the signature of the contract is September 2017. The total maximum duration of the Contract, including all possible renewals shall be 48 months.

The dates of the training sessions shall be decided in agreement with the contractor at a later stage and notified in accordance with the provision of paragraph 2.4 above.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 100, 000.00 excluding VAT. The maximum price per training session shall not exceed EUR 16 500.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft Framework service contract available in the Procurement Section under the call to tender EMSA/NEG/17/2017 on EMSA's website (www.emsa.europa.eu).

8. Terms of contract (purchase order)

When drawing up a bid, the tenderer should bear in mind the terms of the draft Framework service 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 criteria¹. 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

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.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 (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/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 and 13.2 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 Economic and Financial Capacity (part of the Selection criteria) set out under point 13. 4 of these specifications.

¹ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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

- Price must be quoted for the provision of Vessel Traffic Services (VTS) Trainings per training session for each training course irrespective of the final number of participants as indicated in the paragraph 2.4 following the table below.

Title of the training course	Unit price (price per training session)
1. VTS Operators training	
2. VTS Supervisors training	
3. VTS On-The-Job Training Instructors	
4. Total price: 1+2+3	

- Prices shall not include the provision of meals, accommodation or coverage of travel costs to the participants.
- Prices must be fixed amounts and non-revisable.
- Prices 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 the Regulation 1406/2002/EC. Therefore price and 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, 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** available on the Procurement Section 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 Requirement A: The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

13.3.2 Requirement B: The tenderer shall be accredited by their respective national competent authority to deliver Vessel Traffic Service trainings based on the procedures set out in IALA Recommendation V-103.

Evidence: The tenderer shall provide evidence of its accreditation to deliver VTS trainings based on the procedures set out in IALA Recommendation V-103.

13.4 Technical and professional capacity – Selection criteria

13.4.1 Requirement A: Trainers should be professionally and academically qualified in the task and shall have experience in providing lectures on the topics described in 2.2 and should have delivered such courses before in English.

13.4.2 Evidence:

- a) The tenderers should provide evidence of expertise in delivering VTS trainings in accordance with relevant IALA Recommendation V-103. Such evidence of the knowledge and experience in the field mentioned above shall be provided on the basis of a list of training which the tenderer has provided in the past three years (detailed list of trainings, etc.).
- b) The tenderers should provide with their bid detailed curriculum vitae of each trainer who will be delivering the training under the contract. The curriculum vitae shall include the educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills (English).

13.5 Declaration of Honour

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.

14. 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 ($W_1 = 40\%$),

Quality of the training programme, methodology for providing the course including the quality of practical exercises/case studies: the bid must include detailed syllabus, indicating at least the number of lectures and practical exercises (case studies) and/or other forms of providing the training, including a detailed description on the content and objectives of each topic, a description of the training materials provided. The tenderers should provide with their bid an example of the certificate of success and certificated of participation that will be delivered after each training session to the participants;

2. Quality criterion 2 ($W_2 = 30\%$),

Quality of the training team: the bid must include a detailed description of the way in which the proposed team is to be organized in order to deliver expected results per topic, its reporting system and the team leader; the teachers involved per topic also have to be indicated in the bid.

and the price criterion and associated weighting:

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

The price of the bid shall be calculated using item No.4 from the table provided under paragraph 11 above.

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

Only bids that have reached a minimum of 70 % for the score S will be taken into consideration for awarding the contract.

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 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.