

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/26/2017 for the provision of box pick-up and off-site storage 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. More information is available at: <http://emsa.europa.eu>.

2. Objective, scope and description of the contract

The scope of the tender is the provision of box pick-up/delivery and off-site storage services. In addition the tenderer should be able to supply boxes (via pricelist) and the seals. The successful tenderer shall be required to provide the following services:

- (a) secure pickup / drop-off, transportation and storage of back-up tapes from/to the Reception of the EMSA Headquarters at Praça de Europa nr. 4 in Lisbon, on a predefined schedule created by EMSA;
- (b) timely access and media retrieval services;
- (c) online web-based inventory and reporting with the possibility to request return boxes;
- (d) sell boxes of different sizes.

Description of the boxes:

The secure boxes normally contain LTO tapes, but can also contain other media such as DVD, flash drives etc.

The bidder should provide the necessary material for the sealing of the boxes (i.e. plastic strip/tag). The seal provides a means of security (box has not been opened/tampered with).

The bidder may use their own identifier with barcode which can be applied to each box. EMSA currently owns box of different sizes which can hold 14 and 5 tapes.

Description of delivery & transportation:

The bidder is required to provide a regular pick-up / delivery and storage service, as well as an “on call return” service:

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.).

Regular pick-up and delivery storage service: The regular pick up service shall be performed during working hours (i.e. 09:00 until 17:00) and the services shall follow the EMSA predefined schedule. In addition, boxes may be returned as part of the regular pickup. The predefined schedule will include one monthly pickup/return (12 pick-ups/ returns in a year and usually happens on the first Monday of the month).

“On call return” service: there will be times when EMSA urgently needs a box returned to recover an important backup. In such cases the bidder must be able to return a box on a short notice (within 4 hours during working hours). There are 5 yearly on-calls included in the service.

Description of storage services:

EMSA requires a storage service of up to 40 boxes. The storage timeframe for the boxes may vary as:

Some boxes may need long term storage and could potentially be stored off-site for a period covering the full duration of the contract;

Other boxes may follow the rotation schedule and would only need to be stored for a number of months.

Receipt

Upon pick-up of the box, the tenderer must provide a signed receipt.

The Receipt shall be submitted to the Reception of EMSA on the day of the delivery/pick-up.

The receipt for each box should be viewable via the web based system.

Inventory:

The full inventory has to be viewable and manageable online via a web based system. EMSA should be able to manage the inventory, adding tags and descriptions to each box as well as assigning boxes for return.

3. Contract management responsible body

EMSA – Unit A.3, in charge of Operations Support - will be responsible for managing the contract.

4. Timetable

Before the start of the service, a meeting shall be scheduled at EMSA premises and EMSA shall present the predefined schedule for the service Timetable

The estimated date for signature of the contract is 11 October 2017.

5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 20,000.00 excluding VAT. 15,000 Euro will be the max budget for the annual services and the remaining 5,000 Euro is dedicated for the purchase of boxes and extra services.

6. Terms of payment

Payments will be made in accordance with the provisions of the draft contract available in the Procurement Section under the call to tender EMSA/NEG/26/2017 on EMSA's website (www.emsa.europa.eu).

7. Terms of contract (purchase order)

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 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.

9. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, bids should preferably be submitted in English and should in particular include an English version of the documents requested under points 13.5 and 14 of the present tender specifications. The tenderer must comply with the minimum requirements provided for in these tender specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.³

The tenderer shall complete the Tenderer's checklist.

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

² To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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

The tender must be presented as follows and must include:

- a) **A signed cover letter** indicating the name and position of the person authorised to sign the contract/purchase order and the bank account on which payments are to be made.
- b) **The Financial Form** completed, signed and stamped. This document is available on the Procurement Section (Financial Form) of EMSA's website (www.emsa.europa.eu).
- c) **The Legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already previously been completed and sent either to EMSA or any EU Institution. In this case the tenderer should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

Part A: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points 8, 0 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.

Part C: 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 **15** of these specifications;

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

10. Price

- a) Price must be quoted for the annual Provision of box pick-up and off-site storage services including 12 standard pick-ups/returns and 5 on-calls per year and the box seals. A price list must specify the cost of the various box sizes including 20 and 30 tapes. Additional pick-ups above the included 12 per year and on-calls above the included 5 per year as well as the cost per box in storage per year above the included 40 (see Appendix 1).
- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. Therefore price and the amount of VAT must be shown separately.

11. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

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

12.1 Legal position – means of proof required

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

12.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
- c) it is subject to a final judgement or a final administrative decision establishing that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii. entering into agreement with other persons with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making process of the contracting authority during the award procedure;

- v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- d) it is subject to a final judgement establishing that the person is guilty of any of the following:
 - i. fraud
 - ii. corruption
 - iii. participation in a criminal organisation
 - iv. money laundering or terrorist financing
 - v. terrorist-related offences or offences linked to terrorist activities
 - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it is subject to a final judgement or a final administrative decision establishing that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
 - i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
 - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
 - iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
 - iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
 - v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

13. Technical and professional capacity – Selection criteria

13.1.1 Requirements:

- a) In order to evaluate the tenderer's technical capacity, the tenderer should provide the following:

The solidity of previous experience in services similar to those described here-in. In this respect, the tenderer should provide evidence that they have performed comparable services for the last 4 years.

13.1.2 Evidence:

Provide evidence in the form of screenshots from the web based interface showing:

- 1) Inventory overview
- 2) History with transactions
- 3) Receipts, scanned from delivery and returns
- 4) Requesting a box to be returned
- 5) Adding a description to a specific box

14. 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.

15. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The price criterion

The fixed price per month should be all inclusive and should include the delivery, storage and transportation fees of a maximum number of 40 boxes.

The price list must include the price for:

- A) One (1) box that can hold 20 tapes.
- B) One (1) box that can hold 30 tapes.
- C) Price for one (1) oncall with 4 hours response.
- D) Price for one (1) extra box in storage per month.
- E) Price for one (1) additional pick-up / return per month.

16. 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.

17. 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.

APPENDIX 1			
EMSA/NEG/26/2017			
Pricelist			
Tenderers are requested to complete the following table providing the prices for service and supply			
Date (DD/MM/YY)			
Signature			
Prices			
Service / supply		Cost	
Base service including 12 pickups/ deliveries a year and storage of up to 40 boxes. Plus 5 oncall per year.			
Price for 1 box that can hold 20 LTO tapes			
Price for 1 box that can hold 30 LTO tapes			
Price for 1 extra oncall			
Price for 1 extra box in storage (monthly rate)			
Price for 1 additional pickup / return a month (monthly rate)			