

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/21/2018 for rental of Water Dispensers and associated 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. Among its tasks, the Agency is adopting environmental friendly policies; in this scope it is important to reduce the plastic use of bottles and cups, by staff and external visits. This way a more sustainable hydration solution can be offered.

2. Objective, scope and description of the contract

The objective of the contract is to establish a Framework Service Contract, for the rental of mains fed countertop and freestanding water dispensers including; delivery, installation, preventative and corrective maintenance, replacement of a unit if a repair cannot be undertaken on site or replacement of parts, and purchase of recyclable and/or biodegradable paper cups, for the EMSA premises located at Praça Europa 4, 1249-206, Lisbon, Portugal.

The price shall be all inclusive, it shall in particular include transportation of personnel, equipment, products and respective insurances.

2.1 Rental of countertop and freestanding water dispensers

The Contractor must have the technical capacity to provide rental services for countertop and freestanding water dispensers and recyclable and/or biodegradable paper cups as required by EMSA.

The requirements contained in Appendix 1 “**Compliance Matrix**”, shall be considered as minimum requirements for participating in the call for tender. Any bids failing to meet these requirements may be rejected. **Please fill in Appendix 1 “Compliance Matrix”.**

2.2 Preventative maintenance

The contractor shall perform preventative maintenance of countertop and freestanding water dispensers at least twice per year. Preventative maintenance shall include:

- a) Filter replacement;
- b) General verification.

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.).

2.3 Corrective maintenance

The contractor shall perform corrective maintenance depending on immediate needs communicated by EMSA or identified by the contractor during the preventative maintenance. Corrective maintenance shall include:

- a) Hands-on corrective maintenance of faulty unit;
- b) Upon a unit failure, delivery of a replacement unit and collection of the faulty one; and/or
- c) Supply of spare parts and/or products necessary to the proper functioning of a faulty unit.

3. Contract management responsible body

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

4. Project Planning

Not applicable.

5. Timetable

The estimated date for signature of the contract is November 2018.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 30000 excluding VAT.

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/21/2018** on EMSA's website. (www.emsa.europa.eu).

8. Terms of contract (purchase order)

When drawing up a bid, the tenderer shall 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 criteria². The exclusion criteria will be assessed in relation to each economic operator individually.

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.

Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.³ However, the selection criteria may apply individually where it is relevant in view of their nature.

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 shall 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.⁴

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 "Statement of Subcontracting / Joint Offer". This document is available on the Procurement Section / Calls for Tenders (Documents for tenderer) of EMSA's website (www.emsa.europa.eu).

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 Identification Form completed**, signed and stamped. This document is available on the Procurement Section (Financial Identification 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 Identification 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 shall 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 Technical and professional capacity (part of the selection Criteria) set out under point 13.3 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 14 of these specifications;

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

³ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

⁴ 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).

11. Price

- a) Price must be quoted for rental of Water Dispensers and associated services and shall include the price for rental of countertop and freestanding water dispensers, including delivery and installation, preventative and corrective maintenance and replacement of a unit/part. Prices must also be quoted separately for the supply of recyclable and/or biodegradable paper cups, including delivery. **Tenderers shall fill in Appendix 2 “Financial Proposal”.**
- b) Prices must be fixed amounts and non-revisable unless otherwise specified in the contract.
- 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.

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. However, the selection criteria may apply individually where it is relevant in view of their nature.

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 exclusion situations listed in the 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.

13.3 Technical and professional capacity – Selection criteria

13.3.1 Requirements

The tenderer must have relevant technical and professional capacity to provide the rental of countertop and freestanding water dispensers, including preventative and corrective maintenance services, as mentioned in point 2 above and proven experience in that field of at least the last two years.

13.3.2 Evidence

The tender must present a list of clients, with the relevant references, for at least the last two years.

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:

1. Quality criterion 1 ($W_1 = 30\%$), Proposed preventative and corrective maintenance plan, including scheduling of preventative maintenance, means of communication, and response time in case of need for corrective maintenance.

and the price criterion and associated weighting:

2. Price of the bid ($W_{Price} = 70\%$).

The price of the bid for evaluation purposes ("price scenario") shall be determined as follows:

- Monthly rental fee for 7 countertop water dispensers, all inclusive;
- Monthly rental fee for 10 standing water dispensers, all inclusive;
- Supply of 3000 recyclable and/or biodegradable paper cups, all inclusive.

Total price scenario for evaluation purposes (Appendix 2) = **(a x 7) + (b x 10) + (g)**

Note: Please fill in table in Appendix 2 "Financial proposal".

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 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 used in the award procedure where this entails a breach of the principle of equality of treatment, including 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 shall be clearly pointed out by the tenderer in the tender. Information shall 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 - Compliance Matrix		
Countertop and freestanding water dispensers		
Specifications	Yes/No	Comments
Countertop: 480 (H) x 345 (W) x 367 (D) (5% variation acceptable)		
Freestanding: 1030 (H) x 345 (W) x 367 (D) (10% variation acceptable)		
Dispense area height 215mm (10% variation acceptable)		
Large drip tray (over 1 litre capacity) (10% variation acceptable)		
Carbon filtration		
Two-stage purification process including in-tank UV technology		
Antimicrobial protection		
Cold, hot, and extra hot water options		
NSF protocol P231 compliance		
NSF/ANSI 55 class A compliance		
OS EPA standard compliance		
NSF/ANSI 42 compliance		
NSF/ANSI 53 compliance		
Bacteriological water analysis report medical institute		
Recyclable and/or biodegradable paper cups		
Specifications	Yes/No	Comments
Regulation (EC) 2023/2006 compliance		
Analysed according to Commission regulation (EU) 10/2011		
Packaging waste directive 94/62/EC compliance		
Material recycling EN 13430 compliance		
Energy recovery EN 13431 compliance		
Level of hazardous substances to the environment EN 13428 compliance		
Suitable for use with liquids until 100°C		

Appendix 2 - Financial Proposal

Rental of water dispensers	Price per unit <i>EUR</i>
a) Monthly rental fee for countertop water dispensers (including delivery and installation, preventative and corrective maintenance and replacement of unit/part)	
b) Monthly rental fee for freestanding water dispensers (including delivery and installation, preventative and corrective maintenance and replacement of unit/part)	
Supply of recyclable and/or biodegradable paper (including delivery)	Price per Unit <i>EUR</i>
c) 1	
d) 100	
e) 1000	
f) 2000	
g) 3000	
Total price for evaluation purposes = (a x 7) + (b x 10) + (g)	