

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/2/2019 for Provision of Oil pollution Preparedness, Response and Co-operation (OPRC) Level 1 (First responders – Operational) and Level 2 (Supervisor and On-Scene Commanders – Tactical) training courses for ENP and Enlargement partner Countries

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. According to its founding regulation, EMSA activities may also include the provision of technical assistance to States applying for accession to the EU as well as the EU neighbouring partner countries.

Since 2006 EMSA is implementing a multi beneficiaries programme for the participation of the enlargement countries (Albania, Bosnia-Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey) in EMSA's work under the Instrument for Pre-accession Assistance (IPA).

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 European Neighbouring Partner (ENP) 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 International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 1990) sets the international framework for oil spill preparedness and response standards.

OPRC 1990 is implemented in states party to the convention by national legislation, enforcing the requirements of OPRC 1990. The requirements include a programme of training courses for relevant personnel dealing with oil pollution preparedness and response. Where OPRC 1990 has not been ratified by a country, OPRC 1990 can be considered as internationally acknowledged best practice with regard to oil spill preparedness and response.

The European Union shares the Mediterranean and the Black Seas with the Enlargement and most of the ENI projects' beneficiary countries. It consequently shares with them all risks related to the potential accidents causing pollutions in this area. Therefore, improving the preparedness and response of the operators in both levels, operational and tactical, in case of an oil spill, reducing such risks, is of high priority for the Union. The availability of sufficient, appropriately qualified, suitably trained and capable of performing the required tasks staff in oil pollution preparedness and response is crucial. The IPA and ENI Projects managed 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.).

provide training courses in the field of oil spill preparedness and response for those beneficiary countries for which such need has been identified.

2. Objective, scope and description of the contract

2.1. Objective of the contract

The objective of the contract is the design and delivery of training courses related to Provision of Oil pollution Preparedness, Response and Co-operation (OPRC) Level 1 (First responders – Operational) according to the IMO Model Course 4.02 and Level 2 (Supervisor and On-Scene Commanders – Tactical) according to the IMO Model Course 4.03. The contractor will also develop the relevant training material, including presentations, exercises, used cases and supporting notes for the beneficiary countries interested on having a sufficient number of suitably trained and appropriately qualified first responders, supervisors and on-scene commanders that are capable of performing their duties at the respective level of responsibility in case of an oil spill occurring in waters under the sovereignty or jurisdiction of one of the beneficiary countries.

2.2. Scope of the contract

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

- First responders – Operational
- Supervisor and On-Scene Commanders – Tactical

The training courses shall, as much as possible, reflect the contents of the latest model courses on Oil Pollution Preparedness, Response and Co-operation set out by the International Maritime Organization (IMO). The training sessions shall ensure that staff responsible for the conduct and management of an effective response to a marine oil spill are provided with theoretical and practical knowledge concerning their roles and functions.

Moreover, the courses shall stimulate a sense of responsibility, watchfulness and precision that characterises a competent OPRC staff. The proposed training syllabus for each of the training courses (First responders – Operational, Supervisor and On-Scene Commanders – Tactical) shall be included in the tender.

Each OPRC training course 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 course 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 OPRC first responders and supervisor and on-scene commanders will be representatives of the IPA and ENP beneficiary countries either working or expected to be employed in the OPRC national staff centres. No specific experience is requested. Only participants with an adequate level of English will be invited.

2.4. Organization and duration of the training sessions

EMSA shall give two months' notice to the Contractor 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 10 persons and the maximum shall be 20 persons. Each training session's duration shall not exceed one week (i.e., 5 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

The OPRC training courses, the exercises and all relevant training materials shall be delivered in English.

2.6 Location of the trainings, training materials and logistics

The OPRC training courses shall be delivered at the premises of the requesting maritime administration located within the territory of the beneficiary countries or at EMSA premises (Lisbon).

When delivering the OPRC training sessions the contractor shall:

- 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

The requesting maritime administration of the beneficiary country will:

- provide relevant equipment for the delivery of the lectures such as computers, beamer, flipchart, etc.;
- provide stationery (notepads and pens for each participant).

3. Contract management responsible body

EMSA Unit B.3 in charge of Environment & 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 April 2019. 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 120,000.00 excluding VAT. The maximum price per training session shall not exceed EUR 17 000.

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/2/2019** 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. 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.

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

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, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure.
- 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, 0 and 13.2 of these specifications (exclusion criteria).

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 **15** of these specifications;

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

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

Price must be quoted for the provision of OPRC Training courses for each training session 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. OPRC Leve 1 First responders	
2. OPRC Level 2 Supervisor and On-Scene Commanders	
3. Total price: 1+2	

Prices shall not include the provision of meals, accommodation or coverage of travel costs to the participants.

The contractor will take care of trainers' travel and accommodation arrangements, and all associated costs shall be included into the price for the trainings. Therefore, the contractor will not be reimbursed on a separate basis for any expenses incurred for the purpose and during the trainings.

The trainers of each session shall be not less than 2.

- 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 (EC) 1406/2002. 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 Legal and regulatory capacity – Selection criteria

13.3.1 Standards / Prerequisites

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

The tenderer shall be accredited by their respective national competent authority to deliver OPRS training courses based on the procedures set out in IMO Model courses.

13.3.2 Evidence

The tenderer shall provide evidence of its accreditation to deliver OPRS training courses based on the procedures set out in IMO Model courses.

13.4 Economic and financial capacity – Selection criteria

13.4.1 Standards / Prerequisites

N/A

13.4.2 Evidence

N/A

13.5 Technical and professional capacity – Selection criteria

13.5.1 Standards / Prerequisites

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.

13.5.2 Evidence

a) The tenderers should provide evidence of expertise in delivering OPRS training courses in accordance with the procedures set out in IMO Model courses. 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).

14. Declaration of Honour (DoH)

Please note that the tenderer shall provide information with regards his situation and on the natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control and beneficial owners.

Upon request and within the time limit set by EMSA, the tenderer shall provide the following evidence concerning itself, the natural or legal persons as listed under the first paragraph, and concerning the natural or legal persons which assume unlimited liability for the debt of the tenderer:

For the exclusion situations described in (a), (c), (d), (f), (g) and (h) of the Declaration of Honour, 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 situations described in (a) and (b) of the Declaration of Honour, production of recent certificates issued by the competent authorities of the country of establishment 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.

The successful tenderer must provide the documents mentioned as supporting evidence before signature of the contract and within the deadline given by EMSA. This requirement applies to each member of the group in case of joint tender.

If the candidate already submitted such evidence for the purpose of another procedure, provided 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.

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

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 according to the contents of the training courses described in point 2.5. The tenderers should provide with their bid an example of the certificate of completion and certificate 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's profile; the profile of the trainers 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.3 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

$$PP = \sum_i \frac{\text{lowest } Price_i \text{ of all bids}}{Price_i} * 100 * W_{Price_i}$$

Only bids that have reached a minimum of 60 % for Q_1 , a minimum of 60 % for Q_2 , etc. 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.

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 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.

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 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.