

## **Tender Specifications**

### **Attached to the Invitation to tender**

## **Invitation to tender No. EMSA/NEG/17/2019 for Purchase and maintenance of parasols**

### **1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup> for the purpose of ensuring a high, uniform and effective level of maritime safety.

### **2. Objective, scope and description of the contract**

The objective of the tender is to maintain the use of the terrace of the cafeteria, which, during more than half of the year, is exposed to the sun and high temperatures and where adequate protection is needed, otherwise it becomes impossible to stay in that area.

For those purposes, it is needed to conclude a contract for the purchase of new parasols with a durable quality and adapted to the aggressive weather conditions that one might expect in this area, according to the following technical specifications:

- a) Area of coverage of each parasol: approximately 16.00 m<sup>2</sup> for model 1; and 8.00 m<sup>2</sup> for model 2, accepting a variation of 7% of the area bigger/smaller.
- b) The parasols shall offer protection against harmful UV rays and a high degree of light fastness.
- c) The structural and supporting elements shall have adequate resistance to oxidation and inclement weather according to market standard (ex. aluminium).
- d) The parasols shall be free-standing without any need for anchoring in the surface of the terrace, with a flat base not above 30mm.
- e) The parasols shall withstand wind speeds of at least 70 km/h.
- f) The parasols shall have protective cover to protect from adverse weather conditions.

The contractor shall also provide corrective maintenance services (incl. emergency maintenance) to address any defects or damages detected in the existing parasols and the ones purchased under the contract, in order to render them fully functional. Maintenance shall include the replacement and supply of spare parts used for repairs (e.g., parasol fabric).

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<sup>1</sup> 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 the case of emergency maintenance, the repairing of defects or damages in parasols must be carried out without delay (on call or out of working hours).<sup>2</sup>

### 3. Contract management responsible body

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

### 4. Timetable

The estimated date for signature of the contract is May 2019.

### 5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 130000 excluding VAT.

### 6. 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/17/2019** on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

### 7. 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.

### 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 criteria<sup>3</sup>. 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.<sup>4</sup> However, the selection criteria may apply individually where it is relevant in view of their nature.

### 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 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

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<sup>2</sup> EMSA working hours: 08:30 until 17:00 from Monday to Friday on EMSA working days as per Appendix 1.

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

<sup>4</sup> To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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.<sup>5</sup>

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](http://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](http://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](http://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 8, 11 and 12.2 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 12.4 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 Technical and professional capacity (part of the selection criteria) set out under point 12. 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 100 of these specifications.

## **10. Price**

- a) Price must be quoted for the purchase and corrective (incl. emergency) maintenance of parasols, and shall include the following price elements:

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<sup>5</sup> 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).

- Parasol  $\pm$  16.00 M<sup>2</sup> - Model 1:
  - Price per parasol complete with protective cover and support accessories;
  - Price for replacement of parasol protective cover.
- Parasol  $\pm$  8.00 M<sup>2</sup> - Model 2:
  - Price per parasol complete with protective cover and support accessories;
  - Price for the replacement of parasol protective cover.
- Price for corrective maintenance on working days between 8:30 – 17:00 (costs per hour) <sup>6</sup>;
- Price for emergency maintenance on call or out of working hours (costs per hour).

The prices shall be all-inclusive and cover all related costs, including transportation costs.

- 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. 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.

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<sup>6</sup> Monday to Friday on EMSA working day as per Appendix 1.

## **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](http://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 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](http://www.emsa.europa.eu)) shall be completed and signed.

### **12.3 Legal and regulatory capacity – Selection criteria**

#### **12.3.1 Standards / Prerequisites**

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

#### **12.3.2 Evidence**

Not applicable

### **12.4 Economic and financial capacity – Selection criteria**

#### **12.4.1 Standards / Prerequisites**

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

#### **12.4.2 Evidence**

- a) Financial statements or their extracts for the three 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 three financial years.
- 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 shall 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, it may prove his 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.

## **12.5 Technical and professional capacity – Selection criteria**

### **12.5.1 Standards / Prerequisites**

The ability of the providers to supply the goods will be assessed in particular with regards to their experience and reliability in the market.

### **12.5.2 Evidence**

Evidence of the technical and professional capacity of the providers involved in the tender must be provided on the basis of the following documents:

- List of clients to which similar goods, as requested in this call for tenders, were provided in the past two years.

## **13. 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.

## **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 ( $W_1 = 50\%$ ), points assigned based on the equivalence of measurements and proposed materials according to the technical specifications (point 2 a), b), c), d) and e)).

and the price criterion and associated weighting:

2. Price of the bid ( $W_{Price} = 50\%$ ).

For evaluation purposes only, the tenderers shall complete the following table:

ITEMS		PRICE in €
a)	Parasol $\pm 16.00$ M <sup>2</sup> (Model 1) complete with protective cover and support accessories (unit price)	
b)	Replacement of protective cover for parasol Model 1 (unit price)	
c)	Parasol $\pm 8.00$ M <sup>2</sup> (Model 2) complete with protective cover and support accessories (unit price)	
d)	Replacement of parasol protective cover for parasol Model 2 (unit price)	
e)	Corrective maintenance as described under point 2 (costs per hour)	
f)	Emergency maintenance as described under point 2 (costs per hour)	
	TOTAL price = [a + b + c + d + (e x 10) + (f x 10)]	

The price shall be all inclusive and cover all related costs, including transportation costs.

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  $Q_1$ , 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**

The following days will be considered public holidays in 2019:

- 1 January Tuesday, New Year's day
- 2 January Wednesday, the day after New Year's day
- 18 April Maundy Thursday
- 19 April Good Friday
- 22 April Easter Monday
- 25 April Thursday, Portuguese Freedom Day
- 1 May Wednesday, Labour Day
- 9 May Thursday, Europe Day
- 30 May Thursday, Ascension Day
- 31 May Friday, the day following Ascension Day
- 10 June Whit Monday, Portugal Day
- 15 August Thursday, Assumption day
- 1 November Friday, All Saints Day
- From 24 to 31 December End of year (6 days)