

Tender Specifications

Annex 1 to Invitation to tender No. EMSA/NEG/1/2019 for Contract for T-AIS data service in specific regions

1. Introduction

The European Maritime Safety Agency (EMSA or the Agency) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council ¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency provides services to other user communities in the maritime domain. The European Commission has adopted an important set of measures, known as the EU Border Package, to establish a new European Border and Coast Guard Agency to improve a shared management of the external borders. Within this set of measures, there is an Article on Coast Guard Cooperation, which includes closer cooperation between EMSA, Frontex and European Fisheries Control Agency (EFCA) to support national Coast Guard functions.

As part of specific Service Level Agreements between i) EMSA and Frontex and ii) EMSA and EFCA, the Agency acts as a service and data provider. Access to both EMSA Graphical User Interfaces (GUI) and System-to-System (S2S) platforms is in place between the three Agencies, through which data is provided by EMSA.

2. Objective, scope and description of the contract

The Objective of this Call for Tender is to award a Service Contract for the provision of a Terrestrial AIS data service in specific regions.

More details and associated procurement requirements are provided in Annex 6. In particular, the tender must be compliant with all minimum requirements listed in this Annex. Failure to comply with any of the listed minimum requirements will lead to the rejection of the tender.

The scope of this Call for Tender is to request:

- A feed of Terrestrial Automatic Identification System (Terrestrial-AIS) data for specific regions;
- A licence to integrate this Terrestrial-AIS data with other data sources in EMSA's systems, including but not limited to Satellite Automatic Identification System (S-AIS) positions, Terrestrial-AIS from Safe Sea Net (SSN), Long Range Identification Tracking (LRIT), Vessel Monitoring System (VMS) and Mandatory Reporting Systems (MRS);

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.).

- A licence to distribute this Terrestrial-AIS data, via EMSA's GUIs and S2S platforms, to EMSA's Member States and institutional users, including primarily Frontex, EFCA, EUNAVFOR, EUROPOL and MAOC-N (list not exhaustive);
- Service set-up, testing and validation, service maintenance and reporting and the provision of the aforementioned Terrestrial-AIS data services.

3. Contract management responsible body

EMSA Unit C.2 in charge of Vessel & Port Reporting - will be responsible for managing the contract.

4. Project Planning

The highest standards of project management, incident management, and service delivery are expected during the provision of the feed of Terrestrial-AIS data.

4.1 Project Management Plan

Recognised standards for project management shall be identified in the tender. The tenderer shall provide a **Project Management Plan**. This plan shall contain:

- An outline of service implementation, detailing the activities and timelines for the implementation period which shall include three phases namely: i) service set-up, ii) testing, iii) validation and a Gantt chart showing tasks, schedule and milestones for service set-up, testing and service validation;
- An outline of the methodology for testing and acceptance and shall include an end-to-end service test plan prior to service roll out, including user evaluation criteria, description of internal communications, and progress reporting;
- An outline of the risk management strategy to be applied on the tenderer's proposed solutions in terms of:
 - Technical performance (including service availability);
 - Implementation time;
 - Management issues;
 - Risk mitigation procedure.

The Agency will evaluate the **Project Management Plan**, including the risk management strategy and the possible risk mitigation and associated management procedures.

After the Contract is signed, the kick-off meeting will be held at EMSA. Its purpose shall be to enable all contracting parties to discuss the service to be given by the Contractor, as well as to settle all the details of the work to be undertaken, in respect of the service set-up, testing, validation, and the service evaluation reports.

At the end of set-up and test phase (T2 and T3 under 5. Timetable), the Contractor shall provide an **Implementation Status Report** of the interface which shall be approved by EMSA (T4 under 5. Timetable).

At least the Contractor's Project Manager and point of contact for EMSA (Point 13.5.1 of the Tender Specifications), responsible for the work to be undertaken, shall be present at the kick-off meeting.

During the kick-off meeting, the Contractor will be provided with any necessary information that may be required for the downloading and the installation of the EMSA streaming application and of any upgrades of the EMSA streaming software (T1 under 5. Timetable).

The costs of travel and subsistence for the kick-off meeting and annual service management meetings will not be reimbursed by EMSA.

All documentation that will be provided by the Contractor shall be clearly written in the English language.

5. Timetable

The contract resulting from this procurement procedure will be a Service Contract valid for a maximum period of **12 months, with one possible renewal for a maximum duration of 12 months**. The estimated date for signature of the contract is the **first quarter of 2020**.

The provision of the feed of Terrestrial-AIS is estimated to start in the **first quarter of 2020**.

The tenderers shall comply with the due date for all events and deliverables identified in Table 1.

One service management meeting shall be held per year at EMSA. Additional meetings may be held via video conferencing or at the Contractor's office as required.

Table 1: Project Plan

Time	Activity	Date	Event	Deliverable
T0	Service Contract is signed	0 week		
T1	Kick-off meeting	T0 + 1 week	Kick-off meeting at EMSA premises	EMSA: information for downloading/and installing the streaming application.
T2	Interface set-up	T1 + 4 weeks		
T3	Testing of the interface and service implementation	T1 + 6 weeks		Contractor: Implementation Status Report.
T4	Service Acceptance Test	T1 + 8 weeks	Service Acceptance Testing performed remotely	EMSA: service approval by EMSA.
T5	Provision of feed of Terrestrial-AIS data compliant with the winning bid.	T1 + 9 weeks	Start of data feed	Contractor: Terrestrial-AIS data stream compliant with winning bid.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 120000 excluding VAT including all possible renewals.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/1/2019** on EMSA's website.

(www.emsa.europa.eu).

8. Terms of contract

When drawing up a bid, the tenderer shall bear in mind the terms of the draft 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.

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 (Joint 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:

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.

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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).

- 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, 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.

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.

11. Price

- a) Price must be quoted for Contract for T-AIS data service in specific regions and shall include **all** elements included in Section 2 Objective, scope and description of the contract.
- 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.
- e) The Tenderer shall quote a **price for one month** of service in the offer. The price of the bid evaluation purposes will be calculated based on a scenario of 12 months' service and the scenario of 24 months will be used for checking the price against the maximum ceiling.
- f) The Tenderer shall complete **Annex 5 Financial Tender Template**.

- g) The costs of travel and subsistence for the kick-off meeting and annual service management meetings will not be reimbursed by EMSA.

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.

13.3.2 Evidence

A duly filled in and signed Legal Entity Form (see section 13.1 above) accompanied by the supporting documents requested therein.

13.4 Economic and financial capacity – Selection criteria

13.4.1 Standards / Prerequisites

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

13.4.2 Evidence

- a) Financial statements or their extracts for the last 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.

13.5 Technical and professional capacity – Selection criteria

13.5.1 Standards / Prerequisites

The Tenderer shall nominate an employee of the Contractor to act as Project Manager and point of contact for EMSA. The Project Manager shall be responsible for answering any inquiries from EMSA and the management of all action necessary by the Contractor in the implementation of the Terrestrial-AIS data service.

The Project Manager shall have a minimum of 5 years of experience in the provision of AIS data services and shall be a full-time employee of the Contractor.

13.5.2 Evidence

The Tenderer shall provide a detailed curriculum vitae in the European format (<http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/>) of the Project Manager.

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 ($W_1 = 5\%$) – Quality of the Project Management Plan
2. Quality criterion 2 ($= 25\%$) – Level of fulfilment of the following quality requirements listed in *Annex 6 specifications and technical requirements*:

TAIS_GENE_0001, TAIS_DATA_0002, TAIS_DATA_0004, TAIS_DATA_0005, TAIS_DATA_0007, TAIS_DATA_0008, TAIS_GENE_0012, TAIS_DATA_0014, TAIS_DATA_0015, TAIS_GENE_0021, TAIS_DATA_0022, TAIS_GENE_0034.

This quality criterion is designed to measure overall level of compliance with EMSA's data streaming specifications and data needs. The assessment will be made by evaluators based on level of compliance and the respective description.

3. Quality criterion 3 ($W_3 = 25\%$) fulfilment of the following quality requirements listed in *Annex 6 specifications and technical requirements*:

TAIS_DATA_0010 and TAIS_DATA_0011.

This quality criterion is designed to measure the quality of the data stream being offered by the Tenderer. Scoring will be given on comparison as follows: the offer with the most messages per region will receive the maximum score for that region and the remaining tenders will be scored accordingly. Each tender's score for this criterion will correspond to the average score for the 5 regions.

4. Quality criterion 4 ($W_4 = 15\%$) fulfilment of the following requirements listed in *Annex 6 Specifications and compliance with technical requirements*:

TAIS_REPO_0023, TAIS_GENE_0024, TAIS_GENE_0025, TAIS_GENE_0026, TAIS_REPO_0033.

This quality criterion is designed to measure the overall quality of the Tenderer's reporting and methodology. The assessment will be made by evaluators based on the level of compliance and the respective description.

and the price criterion and associated weighting:

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

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

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

Only bids that have reached a minimum of 50 % for Q_1 , a minimum of 50 % for Q_2 , a minimum of 50 % for Q_3 , and a minimum of 50 % for Q_4 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 50 % 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.

18. List of Annexes to the Invitation to Tender

1. Tender Specifications (the present document)
2. Draft Service Contract
3. Data sample file
4. STARSTREAMING Ecosystem Interface Guide
5. Financial Tender Template
6. Specifications and compliance with technical requirements