

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/34/2020 for Secure destruction of data carriers, electrical equipment and furniture and related 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 must comply with the applicable legislation in respect of data protection and the secure destruction of equipment that has reached the end of life.

2. Objective, scope and description of the contract

2.1 Regular services

The scope of this procurement procedure is to contract services for secure destruction of data carriers, electrical equipment and furniture.

The regular services required under the contract shall cover:

- 1) The confidential and secure off-site destruction of data carriers of any type (e.g. paper documents, CDs/DVDs, ID cards, diskettes, hard drives, chip cards, memory sticks, etc.).
- 2) The secure off-site destruction of electrical equipment and any related components or accessories (e.g. electrical office equipment, printing and mailing equipment, telecommunications equipment, including fixed and mobile phones, fax machines, audio-visual equipment, security and monitoring equipment, computer equipment, including CPUs, monitors, laptops, chip card readers, cables, components and other hardware, printers, scanners, etc.)
- 3) The secure off-site destruction of damaged furniture (e.g. office chairs, desks, cupboards, etc.), kitchen appliances (microwaves, refrigerators, electrical kettles, washing machines, etc.), movable partitions or any other equipment.

Secure destruction is hereby referred to as complying with the **EN 15713 standard on Secure Destruction of Confidential Material** and the **DIN 66399**. The tenderers are requested to provide the certifications of compliance with EN 15713 standard and with DIN 66399.

For each collection consignment a Certificate of Destruction must be issued, from which it must be possible to track and identify the date of collection, the details and number of items destroyed, the date and conditions of destruction.

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.).

2.2 Other services

During contract implementation, EMSA reserves the right to purchase other services based on *ad hoc* requests for services, including but not limited to:

- 1) Consultancy in archive and document management, including auditing and proposal of possible solutions, adequate to EMSA's reality and conditions;
- 2) On site archive and document management services, such as
 - Collection, reception, checking, sorting, embedding and filing of documents;
 - Registration and data management;
 - Data entry;
 - Creation and Management of Processes in paper or digital format;
 - General Administrative Support;
 - Document Scanning.

For that purpose, tenderers are invited to attach to their offer their current full catalogue of services with the price list (when available). The Agency estimates that the majority of the services to be purchased under the Framework Contract will be related to regular services as described under section 2.1”

3. Contract management responsible body

EMSA Unit 4.2 in charge of Legal, Finance & Facilities will be responsible for managing the contract.

4. Project Planning

Not applicable.

5. Timetable

The estimated date for signature of the contract is mid-January 2021.

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/34/2020** 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 it shall indicate in its 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 (Join Offers) it shall indicate it in its 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

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.

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).

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. 5 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 11 of these specifications.

11. Price

- a) Price must be quoted for Secure destruction of data carriers, electrical equipment and furniture and related services and shall be all inclusive, covering all related costs including but not limited to, any relevant fees, taxes, insurances, transportation to and from EMSA's premises, as well as any administrative costs to support and guarantee a high-level quality service.

1) Regular services: the price shall include separate price items for:

- Containers for the transportation of confidential data carriers of any type to be destroyed off site including the issuing of the corresponding Certificate of Destruction – prices for all sizes available;
- Containers for the transportation of electrical equipment and any related components or accessories to be destroyed off site including the issuing of the corresponding Certificate of Destruction – prices for all sizes available;
- Containers for the transportation of furniture to be destroyed off site including the issuing of the corresponding Certificate of Destruction – prices for all sizes available.

For evaluation purposes only, the tenderers are requested to complete the price scenario as described under Section 15.2 of these specifications.

2) Other services: the tenderers are requested to provide their full catalogue of services with the price list (when available) as EMSA may purchase other services during contract implementation based on requests for services.

- 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 Union, 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 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 group 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 group will be checked to ensure that the group 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 group. Tenders from 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.

In particular, the tenderer must be licensed for the Execution of Waste Management and shall be registered in the Portuguese “*Sistema Integrado de Registo Eletrónico de Resíduos*” (SIRER).

13.3.2 Evidence

- a) “*Alvará de Licenciamento para a Realização de Operadores de Gestão de Resíduos*” or equivalent.
- b) Proof of registration in the SIRER.

13.4 Economic and financial capacity – Selection criteria

13.4.1 Standards / Prerequisites

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

13.4.2 Evidence

N/A

13.5 Technical and professional capacity – Selection criteria

13.5.1 Standards / Prerequisites

The tenderer must have the relevant technical and professional capacity to perform the contract. In particular, it shall have at least 5 years of professional experience in the fields relevant to the contract.

13.5.2 Evidence

List of main clients for which the same type of services has been provided in the last 5 years.

14. Declaration of Honour (DoH)

Please note that the tenderer shall provide information with regards its 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 ($W_1 = 25\%$), Response times to the scenario defined in point 15.2.

and the price criterion and associated weighting:

2. Price of the bid ($W_{Price} = 75\%$), For evaluation purposes only, the price of the bid shall be calculated based on the following scenario:
 - a) Price for the pick-up and destruction of 100kg of paper;
 - b) Price for the pick-up and destruction of 10 laptops, 15 LCD 17" monitors and 5 laser jet printers;
 - c) Price for the pick-up and destruction of 30 office chairs;

Price of the bid = a) + b) + c)

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 , 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 to these 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.