

## Tender Specifications

### Attached to the Invitation to tender

## Invitation to tender No. EMSA/NEG/17/2021 for ICT Services for EODC

### 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. Among its tasks, the Agency will carry the tasks of the Founding Regulation (EC) No 1406/2002, as amended.

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

The EODC (Earth Observation Data Centre) provides support to the activities of all EMSA's Earth Observations services including CleanSeaNet and EO services to various communities of users (e.g. European Border and Coastguard Agency; Copernicus Maritime Surveillance).

The objective of this contract is to:

- Provide Helpdesk and corrective maintenance to EODC Applications (EO-Processing and CSNDC) between 16/03/2022 and 16/06/2022 (3 months)
- Provide software development by adding the following functionalities (deliverables) to EODC applications:
  - o Deliverable A - Support new satellite Platforms ("Worldview Legion" and "GAOFEN-3");
  - o Deliverable B - Improve ingestion process on EODC;
  - o Deliverable C - Simplified Access to Signed Task Forms;
  - o Deliverable D - Update Web Services to allow EMSA client-applications to query EO acquisitions using polygons.

Regarding Deliverable A, the platforms described in Appendix 4 are divided into 2 groups:

- "Worldview Legion" and "GAOFEN-3" –The implementation of these platforms is mandatory and shall be considered in the offer.
- "COSMO 2<sup>nd</sup> Generation constellation" and "KOMPSAT-6" - These platforms are not part of the tender requirements and shall not be considered in the offer.

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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.).

The table below details the scope of the contract and refers the supporting documents containing a detailed description of the requirements to be implemented.

Scope	Supporting Documents
<b>Deliverable A</b> - - Support new satellite Platforms “Worldview Legion” and “GAOFEN-3”	- Appendix 4 - Support new satellite Platforms - Appendix 5 - External Interface Control Document V2.0 - Appendix 6 - External Interface Control Document V1.4.4 - Appendix 7 - EICD2.0.0 Correspondence Matrix
<b>Deliverable B</b> - - Improve ingestion process on EODC	- Appendix 8 - Improve ingestion process on EODC
<b>Deliverable C</b> - - Simplified Access to Signed Task Forms	- Appendix 3 - Simplified Access to Signed Task Forms.
<b>Deliverable D</b> - - Update Web Services to allow EMSA client-applications to query EO acquisitions using polygons	- Appendix 1 - Update Web Services to allow EMSA client-applications to query EO acquisitions using polygons
<b>EODC Maintenance</b>	- Appendix 9 - Corrective Maintenance and Operational Support.

For additional information about the technical architecture and design of EODC systems and EMSA's Guidelines for software and project management delivery, please refer to the following appendixes:

- Appendix 10 - Project Delivery
- Appendix 12 - CSNDC-EOP Lot1 Integration - ICD
- Appendix 13 - System and Application Technical Landscape
- Appendix 14 - Technical Design Document
- Appendix 15 - General Design Document
- Appendix 16 - EO Processing Technical Specifications

#### **Important Note:**

In order to implement Deliverable C and to ensure EODC maintenance, the contractor may need access to production data which includes financial information. In order to protect commercially sensitive information (such as pricing data or specific contractual data) of the Agency's existing service providers of Earth Observation Services, only economic operators which are not currently EMSA service providers of Earth Observation Services are eligible to participate in the present procurement procedure.

Any bids received from economic operators currently contracted by EMSA for the provision of Earth Observation Services will be rejected.

*Vice versa*, because of the above described incompatibility of tasks, the successful tenderer of the present procurement procedure will, throughout the duration of this Contract, not be eligible to participate in procurement procedures organized by EMSA in order to procure the provision of Earth Observation Services to the Agency.

### **3. Contract management responsible body**

EMSA Unit 3.1 in charge of Maritime Digital Services - will be responsible for managing the contract.

#### 4. Timetable

The estimated date for signature of the contract is December 2021. The Project Kick-Off meeting will be held shortly thereafter at the date T0.

The expected timetable for this contract is described in the following table:

Deliverable	Expected Date
<b>A - Support new satellite Platforms</b>	T0 + 16 weeks after contract signature
<b>B - Improve ingestion process on EODC</b>	T0 + 16 weeks after contract signature
<b>C - Simplified Access to Signed Task Forms</b>	T0 + 24 weeks after contract signature
<b>D - Update Web Services to allow EMSA client-applications to query EO acquisitions using polygons</b>	T0 + 24 weeks after contract signature

#### 5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 138,000.00 excluding VAT.

#### 6. 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/17/2021** on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

#### 7. 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.

#### 8. Financial guarantees

Tenderers shall include in the tender a letter of commitment<sup>2</sup> by a Guarantor (e.g. bank or financial institution) to issue a performance guarantee **in case of award**, according to the template included in the procedure documentation.

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<sup>2</sup> Please refer to Appendix I to these Tender Specifications "Letter of commitment for performance guarantee".

The suitability of the Guarantor will be assessed during evaluation of the tenders against the following criteria: the Guarantor's Long-Term credit rating must be above or equal to BBB- (S&P or equivalent) with at least two registered or certified rating agencies (of which at least one should be S&P, Moody's or Fitch) at the time of the submission of the offer.

***The signature of the contract with the awarded tenderer(s) will be subject to receipt by EMSA of the performance guarantee.***

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

### **Important note:**

In order to guarantee the protection of commercially sensitive data and/or personal data which may have to be processed by the contractor during the implementation of this Contract, subcontracting is allowed only to subcontractors having their place of main registration in a Member State of the European Union or the European Economic Area and performing the works or services in a Member State of the European Union or the European Economic Area. Tenders relying on subcontractors not complying with this requirement will be rejected.

Moreover, any bids relying on subcontractors which are economic operators currently contracted by EMSA for the provision of Earth Observation Services will be rejected.

## **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.<sup>4</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) it shall indicate it in its offer by completing the form "Statement of Subcontracting / Joint

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<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> 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).

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, including recent proof of that authorisation (not more than one year old). 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 9, 12 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 1615 of these specifications;

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

## **11. Price**

- a) Price must be quoted for ICT Services for EODC and shall be all inclusive for the performance of services described under Point 2 and Annex 1 to these Tender Specifications.
- 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 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](http://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](http://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.

### 13.4 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 two 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 two 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 its 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

1. The tenderer's technical capacity will be evaluated based on the following criteria that will be applied to the legal entity(ies) submitting the offer and not to any mother company or company of the same economic group but not part of the grouping tendering in this procedure. The projects requested below must have been performed within the last 5 years and with a minimum duration of 6 months for each project:
  - i. The Tenderer must have proven experience in at least 1 project using Luciad Technologies (specifically Luciad-Ria and Luciad-Fusion)
  - ii. The Tenderer must have proven experience in at least 1 project developing systems that process and serve Earth Observation data through OGC standards (WMS, WFS, CSW OpenSearch).
  - iii. The Tenderer must have proven experience in at least 1 project using a continuous delivery approach (fully automated testing and deployment).
2. The Tenderer shall propose a technical team, the profiles and relevant experience will be evaluated according to the below table:

Profile Name	Number of CVs and Minimum Requirements per Profile
<b>Project Manager (PM)</b>	1 CV
Education	<ul style="list-style-type: none"> <li>University degree(s) in the IT or Engineering field.</li> <li>Excellent English verbal and writing skills (level equivalent to B2 or C1).</li> </ul>
Professional Experience	<ul style="list-style-type: none"> <li>At least 10 years of proved hands-on experience as a project manager of IT projects for the development of high-availability IT services;</li> <li>Project management certification (PMP, Prince 2 or equivalent).</li> </ul>

Profile Name	Number of CVs and Minimum Requirements per Profile
<b>System Architect (ARCH)</b>	1 CV
Education	<ul style="list-style-type: none"> <li>University degree(s) in the IT or Engineering field.</li> <li>Good knowledge of the English language (level equivalent to B1).</li> </ul>
Professional Experience	<ul style="list-style-type: none"> <li>More than 8 years in design of high-availability IT systems (at least 5 years of experience in analysing user requirements and translating them into functional, technical, and testing specifications).</li> <li>More than 2 years of experience in front-end web applications, system design and integration.</li> </ul>
<b>Software Developer (DEV)</b>	1 CV
Education	<ul style="list-style-type: none"> <li>IT or Engineering Degree</li> <li>Good knowledge of the English language (level equivalent to B1).</li> </ul>
Professional Experience	<ul style="list-style-type: none"> <li>At least 3 years of experience with OGC Web Services (e.g. WMS, WFS, WCS)</li> <li>At least 3 years of experience with Javascript frameworks and libraries (e.g. ReactJS, AngularJS)</li> </ul>
<b>Test Manager (TESTM)</b>	1 CV
Education	<ul style="list-style-type: none"> <li>IT or Engineering Degree</li> <li>Good knowledge of the English language (level equivalent to B1).</li> </ul>
Professional Experience	<ul style="list-style-type: none"> <li>At least 3 years of experience with projects of software development with continuous delivery approach (full test automation and deployment).</li> <li>At least 3 years of experience deriving test cases from requirements and reporting on the test coverage.</li> <li>At least 3 years of experience with ReadyAPI, Jenkins, JMeter or equivalent tools.</li> </ul>
<b>Database Administrator (DBA)</b>	1 CV
Education	<ul style="list-style-type: none"> <li>University degree(s).</li> <li>Good knowledge of the English language (level equivalent to B1).</li> </ul>
Professional Experience	<ul style="list-style-type: none"> <li>Minimum 2 years of experience in Oracle Databases</li> </ul>
<b>Quality Assurance Manager (QA)</b>	1 CV
Education	<ul style="list-style-type: none"> <li>University degree(s) in the IT or Engineering field.</li> </ul>



Profile Name	Number of CVs and Minimum Requirements per Profile
Professional Experience	<ul style="list-style-type: none"> <li>At least 3 years of experience as quality manager for software development projects.</li> <li>At least 3 years of experience with static code analysis tools, like SonarQube or equivalent.</li> </ul>

Table 1 - Profiles of Key Personnel

### 13.5.2 Evidence

1. The Tenderer shall provide the details of the projects executed within the last 5 years, by filling in the tables in Section 3 of "Appendix 17 - Templates Selection Criteria".
2. The Curriculum Vitae of the relevant project team members according to "Table 1 – Profiles of Key Personnel". In addition to the CVs, the bid shall also include the Project Team Overview tables duly filled in as described in Section 2 of "Appendix 17 - Templates Selection Criteria".

EMSA reserves the right to evaluate any change or new nomination of members to the Contractor's project team. CVs and appropriate documentation of each key person appointed to take up duties, and not initially included in the list of CVs submitted within the bid, shall be presented to EMSA for approval at least 10 days before the scheduled start date of a specific activity.

The proposed persons for the replacement must have at least an equivalent qualification, the same certifications (in force) and equivalent skills. Persons can only be replaced with the explicit written agreement of EMSA.

## 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 points (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 tenderer already submitted such evidence for the purpose of another procedure, 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 ( $W_1 = 30\%$ ), Quality of the composition and organisation of the team in charge of contract implementation, in particular in terms of suitability of the team dimension and of the profiles proposed for the implementation of the tasks;
2. Quality criterion 2 ( $W_2 = 40\%$ ), Quality of the technical proposal for implementing the requirements set in Section 2, in particular the detailed description of the technical approach to be used.

The Tenderer shall provide the details of Quality Criteria 1 and 2 in the document "Appendix 18 - Quality Criterion 1 and 2 - Template".

and the price criterion and associated weighting:

3. 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

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

Only bids that have reached a minimum of 50% for  $Q_1$ , a minimum of 50% for  $Q_2$ , 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.

The Tenderer shall provide the price details in the document “Appendix 11 – Price Evaluation Template”.

## 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.

## 18. List of Appendices to the Tender Specifications

The following appendices contain information relevant for the tender.

Annex A.26 Appendix I to Tender Specifications

<b>Appendix 1</b>	Update webServices to allow EMSA client-applications to query EO acquisitions using polygons
<b>Appendix 2</b>	Service Level Agreement (SLA)
<b>Appendix 3</b>	Simplified Access to Signed Task Forms

<b>Appendix 4</b>	Support new satellite Platforms
<b>Appendix 5</b>	External Interface Control Document V2.0
<b>Appendix 6</b>	External Interface Control Document V1.4.4
<b>Appendix 7</b>	EICD2.0.0 Correspondence Matrix
<b>Appendix 8</b>	Improve Ingestion Process
<b>Appendix 9</b>	Corrective Maintenance and Operational Support
<b>Appendix 10</b>	Project Delivery
<b>Appendix 11</b>	Price Evaluation Template
<b>Appendix 12</b>	CSNDC-EOP Lot1 Integration – ICD
<b>Appendix 13</b>	System and Application Technical Landscape
<b>Appendix 14</b>	Technical Design Document
<b>Appendix 15</b>	General Design Document
<b>Appendix 16</b>	EO Processing Technical Specifications
<b>Appendix 17</b>	Templates Selection Criteria
<b>Appendix 18</b>	Quality Criterion 1 and 2 - Template