

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/8/2022 for Web maintenance and design 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.

EMSA is applying the environmental management systems ISO 14001:2015 and EMAS (Environmental Management and Audit Scheme of the EU), aiming to continuously improve its environmental performance. EMSA complies with all applicable legal requirements relating to the environment and endeavours to ensure that suppliers comply with its environmental policy within the remit of the activities carried out for the contract. EMSA invites tenderers to consult the document and consider it when preparing bids.

2. Objective and description of the contract

EMSA's website, intranet and extranet are the key platforms for distributing information about the Agency. In order to maintain and increase the capacity of EMSA's communication team, the Agency requires, among others, web evolutive maintenance and design services for our preferred web content management system - EMSA uses Joomla's Content Construction Kits (CCK) FLEXIcontent and Gantry theme framework.

The overall objective of this procurement is to establish a Framework Contract for four years with the selected contractor to provide:

- a) **Evolutive Maintenance.** Understood as a fixed regular service to guarantee the evolutive maintenance and enhancement of the existing websites.
- b) **Specific ad-hoc projects.** Namely to design, develop, test, and integrate new web features, campaigns or mini-sites based on Joomla for the Agency.

2.1 Current Website Infrastructure and landscape

EMSA's main digital communication platforms are organised around the corporate website (emsa.europa.eu), extranet (extranet.emsa.europa.eu) and the intranet (emsanet).

These websites are hosted on site in EMSA's own infrastructure and run in Virtual Machines (VMs) using an open-source LAMP environment.

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.).

Typically, production VMs are:

- 8 GB RAM
- PHP
- Apache
- MySQL
- Storage usage (aprox.): 90 GB website / 40 GB extranet / 50 GB intranet

The latest release of the corporate website design was launched in December 2020, and it is based on Joomla v.3, including (but not limited to), the following Joomla components: FlexiContent, Gantry 5, ACYmailing, AdminTools, JCE, PWT ACL, DOCman, Event Booking, and Survey Force Deluxe.

The website has an average of 30,000 visits and 80,000 pageviews monthly and all its content parts are public.

The latest release of the extranet was launched in the first quarter of 2021. It is also based on Joomla v.3. The main purpose of the extranet is to provide a password restricted environment for registered users (i.e., external users or participants in EMSA projects). It has currently 600 active users, a number that may change over time. It also serves as the registration point for participants in EMSA events and conferences (>1.5k people/year).

Finally, the Intranet serves as the internal information hub for the Agency. It is an access point for internal news, as well as being the main source of information for staff on corporate services (human resources, finance, logistics, legal, data protection, quality management, etc.) The intranet includes a couple of instances also based on Joomla, that are used to handle requests for stationary (office material), and staff professional data (CVs).

All these websites are responsive and use the Gantry Theme Framework for a more versatile and powerful design and easier CSS implementation.

2.2 Objective and expected results of the service

The objective of the service required under this contract is **to provide professional and technical services in the area of digital and web communication**, in particular for the evolutive maintenance, development and design of web applications: digital product strategy; business analysis; application architecture; application design; application development, deployment and maintenance; trouble shooting and technical support services for the applications proposed.

The contractor will provide the above-mentioned services and assist the EMSA web team in maintaining the web components and related web services, applications, and modules up to date.

The contractor will also help to analyse, design, develop, integrate, and assist the EMSA web team with new features as well as new digital products to meet other communication and organisational needs that may arise (e.g., creation of mini-sites based on agency campaigns, design of digital newsletter for online distribution based on website content, user experience tests and usability analysis, etc).

2.3 Requested deliverables and activities

2.3.1 Evolutive maintenance and enhancement

As part of the fixed service for **evolutive maintenance and enhancement** the contractor will be mainly expected to analyse, design, develop, and maintain the EMSA public website, and related extranet and intranet sites, in all its constituent web parts (content management, components, modules, plugins, and applications).

Typically, as part of this evolutive maintenance the contractor must:

- Ensure that EMSA's websites run the latest stable version of Joomla.
- Integrate existing components and guarantee regular components and modules updates.
- Ensure the overall look and feel used by EMSA and apply CSS changes where necessary to match corporate identity.
- Propose solutions based on new components or modules when necessary to ensure security and performance.

During the course of the contract, the contractor will maintain the above-mentioned Joomla sites in what is estimated to be a **minimum fixed evaluated effort of 80 person/days a year**.

2.3.2 Specific ad-hoc projects

In addition to the minimum fixed service requested, the contractor will also be expected to work on **specific ad-hoc projects, which could include, but are not limited to:** design, develop, test, integrate and troubleshoot new web features, web campaigns and mini-sites for the contracting authority. The effort in person/days for those specific web projects will be calculated ad-hoc upon the contracting authority's request.

The contractor will be responsible for assisting with keeping the Joomla core, components and modules updated to the latest available version. Every new component, module, or design proposal will be previously tested by the contractor in his controlled environment (contractor's sandbox) prior to final deployment in EMSA production servers. As soon as the availability and stability of core components and relevant modules is confirmed in the sandbox, the contractor will assist EMSA in the trouble shooting and deployment phase. Note that the final deployment in production servers will be done by EMSA's web team.

It will be the contractor's responsibility to make all necessary arrangements in time and to assist EMSA in preparing the new environments, configuration, set up and migration to ensure a smooth and seamless deployment of new components or features.

The contractor is expected to provide the following services if required by EMSA as part of a specific ad-hoc project (non-exhaustive list):

- A. Consulting services, web strategy, analysis, digital marketing, support
 - Web application design, development, deployment and evolutive maintenance
 - Monitoring digital trends and providing advice on Joomla related products and features.
 - Monitoring and analysis of new possible Joomla products that may help EMSA to improve its website.
 - SEO and site optimisation analysis and recommendations
 - Application of improvements identified as result of the monitoring and analysis
 - Usability and accessibility analysis, testing effectiveness, efficiency, user experience and satisfaction and application of accessibility standards

- Business analysis, and definition of system requirements
- Conceptual design
- Information architecture
- User experience, user interface and interaction design
- Development and integration
- Adaptation/integration of graphic elements
- Unit, integration, system testing and all other applicable software testing.
- Upgrades and maintenance services for existing and future web components, modules, and applications
- Prompt software, components, modules and code updates upgrades, patches
- Preventive, corrective, adaptive, and evolutive maintenance
- Code and configuration monitoring
- Be in touch with EMSA webmaster when applying and maintaining appropriate standards for privacy and security for code, processes, website structure and system configuration

B. Technical support

- Induction and support to the EMSA webmaster on above mentioned websites and new projects developed for the Agency during the course of the contract.
- Trouble-shooting of issues and technical support requests
- Support in testing functionalities and deployment

C. Managed sandbox

The contractor will work on its own managed sandbox to accommodate, develop, and test new EMSA website proposals and related Joomla solutions.

- Minimum infrastructure: fully managed and updated OS and LAMP stack
- Teams & Permissions
- Enable a Joomla website component for simple site import / export (e.g., using Akeeba)

At the end of the contract period EMSA will be required to launch a new tendering procedure for the service, which might result in a new contractor taking over the services. The successful tenderer of this procedure shall take all the necessary steps at that time to ensure EMSA an efficient handover.

2.4 Required staff profiles

The following staff profiles are needed to cover the tasks required to perform the above services:

- Project Manager
- Web Developer
- Web Designer

2.5 General conditions for the provision of services

Language

The working language used in EMSA is English. The English language shall be used throughout the duration of the projects for communication, reports, and other documentation.

Place of performance

All tasks will be performed remotely.

3. Contract management responsible body

EMSA's Executive Office will be responsible for managing the contract.

4. Project Planning

The following milestones and meetings are envisaged:

- **Signature of the Contract:** The provision of the services shall not start before the signature of the Framework Contract and its entry into force.
- **Kick-off meeting:** Within a maximum of four weeks after the signature of the Framework Contract and after signature of each Specific Contract, an online Kick-off meeting will be held in order to present a work break down structure of the tasks and to define the details of the work to be undertaken.
- **Ad hoc meetings:** Will take place as required for efficiently executing the tasks.

All meetings will be held in remotely via Teams or similar. No costs related to travels will be reimbursed by EMSA.

5. Timetable

The estimated date for signature of the contract is December 2022.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 120,000.00 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/8/2022** 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. Financial guarantees

Not applicable

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

11. 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.³

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 by the person authorised to sign the contract 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)

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 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).

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 10, 13 13 and 14.2 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 14.4 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 14.5 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 1616 of these specifications;

Part E: Setting out prices in accordance with point 12 of these specifications.

12. Price

- a) Price must be quoted for Web maintenance and design services and shall include functional/technical analysis, development, testing, deployment support and troubleshooting related services.
- ✓ Price to be inserted in **Appendix 1** (Sheet "**Profile costs**") - shall include price per **person days** for the following profiles:
 - Project Manager
 - Web Developer
 - Web Designer
 - ✓ Prices to be inserted in **Appendix 2** (Sheet "**Scenarios**"):

These price scenarios will be used for the evaluation only and shall be calculated in person days, based on the above profiles, as described in each Scenario (section 16.3 of the Tender Specifications, below).
- b) Prices must be fixed amounts and non-revisable unless otherwise specified in the contract.
- c) Prices must be quoted in euro.

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.

13. 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.

14. 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.

14.1 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 (emsa.europa.eu).

14.2 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.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Standards / Prerequisites

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

14.3.2 Evidence

Not Applicable

14.4 Economic and financial capacity – Selection criteria

14.4.1 Standards / Prerequisites

- a) The tenderer must be in stable financial position and must have the economic and financial capacity to perform the contract.
- b) The tenderer must not be subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) substantially affecting the performance of the contract (e.g., asset freezes and/or a prohibition on making funds or economic resources available). The prohibition applies throughout the whole performance of the contract.

14.4.2 Evidence

- a) Financial statements or their extracts for the last three years for which accounts have been closed.
- b) Self-declaration that the tenderer is not subject to restrictive measures (e.g., asset freezes and/or a prohibition on making funds or economic resources available) substantially affecting the performance of the contract

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.

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.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

The tenderer shall have at least two years of previous experience, within the last five, in providing the same type of services, including in the technologies used by EMSA (ex: Joomla).

The staff members assigned to the project shall have as a minimum the following:

- Project Manager: 2 years of expertise in project management
- Web Developer: 2 years of expertise in web development
- Web Designer: 2 years of expertise in web design

14.5.2 Evidence

The tenderer shall provide relevant documentary evidence:

- 1) For the company - A description of 10 relevant web projects carried out during the last five years, **at least three of which must have been made in Joomla.**
- 2) For the proposed profiles - The CVs of the staff members proposed for the project, demonstrating their professional experience in the requested area of expertise. For each staff member, it shall be indicated in which profile(s) they will be proposed⁴. When describing the professional experience of each staff member, reference must be made to the sectors in which it has been gained and the areas dealt with. CVs must provide evidence of relevant projects involving web services, development, and design, substantiating the minimum required expertise for each resource in each field. The CVs shall contain sufficient information to understand the actual tasks carried out by the staff member in each project listed, as well as the time period during which the staff carried out those tasks.

15. 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.

⁴ The same person can be presented in a maximum of two (2) different roles

16. 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 ($W_2 = 30\%$)

Bids will be evaluated on the **quality and appropriateness of the services offered**.

This will be presented in a document explaining how the services described in section 2.3 will be optimally carried out to support a successful contract implementation. The proposal shall include at least:

- A proposed workflow methodology to handle requests from EMSA, including how to handle last minute or time sensitive requests, and quality checks to ensure the requested deliverables are up to standard. The methodology should include the procedures, processes, and tools used to deliver the expected results.
- A proposed methodology for secure and easy communication with EMSA, including the human resources required to successfully implement this contract, integrating backup cover to ensure complete business continuity even in the event of sickness or absence in the proposed team.
- Details of any quality assurance mechanisms, tools, or processes used by the tenderers in the course of their daily work.

2. Quality criterion 2 ($W_2 = 30\%$)

Bids will be evaluated on the solution offered for the **Scenario – “Mini-Site”**. In this scenario, tenderers shall propose a solution to design and develop a dedicated mini-site linked to a communication campaign. The mini-site should include (at least) the following components: it should be fully responsive; it should include a navigation menu; it should include a slideshow on the landing page; it should include six category pages; and it should include a contact page.

In developing the scenario, the tenderer shall present:

- A project plan
- The estimated project duration
- A work breakdown of the effort required in person days per profile
- A test plan

3. **Price of the bid ($W_{Price} = 40\%$)**. The evaluation price (price of the scenario proposed under Quality criterion 3) will be calculated based on the data filled in Appendix 2: Price of the Maintenance Scenario (40%) + Price of the Mini-site scenario - Price for the design and development of a dedicated mini site for a web campaign to be hosted at EMSA. Elements: responsive website, landing page including a slideshow, five categories with one article each, and a contact page (60%)

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

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

Only bids that have reached a minimum of 60% for Q_1 and a minimum of 60% 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.

17. 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.

18. 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.